

# CALIFORNIA LEGISLATURE—ASSEMBLY.

## THIRTY-SIXTH SESSION.

### IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,  
Monday, January 2, 1905. }

Pursuant to the requirements of the Constitution and the law, at the hour of twelve o'clock m., the Assembly of the thirty-sixth session of the Legislature of the State of California was called to order by Clio Lloyd, Chief Clerk of the Assembly, thirty-fifth session.

In conformity with law, the following officers of the thirty-fifth session were also present: A. A. Wood, Minute Clerk, and J. T. Stafford, Sergeant-at-Arms.

### PRAYER.

By invitation of the Chief Clerk, the opening prayer was offered by Rev. Charles Van Norden, of Sacramento.

### APPOINTMENTS.

The Chief Clerk appointed the following attachés, which were necessary to transact the business of temporary organization:

Postmistress—Mrs. Pauline Smith.  
Assistant Sergeant-at-Arms—Ben Cohn, James Connell, and C. Cleaver.  
Gatekeepers—Thomas F. Dolan, J. J. Wollers, and Thomas Tannian.  
Pages—Walter Benchley, Donald J. Bruce, Harold Doherty, and F. J. Neidlein.  
Speaker's Page—Willie Saunders.  
Messenger to Printer—Neil Wells.  
Assistants to Chief Clerk—Charles Thompson and J. P. Greeley.  
Assistant to Minute Clerk—E. Nolan.

The Chief Clerk directed that as the roll of counties was called the members-elect, representing such counties, should proceed to the Clerk's desk, present their certificates of election, take and subscribe to the constitutional oath of office, and return to their seats.

### ROLL CALL OF COUNTIES.

As required by Section 239 of the Political Code, the Chief Clerk called the roll of counties in alphabetical order, and the following gentlemen appeared, presented their certificates of election, and were duly qualified by taking and subscribing to the following constitutional oath, administered by the Hon. E. C. Hart, of Sacramento County, Judge of the Superior Court:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and will faithfully discharge the duties of member of the Assembly of the thirty-sixth session of the California Legislature to the best of my ability.

ALAMEDA—E. K. Strobridge, Forty-sixth District; J. Clem Bates, Forty-seventh District; Philip M. Walsh, Forty-eighth District; John J. Burke, Forty-ninth District; John A. Bliss, Fiftieth District; R. H. E. Espey, Fifty-first District; Wm. H. Waste, Fifty-second District.

ALPINE, AMADOR, CALAVERAS, MONO—C. H. McKenney, Eleventh District.

BUTTE—W. F. Gates, Seventh District.

COLUSA, GLENN, LAKE—Ernest Weyand, Twelfth District.  
 CONTRA COSTA—Harry Ellis, Twenty-second District.  
 DEL NORTE, SISKIYOU, TRINITY—James L. Coyle, First District.  
 EL DORADO, PLACER—Frank A. Duryea, Tenth District.  
 FRESNO—W. F. Chandler, Sixtieth District, A. M. Drew, Sixty-first District.  
 HUMBOLDT—George T. Rolley, Second District; Louis P. Branstetter, Third District.  
 INYO, TULARE—Aubrey M. Lumley, Twenty-seventh District.  
 KERN—Jesse R. Dorsey, Sixty-sixth District.  
 KINGS—John F. Pryor, Sixty-second District.  
 LASSEN, MODOC, SHASTA—J. H. Creighton, Fourth District.  
 LOS ANGELES—John A. Goodrich, Sixty-seventh District; W. A. Johnstone, Sixty-eighth District, Newton W. Thompson, Sixty-ninth District; William H. Wickersham, Seventieth District; Philip A. Stanton, Seventy-first District; H. S. G. McCartney, Seventy-second District; J. P. Transue, Seventy-third District; Frederick W. Houser, Seventy-fourth District.  
 MADERA, MERCED, STANISLAUS—S. S. Burge, Twenty-fifth District.  
 MARIN—S. H. Olmsted, Twenty-first District.  
 MARIPOSA, TUOLUMNE—C. V. Jones, Twenty-sixth District.  
 MENDOCINO—W. D. L. Held, Sixth District.  
 MONTEREY—J. B. R. Cooper, Fifty-ninth District.  
 NAPA—P. S. King, Fifteenth District.  
 NEVADA—Edward F. Whiting, Ninth District.  
 ORANGE—E. R. Amerige, Seventy-seventh District.  
 PLUMAS, TEHAMA, SIERRA—H. S. Gans, Fifth District.  
 RIVERSIDE—Miguel Estudillo, Seventy-eighth District.  
 SACRAMENTO—Charles O. Busick, Seventeenth District; Frank J. O'Brien, Eighteenth District; Edward J. Lynch, Nineteenth District.  
 SAN BENITO—James Slaven, Fifty-eighth District.  
 SAN BERNARDINO—Frank C. Prescott, Seventy-sixth District.  
 SAN DIEGO—F. W. Barnes, Seventy-ninth District; Percy A. Johnson, Eightieth District.  
 SAN FRANCISCO—Wm. J. Mindham, Twenty-eighth District, John A. Cullen, Twenty-ninth District; Francis McNamara, Thirtieth District; Jeremiah Lucey, Thirty-first District; Patrick J. Boyle, Thirty-second District; Fred J. Meincke, Thirty-third District; Fred V. Severance, Thirty-fourth District; Edward F. Treadwell, Thirty-fifth District; Eugene E. Pfaeffe, Thirty-sixth District; Fred C. Jones, Thirty-seventh District; Samuel H. Beckett, Thirty-eighth District; Thomas E. Atkinson, Thirty-ninth District; Gus Hartman, Fortieth District; Nathan C. Coghan, Forty-first District; George A. McGowan, Forty-second District; Marc Anthony, Forty-third District; Mel. Vogel, Forty-fourth District, Louis Strohl, Forty-fifth District.  
 SAN JOAQUIN—R. L. Beardslee, Twenty-third District; J. W. Moore, Twenty-fourth District.  
 SAN LUIS OBISPO—Warren M. John, Sixty-third District.  
 SAN MATEO—R. H. Jury, Fifty-third District.  
 SANTA BARBARA—E. M. Pyle, Sixty-fourth District.  
 SANTA CLARA—Paul Arnerich, Fifty-fifth District, Ward Jarvis, Fifty-sixth District; Fayette Mitchellree, Fifty-seventh District.  
 SANTA CRUZ—George C. Cleveland, Fifty-fourth District.  
 SOLANO—Frank R. Devlin, Twentieth District.  
 SONOMA—F. A. Cromwell, Thirteenth District; H. L. Tripp, Fourteenth District.  
 BUTTE, YUBA—E. T. Manwell, Eighth District.  
 VENTURA—David T. Perkins, Sixty-fifth District.  
 YOLO—N. A. Hawkins, Sixteenth District—79.

Whereupon, the Chief Clerk called the Assembly to order, and read the following certificate from the Secretary of State, to account for the non-appearance of the only member-elect—the late J. H. Krimminger, Los Angeles, Seventy-fifth District:

CERTIFICATE FROM SECRETARY OF STATE.

STATE OF CALIFORNIA, }  
 DEPARTMENT OF STATE. }

The records of this office show that J. H. Krimminger, Assemblyman-elect from Los Angeles, Seventy-fifth District, died on the 12th day of December, A. D. 1904.

Witness my hand and the great seal of the State of California, at office in Sacramento, this 2d day of January, A. D. 1905.

[SEAL.]

C. F. CURRY, Secretary of State.

ANNOUNCEMENT.

The Chief Clerk announced that the first business to be transacted was the election of officers for the thirty-sixth session of the Legislature, and declared that nominations for the office of Speaker of the Assembly were first in order, and called for nominations for the office.



## NOMINATIONS FOR SPEAKER.

Mr. Walsh of Alameda nominated Hon. Frank C. Prescott of San Bernardino.

Mr. Stanton of Los Angeles seconded the nomination of Mr. Prescott.

Mr. Drew of Fresno seconded the nomination of Mr. Prescott.

Mr. McGowan of San Francisco seconded the nomination of Mr. Prescott.

Mr. Duryea of Placer seconded the nomination of Mr. Prescott.

Mr. Pryor nominated Hon. A. M. Lumley of Tulare.

Mr. Hawkins of Yolo seconded the nomination of Mr. Lumley.

There being no further nominations, the roll was ordered called.

## ELECTION OF SPEAKER.

The roll was called, with the following result:

*For Prescott*—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Bliss, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Eells, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaeltle, Pyle, Rolley, Severance, Slaven, Stanton, Strohbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—71

*For Lumley*—Messrs. Hawkins, Jones of Tuolumne, Prescott, and Pryor—4

Whereupon the Chief Clerk announced the vote for each candidate, and declared the Hon. Frank C. Prescott of San Bernardino duly elected Speaker of the Assembly for the thirty-sixth session, he having received a majority of all the votes cast.

## APPOINTMENT OF COMMITTEE OF ESCORT.

The Chief Clerk appointed as a committee to escort Speaker-elect Prescott to the chair, Mr. Waste of Alameda, Mr. McCartney of Los Angeles, Mr. McKenney of Amador, and Mr. Lumley of Tulare.

## OATH OF OFFICE.

Speaker-elect Prescott, upon being escorted to the chair, took and subscribed to the following oath of office, administered by the Hon. E. C. Hart of Sacramento, Judge of the Superior Court:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Speaker of the Assembly of the thirty-sixth session of the California Legislature according to the best of my ability.

## SPEAKER IN THE CHAIR.

Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

The Speaker returned his thanks for the honor conferred upon him by his election as Speaker of the Assembly, and assured the members that he would endeavor to honestly and satisfactorily discharge the duties of the office.

The Speaker declared the election of Speaker pro tem. next in order, and called for nominations for the office.

## NOMINATIONS FOR SPEAKER PRO TEM.

Mr. Mitcheltree of Santa Clara nominated Hon. T. E. Atkinson of San Francisco.

Mr. Jury of San Mateo seconded the nomination of Mr. Atkinson.

Mr. Coghlan of San Francisco seconded the nomination of Mr. Atkinson.  
 Mr. Rolley of Humboldt seconded the nomination of Mr. Atkinson.  
 Mr. Pryor of Kings nominated Hon. N. A. Hawkins of Yolo.  
 Mr. Jones of Tuolumne seconded the nomination of Mr. Hawkins.  
 There being no further nominations, the roll was ordered called.

#### ELECTION OF SPEAKER PRO TEM.

The roll was called, with the following result:

*For Atkinson*—Messrs. Amerige, Anthony, Arnerich, Barnes, Beardslee, Beckett, Bliss, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—68.

*For Hawkins*—Messrs. Atkinson, Jones of Tuolumne, Lumley, and Pryor—4.

Mr. Atkinson having received a majority of all the votes cast; was declared duly elected Speaker pro tem. of the Assembly.

#### OATH OF OFFICE.

Mr. Atkinson was escorted to the desk, and took and subscribed to the following oath of office administered by the Speaker:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Speaker pro tem. of the Assembly of the thirty-sixth session of the California Legislature according to the best of my ability.

#### NOMINATIONS FOR CHIEF CLERK.

The Speaker declared nominations for Chief Clerk in order.

Mr. Pyle of Santa Barbara nominated Clio Lloyd of Santa Barbara.

Mr. Olmsted seconded the nomination of Mr. Lloyd.

The Speaker declared nominations for Chief Clerk closed.

#### ELECTION OF CHIEF CLERK.

The roll was called, with the following result:

*For Lloyd*—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—73.

Chief Clerk Lloyd having received a majority of all the votes cast, was declared duly re-elected Chief Clerk of the Assembly.

#### OATH OF OFFICE.

Chief Clerk Lloyd thereupon took and subscribed to the oath of office administered by the Speaker, as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Chief Clerk of the Assembly of the thirty-sixth session of the California Legislature according to the best of my ability.

## NOMINATION AND ELECTION OF SERGEANT-AT-ARMS.

The Speaker declared nominations for Sergeant-at-Arms in order.

Mr. McKenney of Amador nominated Mr. J. T. Stafford of Sacramento.

Mr. Severance of San Francisco seconded the nomination of Mr. Stafford.

The Speaker declared nominations for Sergeant-at-Arms closed.

The roll was called, with the following result:

*For Stafford*—Messrs. Amerige, Anthony, Arnerich, Atkinson, Beardslee, Beckett, Bliss, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cronwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—74.

## OATH OF OFFICE.

Sergeant-at-Arms Stafford was declared duly re-elected Sergeant-at-Arms of the Assembly, and thereupon took and subscribed to the following oath administered by the Speaker:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Sergeant-at-Arms of the Assembly for the thirty-sixth session of the California Legislature according to the best of my ability.

## NOMINATIONS FOR MINUTE CLERK.

The Speaker declared nominations in order for Minute Clerk.

Mr. Burge nominated George A. Donahue of Madera.

Mr. Stanton nominated J. Steppacher of San Francisco.

The Speaker declared nominations closed.

## ELECTION OF MINUTE CLERK.

The roll was called, with the following result:

*For Steppacher*—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cronwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobbridge, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—74.

*For Donahue*—Mr. Burge—1.

Mr. Steppacher, having received a majority of all the votes cast, was declared duly elected Minute Clerk of the Assembly.

## OATH OF OFFICE.

Mr. Steppacher thereupon took and subscribed to the oath of office, administered by the Speaker, as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Minute Clerk of the Assembly, thirty-sixth session, California Legislature, according to the best of my ability.

## APPOINTMENT OF ASSISTANT CLERKS.

The Chief Clerk, by virtue of the power conferred on him by law, announced the appointment of the following as his Assistant Clerks, and asked the Assembly to consent thereto:

Charles Thompson, Ed. Hinkle, C. W. Kyle, T. J. Walker.

The question being put, the above appointments were declared confirmed.

The appointees thereupon came forward, and took and subscribed to the oath of office administered by the Speaker.

#### ELECTION OF OFFICERS.

The following resolution, electing statutory officers, was offered by Mr. Transue:

*Resolved*, That the following named persons be and they are hereby elected to the offices set opposite their respective names:

Chaplain—Rev. G. C. King.  
Journal Clerk—R. L. Dempsey.  
Engrossing and Enrolling Clerk—J. J. Murphy.  
Postmistress—Mrs. Pauline Smith.

Resolution read and adopted.

#### OATH OF OFFICE.

The above named thereupon took and subscribed to the oath of office administered by the Speaker.

#### RESOLUTIONS.

The following resolutions were offered:

By Mr. Dorsey:

*Resolved*, That the Chief Clerk be, and he is hereby, directed to inform the Senate that the Assembly is organized by the election of the following officers, viz:

Speaker—Frank C. Prescott.  
Speaker pro tem—Thos. E. Atkinson.  
Chief Clerk—Clio Lloyd.  
Sergeant-at-Arms—John T. Stafford.  
Minute Clerk—Jake Steppacher.  
Journal Clerk—R. L. Dempsey.  
Engrossing and Enrolling Clerk—J. J. Murphy.  
Postmistress—Mrs. Pauline Smith.  
Chaplain—Rev. G. C. King.

Resolution read and adopted.

Also:

*Resolved*, That the standing rules of the thirty-fifth session be and the same are hereby adopted as the temporary rules of this House until otherwise ordered, with the following changes, to wit: "1905" shall be inserted in lieu of "1903" wherever these latter figures occur.

Resolution read and adopted.

#### MOTION.

Mr. Dorsey moved that Senate messages be taken up out of order.  
So ordered.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 2, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day, at twelve o'clock m., in compliance with the provisions of the Constitution and the statutes of the State of California, with the Hon. Alden Anderson, Lieutenant-Governor, presiding, and Hon. Frank J. Brandon, Secretary, regularly organized by the election of the following permanent officers of the State Senate during the thirty-sixth session of the Legislature:

President pro tem.—Edward I. Wolfe of San Francisco.  
Secretary—L. A. Hilborn.  
Minute Clerk—D. G. Holt.  
Sergeant-at-Arms—L. J. Martin.  
Chaplain—Rev. W. S. Hoskinson.

You are further respectfully informed that the Senate is now in readiness to proceed with the business of the State, and to receive and act upon any communication that your honorable body may deem necessary to transmit to it.

F. J. BRANDON, Secretary of Senate.

## RESOLUTIONS—(RESUMED).

By Mr. Dorsey:

*Resolved*, That a committee of three be appointed by the Speaker to wait upon the Senate and to inform that honorable body that the Assembly is organized and awaits any communication which it may wish to make.

Resolution read and adopted.

By Mr. Houser:

*Resolved*, That the Speaker be and he is hereby authorized to appoint a Committee on Rules, to consist of five members, one of whom shall be the Speaker, and that said committee be, and it hereby is, directed to report, as speedily as possible, rules for the government of the Assembly.

Resolution read and adopted.

By Mr. Duryea:

*Resolved*, That a committee of three be appointed by the Speaker to wait upon the Governor and inform his Excellency that the Assembly is organized and awaits any communications he may have to make to it.

Resolution read and adopted.

By Mr. Gans:

WHEREAS, Since the last session of the Legislature, the Hon. F. D. Soward, who was then a member of the Assembly from Sierra County, has died; now, therefore, be it

*Resolved*, That when we adjourn this afternoon, we adjourn out of respect to the memory of the said Mr. Soward.

Resolution read and adopted.

By Mr. Stanton:

*Resolved*, That when a bill is introduced and when printed amending an existing law, the new matter shall be underscored, and all portions of the law proposed to be omitted shall be included in brackets; *provided, however*, that where the subject consists of an entirely new section, the words thereof need not be underscored.

All bills reported favorably or for consideration, if reported with amendments, shall be immediately reprinted; the new matter underscored and the parts of the law proposed to be omitted included in brackets.

Resolution referred to Committee on Rules, when appointed.

## APPOINTMENT OF COMMITTEES.

The Speaker announced the following committees, pursuant to resolutions:

Committee to Notify the Governor of Organization—Messrs. Duryea, Waste, and Hawkins.

Committee to Notify the Senate—Messrs. Dorsey, Cromwell, and Lumley.

Committee on Rules—Messrs. Barnes, Cromwell, McCartney, and Houser.

## ADJOURNMENT.

At one o'clock and forty-five minutes P. M., Mr. Barnes moved that the Assembly adjourn until nine o'clock and thirty minutes A. M. of Tuesday, January 3, 1905.

Motion carried.

Whereupon the Speaker declared the Assembly adjourned until nine o'clock and thirty minutes A. M. of the next legislative day, out of respect to the memory of the late Hon. F. D. Soward, member of the Assembly, thirty-fifth session.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,

Tuesday, January 3, 1905. }

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Prescott in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitchell-tree, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—79.

Quorum present.

## LEAVE OF ABSENCE.

Mr. Barnes was granted leave of absence for the day.

## PRAYER.

Prayer by the Rev. George C. King.

## READING OF THE JOURNAL.

On motion of Mr. Stanton, the further reading of the Journal was dispensed with.

## COMMUNICATION.

SAN FRANCISCO, CAL., January 2, 1905

*To the Assembly of the State of California*

A cordial invitation is extended to you to witness the ceremonies of the Electoral College of California, during which the ballots will be cast for President and Vice-President of the United States, at the State Capitol, Sacramento, Monday, January 9, 1905, at two o'clock P. M.

E. F. WOODWARD, Secretary.

GEO. STONE,  
Chairman Republican State Committee.

Communication read.

## RESOLUTIONS.

By Mr. Stanton:

*Resolved*, That the use of the Assembly Chamber be and the same is hereby granted for the meeting of the Electoral College of California, on Monday, January 9, 1905, at two o'clock P. M., and that the invitation to attend the ceremonies be and is hereby accepted.

*Resolved*, That the Sergeant-at-Arms be and he is hereby instructed to provide chairs for the members of the Senate, Federal and State officials, and citizens for said occasion.

Resolution read and adopted.

By Mr. Cromwell:

*Resolved*, That the Committee on Attachés be directed to place the minority members on the same basis as to patronage as the majority members of the Assembly.

Resolution read and adopted.

By Mr. Severance:

*Resolved*, That the Sergeant-at-Arms of the Assembly be, and he hereby is authorized and directed to purchase for the use of the members of the Assembly, eighty-five copies of Deering's California Codes, and Deering's edition of the General Laws, latest publication, and Treadwell's edition of the Constitution of California, the same to be paid for out of the Contingent Fund of the Assembly. The Controller is directed to draw his warrant in payment of the same in favor of the Sergeant-at-Arms of the Assembly, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Ways and Means, when appointed.

By Mr. Waste:

*Resolved*, That each member of the Assembly be and he is hereby allowed twenty-five dollars (\$25) for contingent expenses, as provided by law, payable out of the appropriation for the contingent expenses of the Assembly, and that the aggregate amount of the value of the stamps and stationery which any member shall draw on his requisition from the Secretary of State shall be charged to his account as a part of his allowance hereby made.

Resolution read, and adopted.

By Mr. Burke:

*Resolved*, That a committee of three be appointed by the Speaker as a temporary Committee on Contingent Expenses and Mileage.

Resolution read, and adopted.

The Speaker appointed as such committee Messrs. Burke, Waste, and Transue

By Mr. Stanton:

*Resolved*, That the Speaker appoint a committee of three to report appropriate resolutions upon the death of the Hon. J. H. Krimminger, elected a member of this Assembly from the Seventy-fifth District, and that when the House adjourns to-day, it does so out of respect to his memory.

Resolution read, and adopted.

The Speaker appointed as such committee Messrs. Stanton, McGowan, and Rolley.

#### REPORT OF SPECIAL COMMITTEE.

MR SPEAKER. Your committee appointed to wait upon the Governor and notify him of the organization of this Assembly, beg leave to report that they have performed their duty in that behalf, and were informed by His Excellency that he would soon communicate with the Assembly in writing.

DURYEA, Chairman.

Report adopted.

#### RESOLUTION.

By Mr. Waste:

*Resolved*, That the Sergeant-at-Arms of the Assembly, or the bookkeeper to the Sergeant-at-Arms, be and they are hereby authorized to receipt to the Controller for all warrants for payment to members, officers, and attachés of the Assembly.

Resolution read, and adopted.

#### MOTION.

Mr. Houser moved that the following message from the Governor be printed in the Journal:

So ordered.

## MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
SACRAMENTO, January 3, 1905

*To the Assembly of the State of California.*

I have the honor to submit herewith my biennial message for the years 1903 and 1904  
Respectfully,

GEO. C. PARDEE,  
Governor of the State of California.

## FIRST BIENNIAL MESSAGE OF GOVERNOR GEORGE C. PARDEE.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,  
SACRAMENTO, January 2, 1905.

*To the Senate and Assembly.*

GENTLEMEN: The Constitution of California commands that the Governor shall communicate by message to the Legislature at every session the condition of the State, and shall recommend the enactment of such legislation as he may deem expedient. Accordingly, I have the honor respectfully to transmit to and to lay before your honorable bodies my Biennial Message for the years 1903 and 1904.

In common with other States of our Union, California has, during the last two years, enjoyed great material prosperity. Our many industries and interests have prospered. Employment has been steady and, in most localities, abundant. Wages have averaged as good as ever before, crop returns have been at least normal, and prices of products have, on the whole, been remunerative.

With especial respect to California, not only has our State been a liberal sharer in the prosperity of the Nation, but it has enjoyed an abundant and independent prosperity. Our cities and towns have increased steadily and even rapidly in population and accumulated wealth, our larger areas of farming lands have, in large measure, been subdivided into holdings of moderate size and sold at prices which have been within the reach of men of moderate means. To a greater extent than ever before, at least in the northern and central portions of the State, new farms have been established and green alfalfa meadows and orchards now greet the eye where a few years ago only grain fields filled the landscape.

Separated as California is from the more thickly populated portions of our common country by hundreds of miles of semi-arid mountain and plain, it is marvelous to see how our State has drawn to itself tens of thousands of enthusiastic home-seekers who have come to cast their lots with us. Although the means of travel have proven somewhat expensive and not a little tedious, even in these days of palace cars and swift-rolling trains, the tide of immigration is still setting our way and will continue so to flow so long as we extend an unfailing hospitality toward it. Our snowless winters, our intensified, diversified and yet highly specialized agricultural pursuits are proving irresistible to thousands who find Eastern summers exhausting, winters trying, and the production of a few staple products, year after year, uninviting. Our State is no longer looked upon as a land of unbelievable legends and unrealizable prophecies. The eyes of the world are turned in our direction as never before since the discovery of gold.

The future is big with promise for California. The splendid exhibit of products made at St. Louis has proven conclusive as to the claims our immigration literature has set forth. California has made good for all that has been claimed, and achievement bids fair to rival the dreams of those who, loving California, have prophesied in verse and oratory of her coming greatness. It only remains for Californians to put aside individual and local jealousies and unite in helping forward everything that is likely to prove good for the commonwealth to make us all sharers in a prosperity hitherto unparalleled. God has been good to us; let us be good to each other, whether of the north or the south, city or country, mountain or valley. Let us be all for one and one for all.

## WORK OF THE LEGISLATURE.

In meeting the Legislature for a second time I wish to congratulate the members upon the opportunity which they possess to benefit their constituents by a serious devotion to duty during the next two months. They can benefit them by exercising economy in making necessary appropriations and by vigilance in preventing appropriations which are not necessary. They can further serve their constituents by seeing to it that none but useful laws, and those carefully framed, shall be passed. Loose and careless laws fill the courts with litigation and impose a heavy burden upon all classes of citizens.

Yet to guard against the passage of such laws is no easy task, when during a session of sixty days fifteen or eighteen hundred bills are introduced which must be read, printed, examined in committee, reported, and voted on. So many of these bills as are unwise, or are unnecessary, are stumbling-blocks in the way of the passage of measures which are needed. It would be no small legislative reform if some means could be found to impose a check upon the introduction of a multitude of bills which will never accomplish any other purpose than to waste the State's money when they are printed, or to cumber the files when they are reported.

That the work of the Legislature is so well done, when the disadvantages under which it is conducted are considered, is remarkable, and shows how much earnest,



intelligent effort is expended at each session. The biennial statute-book, which embodies, in four or five hundred pages, the net results of the session, may contain much that is unimportant, and that which is important may be marked by imperfections; but it enables the public business to be carried on, and there is a large balance of good over bad. The numberless interests affected, and the rapid changes in conditions under which business is done, render unavoidable many alterations in the statutes. And yet it is very true that every needless law enacted is a detriment, and the making of many minor changes at frequent intervals is to be deprecated. A more thorough revision at greater intervals would be much better.

*Laws of Last Session.*—I am happy to state that the legislation of the last session appears to have been, in the main, sound in purpose and reasonably correct. With one or two exceptions, no acts have been declared by the courts to be unconstitutional, and, on the other hand, many acknowledged evils were corrected. This was done, for example, in the amendment of the ballot law, which previously had been so framed that many citizens had, through ignorance or carelessness, lost their votes. Under the Act authorizing the use of ballot machines, several counties introduced the machines, and their operation appears to have been successful.

The law in relation to insanity and the hospitals for the insane, which theretofore had been very defective, was revised, and in its new form has obviated most of the former difficulties. I think I may also enumerate among the clearly beneficial acts of the late session the one altering the law of divorce, requiring the entering of an interlocutory decree and postponing for a year the time when a divorced person may remarry.

At the same session several Acts were passed in the interest of labor, including one which regulated employment agencies. The probation and juvenile court laws enacted were intended to save from the prisons and from lives of crime many young men and boys who, although they have taken first steps in vice, are not irreclaimable. The Act providing a way to improve the common school text-books, by buying the right to use copyrighted texts, promises to be productive of much good.

I especially advise the utmost care in the framing of statutes to avoid technical defects, which will defeat their purpose. Two years ago I felt obliged to refuse to sign a number of bills, otherwise meritorious, which were so faultily framed that it would not have been safe to let them become laws.

*The Codes*—A subject closely connected with the above is the California codes, to which at every session of the Legislature many amendments are proposed. It is now more than thirty years since the codes were adopted, the principal object at the time being to rescue the law from the uncertainty of many conflicting statutes and decisions. It was recognized that there were objections to the code system, and in practical operation it does not realize all that was claimed for it by its advocates, but it has been a great improvement upon what existed before, and no one proposes its abandonment.

But it is well known that the codes have not been improved and perfected to the extent they should be, and at each session many general statutes are passed embodying matter which ought to be incorporated in the codes. The integrity of the codes should be respected, and the system kept as symmetrical as possible.

#### THE STATE FINANCES.

I desire to call the attention of the Legislature to the improved financial condition of the State Treasury. Two years ago it was clearly foreseen that the General Fund would run short before the next succeeding collection of taxes. In order to prevent this condition becoming chronic, and to make it possible to replenish the treasury, it became necessary for the Legislature to provide for a tax levy in excess of that which would have been required had the one fixed in the year 1902 not been so far below what the actual appropriations called for. This excess for the year 1903-04 amounted to six cents on the \$100, and for 1904-05 to nearly as much.

But before the taxes for 1903-04 were collected the expected had happened, for the General Fund ran short, and borrowing from other funds was unavoidable. On June 30, 1903, the balance in the General Fund was only \$432,415 74, with five months' expenses to be met before taxes would again flow into the treasury. This small balance was soon exhausted, and it became necessary, on July 31, 1903, to borrow from other funds the sum of \$921,000, and again, on November 5th, to borrow the further sum of \$447,000. This, as the State Controller points out in his biennial report, was a condition such as had not before arisen for nearly a decade, and it was, as before said, to prevent its recurrence that the Legislature ordered a larger tax levy than the appropriations demanded.

The effect of this levy is shown by the vastly different condition of the General Fund on June 30, 1904, when on that date contained \$2,058,610.11, a sum more than sufficient to meet all prospective demands.

The State of California, like other solvent institutions, should maintain a credit balance large enough to guarantee it against having to practice unusual and unsafe methods of financing. More especially is it wise to carry a credit balance if it can be made a means of profit, as, in another part of this message, I suggest can be done by adopting the deposit plan.

*Betterments during Two Years*—As an appendix to this message there is printed a table which shows the amount of money appropriated at the last session for buildings and other improvements in connection with State institutions; also the amounts

expended from such appropriations to date, and the amounts expended from contingent funds for the same general purposes. The total of appropriations made two years ago for betterments was \$300,800, and by adding to this \$78,362.21 of former appropriations unexpended, the State had an aggregate of appropriations for betterments equal to \$377,162.21 to use during the biennium. Of this there has been actually expended to date \$685,742.61; to which must be added the sum of \$108,200.85, which has been drawn from contingent funds and used for betterments. This makes an aggregate of \$793,943.46 spent for betterments in the last two calendar years.

As the whole amount of appropriations from all funds made at the last session was \$7,733,840.73, the proportion which went for actual improvements was about 10 per cent. The expenditures made have been highly beneficial to many of the institutions of the State. At the San Diego Normal School a west wing has been added to the main building; the Los Angeles, Chico, and San José Normal Schools have also benefited through construction or repairs; the new building of the Southern California State Hospital is well advanced toward completion; the assembly hall of the Mendocino State Hospital is partially finished, and at the Stockton, Agnews, and Napa hospitals more or less extensive improvements have been made, for the Home for Feeble-Minded Children \$62,500 was appropriated, and the result is much improved conditions at that institution, which is, however, still so lacking in accommodations that many applications for admission are necessarily denied.

Extensive improvements have been made at the Veterans' Home, the machinery in the State Printing Office has received important additions, and California Hall, at the University, for which \$250,000 was appropriated, is nearing completion. A good deal of construction work has been done at the California Polytechnic School in San Luis Obispo.

The needs of the State in the way of new buildings are numerous, but they can be supplied only gradually. A certain amount of new construction can be provided for out of each tax levy, but many meritorious building enterprises must await the time when the funds can be spared.

*Bond Purchases for School Fund.*—One of the pieces of legislation of the last session which has been followed by good results is the Act authorizing the purchase of municipal and school-district bonds for the permanent school fund, which previous to that time could be invested only in bonds of the United States, the State, and the counties. These classes of securities were difficult to procure except by paying a high price, more particularly since the law, as it then stood, practically rendered it necessary to buy bonds through brokers. The new law, by authorizing the State Board of Examiners to bid direct, without depositing a certified check, has enabled the making of first-hand purchases, while at the same time the field of investment has been enlarged.

The effect is noticeable in a closer investment of school funds and also in a somewhat higher average rate of interest on the bonds purchased. On June 30, 1903, there was \$1,262,574.64 in the State School Land Fund awaiting investment, and a year later this had been reduced to \$792,128.98. By further purchases this had been cut down to approximately \$495,000 on December 1, 1904, and when certain investments now in view are made, practically all available funds will be invested and drawing interest.

On the bonds bought between the years 1899 and 1902 the average rate of interest was 4.45 per cent, but the premiums paid reduced the net income to the State to 3.58. For 1903-04 the average rate of interest on the bonds purchased has been 4.107 per cent, and the net income has been 4.07 per cent, showing how closely the new law enables the State to buy. The income from these bonds is used for the support of the public schools, and the fund now amounts in round numbers to \$5,000,000.

*An Analysis of State Expenditures*—I am indebted to the State Controller for a valuable statistical compilation which shows at a glance how the disbursements on account of the State government are divided between the main branches of expenditure. Classified under eleven heads, the expenditures are given both by aggregates and by percentages:

*Expenditures—Fifty-fourth Fiscal Year.*

Purpose.	Amount	Per Cent
Legislative .....	\$310,493 42	.0297+
Judicial .....	292,635 46	.02801+
Administrative offices .....	214,964 14	.0206+
Boards and commissions .....	1,119,642 08	.10717+
Education .....	4,407,967 23	.422
Hospitals .....	1,190,480 41	.114
Penal and reformatory .....	836,873 70	.0801+
Orphans .....	502,862 55	.0481+
National Guard .....	170,823 56	.0163+
Counties' portion of railway tax .....	861,592 58	.0824
Miscellaneous .....	538,438 23	.0515+
Total .....	\$10,446,773 36	.99988+

*Expenditures—Fifty-fifth Fiscal Year.*

Purpose	Amount	Per Cent
Judicial .....	\$297,491 91	.0248 +
Administrative offices .....	342,675 26	.02857 +
Boards and commissions .....	1,277,534 00	.10652 +
Education .....	5,057,972 35	.4217 +
Hospitals .....	1,231,261 90	.10266 +
Penal and reformatory .....	757,349 55	.06314 +
Orphans .....	440,278 82	.04 +
National Guard .....	154,729 75	.0129 +
Counties' portion of railway tax .....	857,979 40	.07154
Miscellaneous .....	1,535,898 84	.12506 +
Total .....	\$11,993,171 78	.9989 +

*Per Capita Cost of Inmates of Institutions.*—In the following table there is shown the per capita cost of maintenance of inmates of a number of State institutions for last year, as nearly as can be ascertained:

Institution.	Average Number of Inmates	Average Cost per Capita per Diem, in Cents
Folsom Prison .....	810.52	44.15
San Quentin Prison .....	1,495.72	31.12
Whittier Reform School .....	396	79.1
Preston School of Industry .....	150	90.1
Home for Adult Blind .....	120	64.21
Deaf, Dumb, and Blind Asylum .....	223.50	75.6
Stockton State Hospital .....	1,586.50	36.42
Napa State Hospital .....	1,472.50	39.84
Agnews State Hospital .....	1,031.50	39.84
Mendocino State Hospital .....	623	47.36
Southern California State Hospital .....	739	50.24
Home for Feeble-Minded .....	520	49.11

With regard to this table it ought to be said that any inference drawn from a comparison of different classes of institutions with respect to relative cost of maintenance is likely to be erroneous, because the objects aimed at and the conditions under which the institutions are conducted are so different. The only comparisons which properly can be made are between institutions of the same class in this State or between those of this State and those of other States, and even then other factors besides economy of management enter into the result. Usually the per capita rate of expense of maintenance diminishes as the number of inmates increases, because the cost of administration is relatively less in a large hospital or prison.

In general it may be said that our public institutions are as economically conducted as those of other leading States. The per capita cost for the four State prisons of New York is 41.2 cents per day, as compared with an average of 37.6 cents for the two California prisons. The State of New York, which has 25,000 insane persons in its hospitals, maintains these institutions at an average per capita cost of 44.3 cents per day, as compared with an average cost for California hospitals of 42.7. The State Home for Feeble-Minded Children in Syracuse, New York, reports a per capita cost of 49 cents daily, which is almost exactly the same as that of the institution at Eldridge.

The per capita expense of maintenance at Folsom Prison is ordinarily about 35 cents per day; during the earlier part of the fiscal year 1903-04 the number of prisoners had run down to less than 700, which raised the per capita cost above the ordinary, since then there has been a large increase in the prison population. Moreover, some of the extraordinary expenditures caused by the break of July 27, 1903, have been included in figuring out the per capita expense for last year.

## CUSTODY OF STATE FUNDS.

The State of California pursues a policy different from that of a majority of the States by keeping public funds in its own vaults, thereby locking up a large amount of money, instead of making deposits in the banks. By following the deposit plan the money is permitted to circulate in the channels of trade until needed to meet claims against the treasury. The drain of money at certain periods of the year, when State, County, and City governments are all collecting taxes, is a heavy one; and it has long been a cause of complaint in California that, at these times, business is embarrassed by the large reduction in the circulating medium.

It was a step in the right direction when the law was passed, some years ago, making State and County taxes payable in two installments instead of one, because this reduced the amount of money locked up at any one time, but it would be an additional benefit to the business community if the greater part of the funds belonging to the State could at all times be kept in the channels of trade. The payment of taxes may be a hardship upon property-owners under the most favorable circumstances, but it becomes a needlessly grievous burden when it is made the means of locking up so much of the money which is the life of trade.

But this is not the only way in which the hoarding of funds is expensive to the State, since the money represents so much earning power lost; it could be, and should be, made to turn into the treasury annually quite a large sum collected as interest. The balance in the State Treasury, in ordinary years, ranges from \$2,500,000 to \$7,000,000, and for the last five years has averaged \$4,000,000. The ordinary interest rate on daily balances paid by the banks is two per cent, and on \$4,000,000 this would amount to \$80,000 a year—enough to sustain one of the State institutions, or to reduce the annual tax rate nearly two thirds of a cent. If the money can be loaned safely, and this interest earned, it shows poor business judgment to go on sacrificing so large a sum.

As has been said before, California is one of a small number of States which keep their money in their own vaults. Of the forty-eight States and Territories, according to recent statistics, thirty-nine pursue the policy of depositing their funds in bank, with such precautions for safety as they think will insure them against loss. The history of the State deposit system shows that it has always been safe when proper security has been required by law. Banks receiving State funds should be compelled to deposit in the treasury securities—preferably United States, State, County, or Municipal bonds—sufficient in amount to guarantee the State against the possibility of loss.

*Opinions of State Treasurers.*—Several Treasurers of this State have pointed out the unwisdom of the hoarding policy. Hon. W. S. Greene, in his report for 1898, said: "I feel that I would not be doing my whole duty if I did not call attention to the fact that California is still following the method of collecting money semi-annually from the people and storing it up like old junk, when the object, and only object, of money is circulation. \* \* \* Upon thorough consideration and investigation, I am of the opinion that a system of State and County depositories ought to be established."

Hon. J. R. McDonald, who was Treasurer from 1891 to 1895, said in one of his reports: "I have never been able to see the necessity or propriety of the State having two or three million dollars piled up in her vaults year after year, without any benefit to the State and positive detriment to the people."

The present Treasurer, Hon. Truman Reeves, entertains the same views, and, referring to the deposit plan, he writes: "I am in favor of the idea, provided a law is framed whereby the funds can be safeguarded so as to eliminate the absolute possibility of loss to the State, and, if possible, to keep the office of State Treasurer out of politics."

In view of these opinions, and bearing in mind that such great States as New York, Pennsylvania, and Massachusetts have pursued the deposit plan for many years, receiving large sums for interest, and losing nothing even when banks have failed, it appears that we ought as soon as it can be done, to substitute for our present practice one more consonant with business thrift and judgment. If this can be done by statute merely, it is a simple matter; if a constitutional amendment shall be held to be necessary, the object to be attained is worth the trouble it will cost.

#### OUR SYSTEM OF TAXATION

In my inaugural address, two years ago, I expressed the belief that the time was near at hand when the people of California should consider the question whether they ought not to introduce radical changes in their revenue and taxation laws, especially in relation to the raising of revenue for State purposes. The main reasons for this belief were the escape from taxation of large amounts of personal property and the difficulties which will always exist in securing under the present arrangement a fair assessment and a just equalization between the counties. The further opinion was expressed that the object aimed at ought to be the eventual separation of State and County taxation, giving to each of these political divisions its own subjects of taxation and its own assessment machinery.

During the past two years nothing has occurred to change the belief then expressed; but much has occurred to confirm it. There has been considerable popular discussion of the proposal that a new State revenue system is needed, and the tone of this discussion has been uniformly favorable. At the same time the movement in other States, to which also I referred in my former message, has continued to be away from the employment of the ad valorem, or general property, tax as the basis of all State revenue collections, and toward the development of different systems in different States, according to their several opportunities and needs.

*California Tax History.*—This revenue question is no new one in California, nor is this the first time that the demand for an improved system has been heard. A short review of the history of State taxation will be interesting, and may help us to a better knowledge of our needs.

In the very earliest days of our State its revenues were derived largely from merchandise and other licenses, but the general property tax was soon put in operation, and for a good many years gave general satisfaction. Personal property, for a time, constituted nearly one half of all the property assessed, and therefore it was not complained that this form of wealth was escaping its due share of taxation. The Legislature assumed the right to exempt from taxation certain kinds of property, such as churches, hospitals, the property of widows and orphans, growing crops, and mining claims, but when danger arose from the extent of the exemptions, the Supreme Court came forward and declared them all to be unconstitutional.

But in time a serious evil arose from the inequalities of taxation as between the various counties, which there was then no means of controlling. In the poorer counties

the assessments were kept high, because only so could enough taxes be raised to pay the expenses of county government, and as the same assessments were the basis for State taxation, those counties contributed more than their just share to the State Treasury, while the wealthier counties were able to keep their assessments low and to escape their due proportion of general taxation. It was asserted that in some counties the assessed values were 80 per cent of the true values and in other counties no more than 20 to 30 per cent. As Governor Pacheco told the Legislature, "While the fundamental law demanded a revenue system of rigorous exactitude and uniform justice, there had developed one of false values and gross inequalities."

To remedy this evil the Legislature, by statute, in 1870, created a State Board of Equalization, for the purpose of equalizing assessments as between the counties. But it was not until the Political Code, in 1872, established the State Board on a supposedly firm foundation that it was able to show what it could do, and then the results were almost startling, for in one year the total assessment of property rose from \$289,000,000 to \$636,000,000, or more than 135 per cent. But the Supreme Court took the view that the Board of Equalization could not constitutionally exercise the powers it claimed, and at once the assessment roll began to fall off.

*The Constitutional Convention.*—But before this there had begun to issue from the Supreme Court a series of decisions, based upon the uniformity and equality clause of the old Constitution, which held that the taxation of bonds, notes, credits, and other evidences of debt, when the property on which they rested, or by which they were secured, was also taxed, was double taxation; and this created dissatisfaction, because it was claimed the wealthy were escaping taxation. Finally, in 1873, the Court, in a sweeping decision, held the mortgage tax to be unconstitutional.

That decision was, in effect, the cause of the calling of a convention to frame a new constitution; since, although the convention was not held until 1878-79, the dissatisfaction had been growing steadily from the date of the mortgage-tax decision. The advocates of a new plan of taxation were able to point to the fact that, although the State was growing wealthier, the assessment of personal property had ceased to increase and was diminishing, both relatively and absolutely. From \$220,000,000 in 1872 it had declined to \$118,000,000 in 1878, and from constituting 40 per cent of the total assessment, as it did in 1869, it had, in 1878, become only 20 per cent. This was one of the evidences that a great deal of property was escaping taxation.

As the revenue question was the one which was principally responsible for the calling of the Constitutional Convention, so it was the one which in that body was discussed longest and with greatest energy. The utmost determination was shown to adopt a plan of taxation which should reach all species of property and make every class of people bear its proper share of the burden of taxation. The State Board of Equalization was made constitutional, and the mortgage tax problem was solved by treating the mortgage as an interest in the property and allowing a proportionate deduction from the assessment on the latter.

In the old Constitution the subject of revenue and taxation had been disposed of in one section of five lines; but in the new Constitution a whole article, embracing thirteen sections, was devoted to it.

*The Subjects of Taxation.*—The gist of the old Constitution with reference to taxation was contained in these two sentences, said to have been taken from the first Constitution of Texas: "Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law."

Some of the warmest debates of the Convention of 1879 took place over the question whether the "equal and uniform" provision should go into the new Constitution, upon which some of the ablest members insisted. But it was upon that provision that the unpopular decisions of the Supreme Court had rested, and a majority of the delegates voted to exclude the words from the new instrument.

The provision that all property shall be taxed in proportion to its value was retained, but with it was included a definition of "property" which was meant to be so thoroughgoing that nothing should thereafter escape from the tax-gatherer. It was declared that, for purposes of taxation, property should "include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership," the only exceptions being growing crops and public property.

It was further provided that all property should be assessed in the political subdivision where situated, save and except railroads operated in more than one county, which were to be assessed for both State and County purposes by the State Board of Equalization. It had already been recognized by the lawmakers of Illinois and Missouri that a great railroad could not be properly assessed piecemeal, and their plan of assessment of such property by a State board was followed by our Constitution-makers.

*Test of the New Law.*—It was the expectation of the framers of the new Constitution as we have seen, that a great deal of property would be taxed which theretofore had escaped. One of the leaders remarked: "We have said that all property should be taxed in proportion to its value. In addition to that we say that property which has heretofore been held not to be property shall, for purposes of taxation, be deemed property and subject to taxation. That covers the ground."

This boast was not justified by results, and the effect of the new Constitution in the direction of increasing assessments was, after the first year, very disappointing. In 1879, the last year of the old Constitution, the assessment roll amounted to \$549,000,000,

and in 1880, the first year of the new, it rose to \$666,000,000, and the proportion of personal property increased from 20 per cent of the whole to 26 per cent. But the next two years the aggregate of the roll declined, and the proportion which the personal property—the kind of property which it was the special aim of the makers of the new Constitution to reach—bears to the whole commenced to diminish from that time forth. From 26.18 per cent it went down as low as 13.56 per cent, and is now practically stationary at 15 per cent. So that, despite the Draconian rigor of the definition given to property in the first section of the article on taxation in our present Constitution, the tax-gatherers find not more of personal property than before, but even relatively less, and absolutely less most of the time. For the aggregate of personal property assessed never afterwards went as high as it was in 1874—when it was \$210,000,000—until 1903, when it was \$269,000,000. In 1904 it was \$239,000,000.

In the equalization of assessments as between counties, also, the new Constitution did not prove to be a perfect success. The Supreme Court stripped the Board of Equalization of some of the power which it had been supposed it possessed and which it attempted to exercise. It can raise or lower the county rolls only as a whole and can not distinguish between different classes of property, although one may have been assessed too high and another too low. Yet the total assessed value of property in the State has continued to increase slowly with the growth in population and wealth, but real estate and improvements bear 85 per cent of the burden. The total assessed value of money and solvent credits is only \$42,000,000, which represents, of course, but a small portion of the true amount of this kind of property in the State.

*Amendments to the Constitution.*—Since 1880 the Constitution has been often amended, but most of the amendments of the article upon taxation have been in the direction of exemption. Fruit trees and grapevines of a certain age, household goods of the value of a hundred dollars, church buildings, the property of several educational and scientific institutions, and State and Municipal bonds have been relieved of tax burdens. But while all of these amendments taking property off the assessment roll have been adopted, there have been no amendments to put any on, nor has any change been introduced in the Constitution which would make the system more elastic or give the Legislature greater power over the subject-matter. This is the most serious fault of the Constitution in so far as it relates to taxation; the system was finished when the Constitution was adopted, it has not been capable of growth. In other States the Legislatures improve the plan of taxation from time to time as experience suggests changes; their revenue laws, as they stand, have been a gradual evolution. But in California no changes of importance can be made because of conflict with the constitutional scheme.

In the convention which framed this Constitution there were a minority of men who foresaw that a scheme of taxation so rigid as this would not be permanently satisfactory, and they argued in favor of vesting considerable discretion in the Legislature. One of those who took this view was the eminent lawyer, Samuel M. Wilson, one of the master minds of the convention, although in this instance his counsel was not followed. Mr. Wilson, on one occasion, said:

"Government is a complex piece of machinery, and runs only at great expense. The true question, then, is this: What is the best system of taxation for the support of the government? In every State in the Union, with the exception of the instances mentioned by the gentlemen here, the matter of taxation is left to legislative discretion, with only certain broad principles on the subject laid down in the Constitution. In some few States the Constitution fixes the objects and subjects of taxation, and makes it mandatory upon the Legislature. In most cases it is left to the Legislature to select the objects and subjects on which taxes should be levied consistent with the general principles of equality and uniformity—the tax being upon property and not upon persons. The Legislature should have this discretionary power. My individual opinion is that the Constitution should only prescribe that all real estate and all tangible property shall be taxed, and that such taxation shall be according to value, and that the Legislature should have, beyond that, the power and discretion of imposing any other tax that it might see fit, except a capitation tax. Then the Legislature, in its discretion, could enact a stamp tax, a tax upon incomes, or a tax upon anything else, according to the necessities of the State at the time. That would be justice to all, and would leave it more elastic—in a better condition and more in accordance with the general principles prevailing in all of the States of the Union."

And Mr. Wilson added another valuable suggestion when he said: "It is not necessary to equal and uniform taxation that it should be universal."

It is worthy of note that the States in which the revenue laws are to-day in the most satisfactory shape are those in which there have been the fewest constitutional restrictions upon the power of the Legislature, nor does there appear to be any serious complaint that this power has been used to discriminate unfairly against any class of taxpayers. Experience and reason alike justify the belief that legislative control over the method of levying taxes would no more be taken advantage of to oppress or to destroy than are the large powers in other directions which the Legislature possesses. No Legislature could afford, as a matter of mere political expediency, to do injustice to such a large class of persons, or important business interests, as it would do by adopting an unjust tax law. It is a striking fact that it is in the States such as New York, Pennsylvania, New Jersey, and Ohio, in which the business interests are strongest, that the most advanced methods of taxing corporations have been adopted, and after business has had a little time to adjust itself to these new forms of taxation, they excite no great opposition.

*Other State Revenue Systems*—The States which have effected a complete, or almost complete, separation of their State and local revenue systems are New York, Pennsylvania, New Jersey, Connecticut, and Delaware. These five States are able to dispense with a general property tax for State purposes because they have obtained in other ways sufficient revenue to meet their needs. Thus they have not accomplished at a single stroke, but usually by successive additions to their laws. It is about twenty years ago that the first step was taken in New York although the greater number of the new features have been added recently. Pennsylvania, which has not taxed real estate and improvements for State purposes for many years, has been still longer in developing her plan of taxation. New York's constitution contains nothing requiring that taxation shall be uniform, or equal, or in proportion to the value of the property assessed, while the Pennsylvania constitution contents itself with saying that taxation shall be uniform upon the same classes of subjects and shall be levied by general laws.

These States, however, are only a few of those which have made notable progress in the same direction. Ohio has recently adopted a corporation tax law which has made it possible to reduce the rate of the general property tax one half. Minnesota has reduced the same tax to 10 cents on \$100. Wisconsin has come so near to eliminating the ad valorem tax that only a small part of her revenue is raised by it, and the rate is 15 cents on the \$100. Massachusetts raises half, or more than half, of her revenue by indirect taxes. Maine is working along similar lines. Maryland raises only a third of her revenue by ad valorem taxes, and West Virginia but one fourth. The old State of Virginia has recently adopted a new revenue law which embodies a number of modern ideas. Tennessee secures from other sources than the general property tax considerably more than half of her revenue, and Missouri has made such progress that her last State tax rate was only 15 cents on \$100. Michigan is making progress in the same general direction. One of the latest States to remodel its revenue laws with gratifying results is Colorado.

*Amendments to the Constitution*—Since comparatively little can be done under the present Constitution to change the revenue laws, or to provide new sources of revenue, it follows that it is not necessary to decide at this time precisely what laws ought to be enacted. In a few ways—one of which I will mention a little later—some additional revenue may be provided. But any new system must wait upon constitutional changes.

The essential thing, then, will be to propose the necessary constitutional amendments, the object of which shall be to give the Legislature some discretion to deal with the subject of State taxation. It should have authority to continue the general property tax for so long a time as may be needed to work up adequate revenues from other sources, and it should also have authority to discontinue this form of tax for State purposes when it is no longer necessary, and to separate State from local taxation. It should also be in the power of the Legislature to adopt such of the several alternative methods of taxing corporations as may seem most expedient. An essential part of the Legislature's authority should be to exempt from local taxation certain classes of subjects which may be specially relied upon to produce State revenue. But as the power of the Legislature over the whole matter of taxation is absolute, except as limited by constitutional restrictions, all of these objects could be easily accomplished by a few constitutional changes. The first and tenth sections of Article XIII are those which need to be especially considered.

*Inheritance Taxes*—One of the forms of taxation, other than the general property tax, of whose legality under the present Constitution no fear need be felt, and with respect to which the present Legislature can legislate, is the inheritance tax, or, as it is sometimes called, the tax on transfers. I recommend to the Legislature that it give careful consideration to the question whether the application of the present law should not be extended, first, by taxing direct as well as collateral inheritances, and secondly, by making the tax progressive, as has been done in Illinois, Ohio, Missouri, Wisconsin, and many other States.

The importance of this particular branch of the subject of taxation is such that it will justify consideration somewhat in detail. Since 1893, the year in which the California law was passed, the system of inheritance taxes has obtained great development in the United States and other countries, and the revenues derived from this source promise to be very important. In Great Britain, where the tax is levied for the benefit of the imperial government, 19 per cent of all the revenues, according to the latest available statistics, are the product of this form of taxation, and in the State of New York the income approaches five millions of dollars per year.

As a leading American writer on economics, Prof. E. R. A. Seligman, of Columbia University, remarks, "The inheritance tax to-day scarcely needs defense; it is found in almost every country, and the more democratic the country, the more developed the tax." Doubtless there are still theorists who regard such tax as an attack upon the established rights of property; but when, in a country where property rights are so firmly established as in England, the government claims the privilege of taking from estates of the largest size so much as 8 per cent; when in the republic of France the tax goes, in some instances, so high as 15 per cent; when in such old commonwealths as Pennsylvania, New York, and Massachusetts the system is in full operation, and when, finally, thirty States in all have adopted this tax, it can no longer be regarded as revolutionary, except in the sense that all progress is revolutionary.

The gradual extension of this tax is an illustration of the principle I have already mentioned, that the best systems of taxation are an evolution. Originally the inheritance tax applied only to collateral inheritances of personal property, then it was

extended to real property, later New York enacted a direct inheritance tax law, and eventually the conservative State of Illinois made the tax progressive, *i. e.*, increasing the rate in proportion to the amount of the estate. By the year 1900 ten States had imposed direct as well as collateral inheritance taxes, and during the next three years eleven other States had taken the same action. In each of the two other commonwealths on the Pacific Coast, Oregon and Washington, both direct and progressive taxation of estates has been enacted.

California's present law brings into the treasury a revenue ranging from \$250,000 to \$300,000 a year, which is doubtless considerably less than it would be if all the taxes due were collected. By the addition of a direct tax, the revenues could be greatly increased, and the collection of the tax made more certain. An excessive rate of tax should not be imposed on either direct inheritances or collateral inheritances, and the rate on the former is usually made less than on the latter. Also, there should be an exemption up to a liberal amount on inheritances going to widows or lineal descendants.

#### PUBLIC EDUCATION.

I think it is safe to say that there is no State in the Union that offers to its children any better educational advantages than does our State of California. Gauged by the monetary standard, California does much more for education than the average of her sister States. For, while all the States, including ours, pay, on the average, 16 per cent of the cost of their public-school systems, California, to her credit be it said, pays about 45 per cent of the cost of hers.

We had, in this State, in the last school year 407,398 children who ought to have been at school, as provided by law. In the public schools, however, there were but 298,520 enrolled. Of the remainder, it is estimated that 37,226 attended the various private schools, leaving 71,652 California children who, for one reason or another, did not attend school at all. While this number is, by comparison with other States, by no means excessive, it is too large for California. And there ought to be some means devised to reduce it greatly. For it is to the decided interest of the State to see to it that its children shall all receive, so nearly as may be possible, at least a common-school education.

Looking toward this end, California has been very liberal toward education. Last year she spent from the State fund \$3,715,706 on the Primary and Grammar Schools. To the High Schools she contributed \$232,346. To the five Normal Schools she gave \$289,798. The Institution for the Deaf, Dumb, and Blind received \$65,523 of State money. And to the University was given \$621,363. Even the Farmers' Institutes received \$3,000 to educate their members. So that it will be seen that, first and last, the State paid out of its treasury, last year, the very respectable sum of \$4,930,781 for education. And when it is remembered that the average yearly income of the State from all sources is about \$10,000,000, it will be seen that nearly one half thereof was spent last year for education.

The law provides that there shall be raised by taxation \$7 for every child of school age. Last year this required a tax levy of 17.8 cents per \$100 of assessed valuation throughout the State. On account of this law, the State tax must be increased by \$120,799 this year over what it was last year, because there were 17,257 more children of school age last year than there were the year before. This will compel an increase of about one cent in the tax levy automatically fixed by law, providing the assessed valuation of State property shows no great increase. The University also receives, under the law, 2 cents on every \$100 of assessed valuation, and the High Schools receive  $1\frac{1}{2}$  cents on the \$100; making in all 22.3 cents on the \$100 required for education out of a total State tax rate averaging something over 50 cents on the \$100.

*The Compensation of Teachers.*—It requires nearly 8,000 teachers to carry on the Primary and Grammar Schools of this State. And it is only with great difficulty that boards of education and school trustees are able to find enough teachers to supply their wants. There appear to be at least two reasons for this dearth of available teachers. In the first place, we require more preparation from teachers than we did a few years ago. This is a good thing, because, like doctors and lawyers, our school teachers should be well educated in their profession. The other reason for the dearth of teachers is that the pay offered them is not sufficient to induce very many persons to devote their lives to teaching. We can not expect that men and women will spend years of time and large sums of money to prepare themselves for a profession in which it is possible for them to receive only meager salaries, without the possibility of increased pay as experience and devotion, in other walks of life, provide. Therefore, our young men, especially, do not become teachers, and our young women, in too many instances, look upon teaching as an expedient which will enable them to live until something more alluring calls them from the schoolroom.

In line with this there is a widespread discussion among the teachers and those who are non-professionally interested in education looking toward an increase in teachers' salaries. To do this it is proposed, by some, to raise the State school-census per capita from \$7 to \$9. As there were last year, as before stated, 407,398 census children in the State, this raise of \$2 per child would call for an increase in the State taxes of \$814,796 per annum for the next two years (involving an increase of about 5 cents in the annual tax levy)—a sum altogether too great to raise by State taxation under present conditions, and the demand for which would not be so pressing if the State School Fund were distributed in such a manner as to do the greatest possible good.



*Distribution of State Aid.*—This brings me to another matter connected with the salaries of our school teachers to which, during the past year, I have given considerable attention. And that is the manner in which, under our present law, the State money is distributed to the teachers. I find, for instance, that last year the teachers of Alpine County each received \$249 of the State's money, and that the teachers of San Francisco each received \$783 from the State Treasury; while, between these two limits, the State's money was distributed in varying amounts to the teachers in the various counties—those of no two counties receiving the same amounts. As a result of this, I found also that, in addition to the State School Fund tax, which all counties pay alike, the counties were compelled to tax themselves at rates varying from 6½ cents to 50 cents on the \$100 to sustain the county end of the school burden. And it appears, too, that in several instances the poorest counties are compelled to tax themselves the heaviest to raise county school funds. Mono County, for instance, is compelled to put on a county school tax of 50 cents per \$100, the limit allowed by law, to raise, in addition to what the State gives her, enough money to carry on her public schools. San Francisco, however, on the other hand, had to impose only a 6½-cent county tax rate to add to the money she received from the State.

So we have these rather anomalous conditions: (1st) the poorer and more sparsely settled counties of the State, as a rule, get less of the State's money per teacher than do the rich and thickly settled counties, the amount varying between \$249 in Alpine County and \$783 in San Francisco, (2d) we find that the poor and sparsely settled counties have to pay, in common with all the other counties, a fixed tax into the State Treasury—last year this tax was 17½ cents per \$100 assessed valuation. In addition to that, the poor counties have to raise, relatively, very large county funds to eke out the school money they receive from the State. Mono County, for instance, paid 67½ cents last year to support the schools, while San Francisco paid but 24½ cents, and the school expenses of the different counties varied between these two extremes.

There are many other and equally curious inequalities in the manner in which, under our present law, the State money is distributed to the counties. But the preceding are fair samples of the others, and I will not give any more of them.

These inequalities are the result of the manner in which the law provides the State money shall be distributed to the counties. Therefore, I think the law ought to be changed so that the State's money shall be distributed more equitably. It does not appear to me to be exactly fair that Alameda County, for instance, should receive \$579 per teacher of the State's money, while Alpine should receive from the same source but \$249 per teacher; El Dorado, \$268, Inyo, \$275, Lake, \$311; Lassen, \$299, San Diego, \$293; Plumas, \$288, and Mariposa, \$310.

It seems to me, therefore, and I so recommend to the Legislature, that there ought to be a complete revision of the method whereby State's school money is distributed to the counties, to the end that a more equitable division thereof may be made.

*Normal Schools.*—In spite of the fact (more probably by reason of it) that the requirements for admission to and graduation from the Normal Schools have been raised during the past two years, the number of graduates therefrom has not decreased. On the other hand, however, the teachers graduated from the Normal Schools have improved in efficiency and capability—both of which qualities are greatly to be desired. And it is to be hoped that, before many years, the Normal Schools will be, like the various schools of medicine, law, and theology, strictly professional schools, in which only the theory and practice, and subjects closely allied thereto, of the profession of teaching shall be taught, leaving matters of general culture to the Public Schools, the High Schools, and the Universities.

*The University.*—In free higher, or University, education, California is not second to any State in the Union. With 2,400 undergraduates at Berkeley, and with schools of medicine, art, law, dentistry, veterinary medicine, the great Lick Observatory and the Wilmerding School of Mechanical Arts, so closely affiliated with it as to be practically, if not quite, parts of it, our State University takes rank among the greatest universities of the United States.

Leland Stanford Junior University is, next to our State University, also the object of our State educational pride. And, taken together, these two great institutions of learning place California in the front rank of States which foster the higher education.

The University of California gives to every aspiring, ambitious, determined young man or young woman, rich and poor alike, the opportunity to acquire an education which will benefit not only him or her, but also the State. And I think it may be safely stated that the State derives its greatest benefit and return from the money it invests in the University from those students whose pecuniary means would not allow them to graduate from it were it not a free institution. In fact, I have in mind a classmate of mine, who worked his way through the University, and, by means of the free education he there received, was enabled to perfect certain mining processes which, in themselves, have saved to the State of California many times the whole cost of the University.

It is to be hoped that the people of the State will continue to have that love for the University of which they are now possessed. And it is, also, to be hoped that the University will, in its turn, not forget that it owes everything to the State, and that it will continue to earn and deserve the good will of the people who so cheerfully support it.

#### WATER AND FOREST INVESTIGATIONS.

Public sentiment in California favors a broad policy in the development of the resources of our great State. We should not be afraid to make investments on which

the returns may be delayed beyond the immediate present. It is our duty to be State builders, not only that we may enjoy the benefits of a wise foresight, but that our children's children may be sharers in such rewards.

California is full of undeveloped resources and our continued prosperity is dependent upon their continued development. Unfortunately, there are certain of our resources which are menaced with waste if not with destruction, and an intelligent self-interest demands that we pursue such a course of action as will conserve them.

The Federal Government has entered upon a liberal policy in regard to the development of the West by the reclamation of arid lands, and California can well afford to meet these advances half way by cooperating with the National Government in measures designed for the benefit of our people.

In this belief, the last Legislature passed an Act appropriating \$60,000, to be expended in conjunction with, at least, an equal sum appropriated by Congress for the purpose of making investigations into our water and forest resources. We were offered the services of the experts employed by the United States Geological Survey and Department of Agriculture in making these inquiries, with a prospect that the data secured might ultimately result in the expenditure in California of some of the millions which the enactment of the Arid Land Law made available for reclamation work. After less than two years of preliminary and collaborative work, it already appears that this expectation is to be abundantly fulfilled.

The Topographic branch of the United States Geological Survey has been engaged in mapping the Sacramento Valley and other important areas. This is considered to be the first prerequisite to a solution of irrigation and flood reclamation problems.

The Hydrographic branch of the Geological Survey has been conducting two especial lines of related work: Explorations and surveys of reservoir-sites and the gauging of the flow of streams. The first is a prerequisite for the conservation of waters, the second for determining the quantity of water to be conserved.

The United States Bureau of Forestry has carried on investigations covering twenty-one million acres of forest lands in California. The data obtained will be used in preparing forest maps, in determining what areas should be reserved by the National Government as a protection to the flow of streams, and in framing such a report as may form the basis for a State forest policy.

The fourth line of investigation carried on in collaboration with the United States Government is that of water distribution for agricultural purposes, and it is being conducted by the Department of Agriculture.

*A Policy in Respect to Irrigation*—California has suffered much for want of a well-ordered and definitely settled policy for the use of water for irrigation. At the last session of the Legislature, efforts were made to secure an improved code of irrigation laws, but the draft of such a code submitted proved unsatisfactory to the Legislature, and one of the reasons why it was opposed was that the data on which it was based were inadequate. When the Department of Agriculture shall have completed the investigations in hand it can not be doubted that some Legislature in the near future will be in possession of the knowledge necessary for formulating a wise, beneficent, and just code of irrigation laws. Pending the completion of this investigation, it may be well for the Legislature to refrain from attempting irrigation legislation of a radical character.

At the recent meeting of the National Irrigation Congress in the city of El Paso there was adopted a resolution favoring cooperation between the Reclamation Service of the Federal Government and State and local authorities in the planning and execution of irrigation works which are undertaken by districts organized under general laws, and the proposal seems a practical one.

*Large Enterprises Undertaken*—There is reason to hope that, with the powerful aid of the Federal Government, reservoirs for the impounding of flood and irrigation waters will be constructed on a scale of magnitude that will insure the reclamation of great areas otherwise doomed to partial if not total aridity. "It is believed," declares one of the Government experts employed in this work, "that the Sacramento Valley is one of the greatest, if not the greatest, latent opportunities for irrigation development in arid America."

Much success has attended the effort to find reservoir sites in northern California, and such as have been found on government land have been withdrawn from entry. The greatest of these projects is one to utilize Big Valley on Pit River, which, if dammed to a height of 110 feet, would afford the enormous impounding capacity of 3,200,000 acre-feet, or sufficient to cover that number of acres with water to the depth of one foot. The total aggregate capacity of all the reservoir sites so far surveyed in northern California is 4,800,000 acre-feet.

At the extreme southeastern and extreme northeastern ends of our State two reclamation enterprises of great extent are proposed. One of these is for the irrigation of more than 300,000 acres of land situated near the Colorado River, and for this an allotment of \$3,000,000 has been obtained from the National Reclamation fund.

The other undertaking, one to which legislative attention will doubtless be invited, is likely to prove still more remarkable and important. The Klamath basin, situated partly in California and partly in Oregon, contains several lakes and both overflowed and arid districts. A way has been found so to increase the flow of the Klamath River as to drain two important lakes and reclaim to cultivation the greater part of their areas. To do this the consent of both California and Oregon will be needed.

It is proposed that California shall cede to the National Government her interests in the lands which will be laid bare by the lowering of the water in the lakes; but as these lands will be sold only to actual settlers and the proceeds used, together with other funds, to meet the expenses of the undertaking, it would seem that this State can well afford to give its assent if Oregon will do likewise, as it is believed that it will. There are 300,000 acres, two thirds in California and one third in Oregon, which, it is claimed, can thus be reclaimed and irrigated. To accomplish this it will be necessary to draw water from Upper Klamath lakes in Oregon to irrigate lands in California and, likewise, from Clear Lake—a smaller body of water lying to the east of Rhett Lake, in California—to irrigate lands across the line in Oregon. The different levels of the lakes relative to the areas they are expected to irrigate make necessary this reciprocal arrangement, and it can not be doubted that the two commonwealths ought to cooperate heartily in what is likely to prove so great a common advantage.

*Forestry Legislation.*—It is well known that the cutting of large areas of timber, and the purchase by speculators of still larger areas, with the presumed intent of felling and marketing the lumber product, threaten the premature exhaustion of one of California's most precious resources. In view of these facts, California could have entered upon no wiser course than it did in providing for the serious study of her forest problems.

Our civilization rests upon the right of the individual to have and to hold property, real, personal, and mixed. This right needs to be jealously guarded and yet such rights are not recognized as absolute. Each owner must "so use his own as not to injure another's property." Especially is it true that no individual or generation of individuals can be permitted to destroy an inheritance. Regard must be had for the welfare of generations yet unborn. We, who are here now, will in time pass away, but the commonwealth of California will endure, and it is for an enduring commonwealth, rather than for a present generation, that you gentlemen are called together in order that you may legislate.

There will be laid before you a carefully drawn bill providing for a definite forest policy for California. Without venturing to pass upon its merits in advance of thorough public and legislative discussion, I commend it to your careful consideration. The cooperative forestry work carried on during the last two years by the State in collaboration with the United States Bureau of Forestry has proven highly beneficial in an educational sense, and I respectfully recommend that it be carried on for two years more under the same arrangement.

In fact, I am led to hope that the obtaining of expert knowledge as to how to deal with forestry problems, including the prevention of forest fires and the rehabilitation of deforested areas, and the giving of a wide publicity to that knowledge, may, of itself, go far toward evolving a useful, though voluntary, policy of forest preservation.

In the event that the Legislature is unable to see its way clear to adopt a perfected forest-preservation policy at this time, may it not be wise to attempt at least tentative legislation looking to that end?

#### THE COLLEGE OF AGRICULTURE.

The extension of the work of the College of Agriculture of the University is a subject which will probably engage the attention of this Legislature, as it engaged that of the last. The importance of agricultural education is now recognized everywhere, even in quarters where it would have received little consideration a few years ago; and increased provision for such education is being made in all the great States, the leading industries of some of which have been reorganized and made more profitable than ever through the work of agricultural scientists.

No other State, perhaps, has in this subject so deep an interest as California, whose products, soils, and climates are so varied, and whose special problems are so numerous. The successful employment of irrigation and the growing of the specialized crops, which the local conditions make possible, call for a higher standard of scientific information among tillers of the soil than is requisite for the production of ordinary staples in other sections of our country. While the holding of Farmers' Institutes and the publication of bulletins from the State Agricultural College may considerably inform the adult farming population, there is a growing feeling among thoughtful persons that our educational system should be the means of rearing up a generation of young persons attracted by intelligent interest to agricultural pursuits.

Already the State has profited largely by the investigations and experiments conducted by the College of Agriculture, which has done a great deal of valuable research-work and has educated a number of specialists of high standing. The equipment of the college in buildings and facilities, however, is inadequate to meet the demands laid upon it.

But the enrollment of students in the College of Agriculture falls below the enrollment in other colleges, and this has led to the complaint that, however successful in scientific researches, the institution has not been doing the work it should along the lines of practical instruction. The lack of a farm as an adjunct to the University has been the main reason for whatever failure there may have been in this direction, for farming can only be taught on the farm. Neither is there any opportunity to have a farm in close proximity to the University at Berkeley, and this is a misfortune, since to have the farm at a distance from the University involves an increase of expense and other disadvantages. The time has arrived, however, when a farm should be acquired,

and it should be found in a region where the soil and climate are fairly typical of our largest agricultural areas. The locality should be one carefully selected with a view to working out the various problems in agronomy, horticulture, dairying, animal industries, and other branches of farming.

But wherever the farm is located, and whatever the course of instruction established thereon, there should be no separation from University control, the experience of other States showing that the duplication of courses and conflicts of interests where colleges of agriculture and State universities are independent of each other are bound to be injurious to both. Neither are the so-called colleges of agriculture which are conducted apart from universities generally successful in attracting large numbers of students in agriculture, the engineering and other scientific courses usually leading in popularity the purely agricultural courses. Concentration, not dispersion, is the true educational policy, and in no educational field is it more necessary to bear this in mind than in agricultural instruction, which, on account of the equipment required, is confessedly more expensive than almost any other.

In what way the courses of instruction on the farm can best be organized is a question that must be determined when the time comes, but it is likely that they will be largely popular in character. They must be so if they are to draw large numbers of students, for in no agricultural college or department is the number of full four-year course men very large, while the most successful schools of agriculture and the short courses draw many students, and meet the needs of a majority of those who will become actual farmers.

#### THE HOSPITALS FOR THE INSANE.

The burden of the expense of caring for the insane in the State hospitals, which amounts now to about \$900,000 per annum, has been growing year by year, and will, of course, continue to grow with the increase of population; but there is hope that hereafter it will grow at a less rapid rate than formerly. There has been a material falling off in the average annual rate of increase of patients, due not to fewer admissions, but to a larger number of deaths and discharges. The increased number of deaths is explained by the greater average age of the patients, while the more numerous discharges may be explained in part by more successful treatment, resulting in more recoveries, and in part by a change of administrative methods. A factor of considerable importance is the legalization of the parole system under the new law. There are now from two to three hundred patients out on parole all the time, and many of the discharges are made from among those whose fitness to go at large has first been tested in this manner.

The establishment of the Commission in Lunacy, seven years ago, did much to give the State a definite and permanent policy in the conduct of its hospitals. Previous to that time each of the five hospitals was governed entirely by its own board of trustees, and no matter how faithful the members of these boards might be, there could not be the same system in the management of the institutions as if there were supervision by a common authority. This the Commission in Lunacy has established, and the effect of its careful revision of estimates and scrutiny of accounts may be seen in the fact that since it was created there has never been a deficiency in the support fund of any one of the hospitals.

In future, if present policies continue to prevail, there will be an avoidance of both an increase in the number of hospitals and of the erection of very large buildings in adding to the accommodations of existing hospitals. Cottages can be built for the patients at less per capita cost, and this method of housing them is more in accord with the current medical opinion of what is most desirable. A number of cottages have already been constructed by applying to this use the contingent funds of some of the hospitals, and others will be provided for in the same way.

In the direction of specialization in the treatment of the insane, the principal innovations are the proposed hospital for the criminal insane, the erection of which at Folsom, after an appropriation had been made, was necessarily postponed on account of an unfortunate oversight committed in drawing the statute, the establishment of a separate department, in two detached buildings, at Agnews, for the acutely insane, and the adoption of the tent plan at Ukiah for the insane who are afflicted with tuberculosis. In each of these instances, the new departure is in a direction which is sanctioned by the best authority. The acutely insane can be treated with more hope of cure if cared for under the special conditions best adapted to them, and tent accommodations for the tuberculous insane are deemed the most healthful.

The collections on account of pay-patients are more closely made than formerly, through the methods introduced by the Commission in Lunacy. It was also owing to the Secretary of that body that a very serious shortage in the accounts of a former clerk in the Southern California State Hospital was discovered, and since then a checking system has been devised which is expected to remove the opportunities for such frauds.

#### THE NATIONAL GUARD.

Having been either a member of or greatly interested in the National Guard of California since 1872, a period of over thirty-two years, and having risen in it from the lowest to the highest rank, I think I can reasonably say that I have some knowledge of it.

Upon the proper support of the National Guard of the various States depends, to a

very great extent, the safety of this nation, in its relations with foreign powers. For, in the event of a foreign war, it is necessary for the United States to have an army either for foreign service or to repel invasion. If there were no National Guard, it would be necessary for the Government to do either one of two things, viz., to support a large standing army, or to rely upon raising the necessary volunteer armies from a raw, untrained, undrilled, undisciplined people. A large standing army is, for many reasons, undesirable. On the other hand, to rely upon raising, equipping, drilling, and disciplining, out of totally inexperienced volunteers, an army to fight against the trained troops of other nations would be disastrous.

In the late war with Spain it was demonstrated that the National Guard can be depended on to fight our country's battles. The First California (to take an example with which we are all familiar) took the field reasonably well armed, equipped, drilled, disciplined, officered, and rendered service that made us all proud of every man on its roster.

*An Army Quickly Recruited.*—To have newly recruited this regiment out of totally inexperienced volunteers would have required several weeks. To have officered, armed, equipped, drilled, disciplined it, would have required many more weeks, and, in the meantime, disaster might have resulted to our cause. But with many National Guard regiments, like the First California, from the various States, to draw from, the United States was able quickly to put into the Philippines and Cuba armies which brought the war to a swift decision in our favor, saved many, many lives, which, with a long-drawn struggle would have been sacrificed, to say nothing of the millions of treasure that, otherwise, would have been necessary and the disturbance of business and trade that would have resulted.

Where would we have been in that war, had we not had a navy with Dewey, Schley, and Sampson in command? We could neither have beaten Spain nor invaded Cuba nor the Philippines, even had we the best army in the world. And, without our National Guard, from which quickly to form armies of invasion, Dewey's victory at Manila Bay and Sampson's and Schley's destruction of Cervera's fleet would have netted us only a modicum of what resulted from our swift and sure attacks on sea and land.

Therefore, I am of the opinion that those of our fellow-citizens who deprecate the existence of the National Guard, and would abolish it, have not given the matter sufficient thought.

Our flag, our national honor, our citizens, and our trade and commerce must be protected. To do this requires a navy and either a great standing army (which God forbid!) or a sufficient number of our people trained quickly to form efficient armies. And there is, I think, but one way to do this, and that is by supporting, encouraging, and maintaining State National Guards, in which shall be preliminarily trained in the art of war the youth of the country.

*The Value of Discipline.*—Not only so, but there is great need that the youth of the country shall be taught discipline and a cheerful obedience to constituted authority. For in our Land of Liberty there is liable to arise in the mind of the individual an idea that he owes nothing to his fellow citizens, his city, his county, his State, his country, or his flag. No other where than in the National Guard is the individual so well taught to respect the authority of those who, for the moment, may be his superior officers. No other where than in the National Guard does he come into such close contact with the flag of his country, and learn to look upon it as the symbol of his political and personal liberties. No other where does he so well learn that "in union there is strength," that he is one American citizen, whose life, liberty, pursuit of happiness, and property are safest only when those of all his fellow-citizens are also safest. He comes out of the National Guard a better, safer citizen, loving his country better; more jealous of, because he knows them better, his rights and privileges as a citizen of this great nation, more impressed with, because he has learned something of them, his responsibilities toward those who, like him, are also Americans, with greater respect for the law and those empowered to enforce it, and, above all, impressed with the idea that, after all, there is no greater, purer, more patriotic duty than to serve his country in her hour of greatest need.

Therefore, I am of the opinion that it is the duty of every American citizen, who loves the flag and our institutions, to encourage every young man to become a member of the National Guard, and thus somewhat fit himself to defend his flag and his country if the occasion should require. And I have but little sympathy with those who, from shortsightedness, ignorance, or any other cause, desire to see it abolished. And, therefore, I recommend to the Legislature to provide a sufficient sum for the support and maintenance of the National Guard of California, and to render it, already reasonably efficient, still more so.

#### THE PRISONS AND THEIR NEEDS.

At the last session of the Legislature there were submitted several committee reports upon the condition of the two State prisons, and in one of these, which was made by a select committee of the Assembly, the following language was employed:

"Our two prisons are no credit to the State. California boasts its place in the front rank of States, but her prisons lag a generation behind the better class of Eastern penitentiaries. The two prisons are schools of vice and universities of crime. \* \* \* Boys

and young men, guilty of one offense against the laws, but not yet hardened in crime, are sent to these prisons not to be reclaimed, but to be systematically seduced and debased by utterly degraded convicts. Associated for a term of years with men whose villainy is their boast, young men graduate from these institutions fully equipped enemies of society. Thus the State trains its criminals \* \* \*. The responsibility of this great wrong rests primarily not with the Wardens, nor with the Board of Prison Directors, but upon the people of California, who have followed a false idea of economy and, steeped in neglect of public affairs, have failed to find means for the proper conduct of these institutions."

If this language is to be regarded not as rhetorical exaggeration, but as expressing the deliberate judgment of the legislators who framed the official report quoted from, it constitutes a serious arraignment of the prisons in which the State now confines twenty-four hundred convicts. Yet this report does not differ greatly from a number of other reports, which, from time to time, have been presented by Senate and Assembly committees and by investigating commissions. There are no other State institutions which have been so often investigated and for whose betterment so many recommendations have been made, and yet the progress of improvement has been very slow.

The main defects of our prison system—which may be summed up as lack of classification and segregation of the convicts, lack of cell and yard accommodations, and lack of intelligent adaptation of means to ends in reformatory treatment—have been not only recognized but quite well understood for a long time. They were pointed out by a Joint Senate and Assembly Committee in 1872—thirty-three years ago—as clearly as by the committee of 1903 whose report I have already quoted, and the most important recommendation recently made by the State Board of Charities—which was that one of the prisons be converted into a reformatory—was anticipated as long ago as 1876, when a legislative committee reported sentimentously: "Establish a reformatory in connection with the State prison at as early a day as possible."

Indeed, it seems to have been one of the original ideas with which Folsom Prison was established that either it or San Quentin would be made a prison for first offenders and conducted on reformatory lines, while the other would be used for the isolation and punishment of hardened criminals. Yet, disregarding the opportunity, which the existence of two prisons has given for differentiation in their uses, we have gone on for thirty years committing young and old, confirmed recidivists and first offenders, indiscriminately to both prisons, thereby helping to make both "schools of vice and universities of crime." This long persistence in a radical error, when it could have been avoided by a simple change in the law, appears, like some other things in the history of our dealings with penal problems, not to reflect credit upon our intelligence. In the past there has been a vast amount of talk about the defects of our prison system, and, as I have already shown, there has been no real difference of opinion in regard to the things to be done; it has only been when it came to the essential matter of doing them that a paralysis has fallen upon us. But has not the time at last arrived when there should be action, and not much else? It would seem so when we contemplate the fact that the two prisons have, combined, but 878 cells and rooms for nearly 2,400 prisoners, and that at San Quentin the herding in the restricted yard is almost as bad as the overcrowding in the sleeping quarters.

*Appropriations for Prison Buildings.*—The main reason for delay in improving the condition of the prisons has been, as the Assembly committee reported two years ago, that of expense. Money in liberal sums has been appropriated for support, and occasionally, when forced so to do by the absolute necessity of the situation, the Legislature has provided means to expand prison accommodations; but appropriations of the latter class have always been so long delayed that when finally furnished they have not made the facilities equal to the demands upon them. If the grossest forms of vice run riot in the prisons, it is because the deficient cell accommodations render herding necessary, and the obvious remedy is to give each prisoner his separate cell. If no educational work worthy of the name is done in either prison, it is because the lack of facilities puts it out of the question.

The most memorable event of the past two years was the outbreak of July 27, 1903, at Folsom, when the Warden and other officers were overpowered, one officer was killed and thirteen prisoners escaped, they afterwards killing two members of a military company who were trying to effect their capture. This deplorable affair which cost the State dear in money and dearer in the lives of citizens, may also be attributed to lack of a properly executed building plan, since such an emeute would have small chance for success in a well-walled and well-arranged prison.

With regard to the futile attempt to escape which was made a few days since by a number of desperate convicts, who paid dearly for their temerity, it can only be said that under different circumstances it might never have been made, and that its speedy frustration shows that the discipline and effectiveness of the prison forces have been greatly improved during the last year and a half.

It is not a pleasant duty to recommend the expenditure of large sums of money upon State prisons. It is natural to feel that money will be better spent in supporting schools and colleges, or in building public highways, or in any one of a dozen other ways. Nevertheless, it is a short-sighted policy, because in the long run a very costly one, to support prisons which foster crime rather than abate it, and enlightened statesmanship demands that California shall do what other States have done, and spend money enough upon the prisons to equip them properly. I feel it my duty to say that the present

session of the Legislature ought not to close without a substantial beginning having been made in the necessary work of prison reform.

It is the judgment of the Board of State Prison Directors, as expressed to me, that building improvements should be commenced at once at both prisons and continued until the present and immediately prospective prison population has been fully provided for. Folsom Prison should also be supplied with a wall, as contemplated by the original plans. Nearly all the work on buildings and wall can be performed with convict labor, and the cost can be kept down accordingly. At Folsom, where granite is abundant, the new cell-house can be constructed of that material, and the wall also. If the cost of transportation would not be too great, granite could also be quarried there for the new buildings at San Quentin. But there must be a liberal appropriation for the purchase of materials other than stone, and for the incidental expenses of building.

How soon it will be possible to convert one of the two prisons into a reformatory depends largely upon the progress of the necessary reconstruction, which must precede everything else. It would be well, however, for the Legislature to reach a decision as to which of the two prisons shall become the reformatory and which shall remain an ordinary penitentiary, as, until that question is settled, a proper building plan can not be adopted.

*The Problem of Prison Industries*—Only second to the reformation problem in our prisons is the industrial one. California has been less fortunate than Missouri, Minnesota, and a number of other States which make their prisons self-supporting, or even operate them at a profit, nor is it to be expected such results can be achieved under the conditions prevailing here. Indeed, it is doubted by many if anywhere the operation of a prison at a profit is consistent with the highest regard for the interests of the prisoners or of the public. But Folsom Prison has no productive industry except the crushing and sale of macadam rock, which has returned a profit of only a few thousand dollars a year, and even this business is now threatened by the exhaustion of the quarry.

The strongest argument for the establishment of a prison at Folsom was the industrial one, since it was anticipated that the granite quarries would be the basis of a remunerative industry. This expectation was never fulfilled, the sales of granite in former years seldom exceeding \$10,000 per annum and never going above \$21,000. For some years the sale of prison-cut granite has been forbidden by law. If new buildings and a wall are constructed, the employment problem will solve itself for some time to come, but eventually a new industry, or industries, must be found for this prison. At San Quentin the jute mill gives employment to about 800 of the 1,500 prisoners, and runs at a profit, ordinarily, of \$40,000 or \$50,000 a year.

It costs the State about \$250,000 annually to maintain its prisons, and it is desirable that the prison earnings should be as large as they can properly be made, in order that the taxpayers may be spared, but profit does not appear to have been considered desirable when the laws fixing prices of prison products were framed. The selling price of jute bags must be not more than one cent per bag in excess of actual cost, not counting the value of convict labor, and macadam rock is to be sold at not more than ten per cent above the cost of production. The price actually charged is thirty cents per ton. A valid objection to this policy is that it renders it impossible to afford prisoners an opportunity to earn a little money on their own account, which they may save and receive when they are discharged, and thus go out with some experience of the habits of voluntary industry and thrift.

It seems probable that the best solution of the prison labor problem will be found in the New York system of manufacturing necessary articles for State institutions, whereby employment can be diversified, and at the same time direct competition with free labor be avoided.

#### WHITTIER AND PRESTON SCHOOLS.

These two schools constitute the present reformatory institutions of California, as distinguished from the penal. There is some increase in numbers of the youths committed, but not out of proportion to the numerical increase of the population of the State. Indeed, we may look with hopeful anticipation to a decrease in the number of commitments as our systems of juvenile courts, detention homes, and probation officers become more generally and efficiently organized. The aim of those in authority, and especially of parents, should be to keep children away from such institutions rather than to encourage their commitment. The best place for an erring, if not incorrigible or criminal, lad or lass is in the paternal home, or, lacking this, in the home of some reputable citizen possessed of a rugged will accompanied by reasonable forbearance. There are few higher claims which considerations of humanity impose upon good citizenship than that of redeeming to honorable and fruitful living our wayward youths and children.

If California is to perform this service collectively it must adequately capitalize and equip the institutions established for that purpose. This has not been fully done. The schools at both Ione and Whittier are inadequately supplied with teachers and apparatus, and it is my judgment that both of these schools should be made essentially agricultural in theory and in practice. It would be possible on the school farms as they now exist, with the proper instructors and equipment, to teach the lads committed to them at least the elements of scientific agriculture, including dairying, poultry-raising, fruit-growing, and market-gardening, and to these ends the industrial features should mainly tend. I believe that the most fortunate results would attend such a policy, but some additional means will be required to carry it out.

In relation to the redemption of wayward girls, I can not speak with so much confidence. That problem is essentially different from the reclamation of a wayward boy, and I am not sure that a public institution can bring to bear upon the subject in hand all those personal influences which make for the salvation of those under its charge. It may be that a better way would be to commit such young women to benevolent institutions provided for that purpose, choice to be made in the discretion of the court, the expense to be borne by State and county as now, such institutions to be subjected to State and judicial inspection. The expense to the taxpayers would be one half less per capita than at present, and the results are not unlikely to be more fortunate.

In the event of such a course being found advisable, the buildings now constituting the Girls' School at Whittier could be made available for boys of a certain grade, thereby facilitating a much needed further gradation and distribution of the boys with regard to their ages and degrees of delinquency.

*Investigations at Whittier.*—In the performance of its duties the State Board of Charities and Corrections recently made some investigations into the management of Whittier State School and reported its conclusions regarding certain charges, which I have since caused to be further investigated. I think that I can safely absolve the management from the implication of deliberate intent to convert public property to private and personal advantage, but a most unfortunate and regrettable laxness of method of doing public business has been made manifest in many ways. A seeming necessity, or even convenience, has prompted the evasion of laws and regulations in order that ends which could not be accomplished directly might be attained by indirection and circumvention. It is not a satisfactory excuse that all of these things were done for the benefit of the school, or of the pupils in the school, or that what was converted to private advantage in one instance was more than made good in another by personal service or personal expenditure. It is essential that the laws be obeyed and that those methods of doing business which time and custom have sanctioned as orderly and wise be followed without deviation.

It is not sufficient that a public official shall attend to public business as he would attend to his own. He must attend to public business as the laws require, and guard its details with a more exemplary circumspection.

#### PARDONS AND COMMUTATIONS.

Appended to this message will be found the list of pardons, commutations, and reprieves granted from January 7, 1903, to January 1, 1905, which are reported as required by law. As there stated, there have been eight pardons, twenty commutations, and fifteen reprieves. In all, two or three hundred clemency applications have been presented to me. Three of the pardons were granted to persons who had already served their terms of imprisonment and were free men when pardoned, the object being to effect their restoration to citizenship, they having shown themselves worthy of it. In this connection I suggest that Section 1593 of the Penal Code, which authorizes the Governor to grant restoration by a simple executive order to a prisoner who is about to be discharged, be so amended as to authorize restoration in a similar manner to one who after discharge has made a sincere effort to be a good citizen.

While the pardoning power is universally recognized as a necessary one, and has been provided for under all forms of government, the extent and manner of its exercise are matters concerning which much difference of opinion exists. In the view of one class of citizens, who usually have had little personal contact with crime or criminals, almost any interference with the full execution of sentences imposed by the courts is an evidence of weakness on the part of the executive, though it might be added that when persons of this class become interested in the case of a single lawbreaker, they become sympathetic to such a degree that they want him liberated at once, and can not understand why the Governor, who probably has received a hundred applications equally meritorious, should refuse such a request.

Some of the substantial reasons why pardons or commutations should be granted come to be understood by those who are brought into direct contact with the problems of practical penology either as Warden, Prison Director, or Governor. It is the testimony of all prison officials, I believe, that an occasional pardon or commutation, if given to the right person, is one of the most effective stimulants to discipline, because it keeps hope alive in the convict and gives him an incentive to good conduct. The same is true of the credit system, by which all convicts for terms of years can abridge their periods of confinement, and the parole system—two modifications of former laws which are among the most important advances in penology in California, although both Acts were severely criticised when passed.

Another good ground for the occasional extension of executive clemency is found in the number of instances in which judges write to the Governor to tell him they have discovered that they erred in fixing the degree of punishment for a crime. There are other instances of simple blunders such as are bound to occur everywhere in the administration of law. One man whose sentence I commuted had pleaded guilty to a felony, though, as was afterwards found, he could not have been guilty of a greater offense than misdemeanor. Again, several prisoners are now serving life sentences in this State because of an error in a statute which said that a person convicted of robbery who should have been previously convicted of a misdemeanor should be so punished, although the same requirement was not made where the previous conviction had been



for felony. This peculiar blunder of the statute was corrected by amendment two years ago.

Yet, a Governor can not use the pardoning power to correct all the injustices of unequal sentences, even when their inequality is gross and palpable, though such inequalities are well understood by convicts and are a cause of much sullen discontent within prison walls. It is impossible that a Governor should undertake to review judicial proceedings and equalize all punishments, and more harm than good would result from the attempt to do it.

I have assumed that a conditional commutation, which will be a restraint upon future conduct, is better than a commutation which is unconditional, and, with this in mind, I have inserted in such documents a provision that if the person be subsequently convicted of felony he must serve out the unexpired portion of his former term of imprisonment, as well as his new one. This makes the commutation, or pardon, in effect, a kind of parole. This condition is one that has seldom, if ever, been attached to pardons or commutations of sentence in this State, but I believe the wisdom of it as a deterrent cannot be questioned. That this policy is not unreasonable, or mere surplusage, is confirmed in the case of William Grider, who received, for services rendered on the occasion of the Folsom break, a conditional commutation of sentence. A few months after his release he was again convicted of a felony and sentenced to a term in San Quentin Prison. The confidence reposed in him was misplaced, and he will be compelled to serve out the remainder of his old sentence as well as the sentence last imposed upon him.

#### AID TO DEPENDENT CHILDREN

One of the largest, and at the same time most beneficent, expenditures of our State government is that for the partial support of orphans, half orphans and abandoned children. Wanting official machinery for a thorough State administration of this fund, it has been necessary mainly to depend for its proper distribution upon the good offices of the orphanages and boards of supervisors through whose hands it passes. I have every reason to believe that this trust is almost always conscientiously and efficiently executed; and yet this form of administration does afford some opportunity for persons actuated by the spirit of mendicancy to impose upon the State unnecessary burdens.

In dealing with this class of claims renewed efforts have been made, and are making, to eliminate from the roll all claims which represent an attempt to impose upon the public generosity, and I am glad to be able to say that substantial success is being attained in this direction. For the fifty-fifth fiscal year the expenditures under this head were \$38,000 less than for the fifty-fourth. This saving represents the results of the investigations made, and new methods employed, by the late Walter S. Melick, Secretary of the State Board of Examiners, and to him the credit primarily belongs.

I am glad to say that, in most of the orphanages supported in part by this fund, attention is given to the elementary training in useful employments of the children, and I suggest to the Legislature that it might be well to couple with the appropriations a provision requiring all institutions drawing from this fund to give to children of sufficient age to receive it some form of useful industrial or manual training, the standard of instruction to be made satisfactory to the State Board of Examiners.

#### THE PUBLIC HEALTH.

The report of the State Board of Health shows that the health of the commonwealth has, during the year just closed, if not during the whole of the year preceding, been quite free from injurious distempers and malignant contagion. I take this occasion to call to the minds of legislators the urgent need for affording the State Board such added facilities for work as it may require.

I have also to congratulate the State of California upon the cordial and confidential relations existing between our State and Municipal boards of health and the Public Health and Marine-Hospital Service of the United States and the boards of health of the several States of our Union. There was a time when California stood in imminent peril of being universally quarantined against because of the existence of a few sporadic cases of Asiatic plague. Rigid remedial measures have been instituted, confidence has been reestablished, and the business of the commonwealth has been allowed to proceed unhampered. The health of the people within the State and without was in nowise impaired by reason of an incident which, inasmuch as California ports are dealing constantly, directly and increasingly with Asiatic ports, constituted merely one of the drawbacks inseparable from commercial and maritime pursuits. The best safeguard our people can have against serious consequences resulting therefrom is to maintain a fully equipped system for the preservation of the public health and for the dissemination among our people of reliable and timely information.

#### PUBLIC POLICY IN RESPECT TO WATER FRONTS.

During the preceding session of the Legislature I felt compelled to veto a series of bills intended to modify the law to give railroads rights of way through overflowed and other public lands of the State. I believed the bills as passed did not sufficiently guard the State's interests, and hence acted as above stated, although at the time it was urged on behalf of the measures that as the law stands there is no way in which a transpor-

tation company can acquire the right to occupy overflowed State land within an incorporated city, or within three miles of it, to be used for necessary wharves, piers, and other structures. Some time afterward it was reported that overflowed land belonging to the State of California in Oakland harbor was being filled in and that the title might be claimed by a corporation which was understood to be paying a dredging contractor to deposit the spoil on this land.

I decided to ask the Attorney-General of the State for an opinion, and I requested him to make it broad enough to clear up most of the questions involving the State's rights in and control over water fronts. He was asked to state by what means, if any, a railroad corporation can acquire rights of way over property such as above described; also, if such rights can be acquired, by what tenure the land will be afterwards held, besides other questions. The object of this request for an opinion was to ascertain what the law is, with a view to the correction of defects, or the supplying of omissions, if either exist.

After some delay, due to the large amount of legal work which he is at all times called upon to attend to, the Attorney-General furnished me with an opinion, in which he treated the questions asked as relating particularly to the situation in Oakland harbor.

In answering the question first raised, the Attorney-General, after citing various authorities, said:

"The result of all this seems to be that there is no procedure laid down in the codes of California by which a railroad corporation may acquire a right of way for the location and maintenance of roadbeds, tracks, wharves, piers, slips, or terminal facilities over submerged lands beyond the corporate limits of the city of Oakland, which limits are the ordinary low-tide line, and that the only method left for such a corporation to pursue is to obtain a special grant from the Legislature."

If this state of facts obtains as to Oakland, it must also obtain as to any other city or town which is placed as Oakland is, and the need of a State policy in respect to water fronts appears to be indicated. Such a policy should be carefully considered, in order that laws framed in accordance with it may be liberal enough to encourage enterprise and yet conservative enough to prevent monopolization of valuable privileges and to protect the rights and interests of the State in water-front property. Commercial opportunities are beneficial only as they are utilized, and the building of wharves, piers, and docks promotes the general welfare. There should, therefore, be some well-guarded law under which the right to occupy submerged State land, within or near, incorporated cities, for these purposes may be facilitated and regulated.

As the lands under navigable water are held by the State only in trust, for the promotion of commerce, it can never entirely alienate such lands, and it is a question to be determined by the State government what the tenure of the occupants shall be. Some States, like the State of Washington, on this coast, and the State of Massachusetts, on the Atlantic coast, grant leases for long terms of years, and charge rentals. If legislation should be had on this subject, and it should be determined that the leasehold policy is the most expedient one for California, the rentals should not be fixed so high as to deter enterprise. The primary aim should be to develop commerce; the collection of revenue from this source, while desirable in itself, is secondary.

In referring to the filling in of State land by the deposit of dredgings, the Attorney-General expresses the opinion that lands raised above the water by artificial means are not subject to the principle that controls accretion, and no legal title can be based on such act.

#### PHARMACY BOARD INVESTIGATION.

Several newspapers having published articles making charges that the examinations of candidates for licenses by the State Board of Pharmacy were not fairly conducted, I decided to order an investigation. For this purpose, Hon. John F. Davis, Code Commissioner, Hon. G. R. Lukens, a member of the Senate, and Dr. F. W. Hatch, General Superintendent of State Hospitals, were appointed a special commission, and instructed to inquire, in a general way, into all transactions of the Board. On August 15, 1904, the commission assembled in San Francisco, and began the investigation, which continued from day to day, until August 23d. The members of the Board of Pharmacy, a number of persons who had been candidates at recent examinations, and others were examined, and the report of the committee, with a transcript of the testimony taken, has recently been put in my hands.

In brief, the conclusions reached by the commission of investigation are that the State Board of Pharmacy has served the purpose of its creation by regulating the practice of the profession; that the charges made in the newspaper articles before referred to had little foundation so far as they alleged intentional unfairness or discrimination between different candidates; that, nevertheless, sufficiently strict regulations to exclude the possibility of improper practices at examinations had not been made and enforced; that it is a mistake to maintain the office of the Board of Pharmacy in the building of one of two rival colleges of pharmacy; that it is unjust, if not illegal, to collect, under the name of *arrearages*, a charge of \$2 a year from former licentiates for all the years they may have been out of practice, or practicing in some other State, before they are allowed to recommence practice here, and, finally, that there are a number of amendments to the law which it would be very desirable to make.

## JUDGMENTS AGAINST THE STATE.

In accordance with the law which prescribes that it shall be the duty of the Governor to report to the Legislature at each session, all judgments rendered against the State and not theretofore reported, the following list of judgments is submitted, all of them being "coyote scalp" cases:

Plaintiff	Court	Court No of Action	Amount Sued for	Judgment		Appropriation, 1903.	
				Amt.	Date.	Amt	Page of Stats. 1903.
Boyd, Maggie L.	Fresno -----	9565	\$190	\$190	Jan 6, '03	\$190	465
Dowda, G. W.	Fresno -----	9650	3,845	3,840	Jan. 6, '03	3,840	469
Darlington, Abe	El Dorado -----	-----	585	165	Mar. 11, '03	-----	-----
French, James.	Placer -----	-----	390	355	Dec. 31, '02	355	463
Henderson, Eli	Fresno -----	9675	7,295	6,880	Jan. '03	6,880	460
Producers' Bank	Tulare -----	4984	14,720	14,320	Dec. 30, '02	14,320	458
Tucker, Jno. E. etc. (as administrator) -----	Merced -----	1900	185	185	Dec. 20, '02	185	428
Tucker, Jno. E. etc. (as administrator) -----	Merced -----	1901	400	400	Dec. 20, '02	400	519
Wood, W. L. ....	Sacramento	9555	2,565	2,385	Jan. 12, '03	2,385	451
Wood, W. L. ....	Sacramento	9623	75	45	Jan. 12, '03	45	452

From the report of the Attorney-General, I learn that a money judgment was finally obtained against the State in an action entitled Lucy Jane Harvey vs Board of Trustees of Whittier State School et al., a suit which was instituted many years ago and was decided against the State in the lower court. An appeal was prosecuted, and on March 17, 1904, the Supreme Court affirmed the judgment. The action was one for damages on account of the violation of a lease, and the amount of the judgment is \$1,035, with interest and costs. I am informed by the Board of Trustees of the Whittier School that there are no available funds from which this judgment can be paid, and that, in the opinion of said Board, an appropriation by the Legislature will have to be made to meet the same.

The only other actions in which judgments against the State have been affirmed are what are commonly known as the "coyote scalp" cases. The Superior Court for Sacramento County, in the year 1902, gave judgments against the State in some forty-six suits—the aggregate amount of the judgments being \$212,720. At its last session the Legislature appropriated the sum of \$204,610 to pay these judgments, the appropriations to be available January 1, 1905, provided that, at that time, the judgments should be standing, not reversed or vacated, and that no appeal should be pending.

The acts of appropriation passed by the Legislature in this form appeared to contemplate appeals to the Supreme Court, and I concurred in the opinion that the State should exercise its privilege of appeal, as any private individual would be likely to do. The appeal was taken, and was prosecuted to final judgment, stipulations being entered that the other cases should stand or fall with the appealed case. On September 19, 1904, the Supreme Court affirmed the judgment of the Superior Court in the case of Bickerdike vs. State, and in pursuance of the stipulation judgment in the other cases became final. As the appropriations were unavailable until January 1, 1905, the claimants suffered no delay in payment by reason of the appeals being taken.

The judgments which no appropriations were made to pay were for the following persons and amounts:

Abe Darlington .....	\$165 00
John P. Pryor .....	3,350 00
C. A. Weaver .....	815 00
L. C. Waite .....	410 00
E. Weisbaum .....	2,085 00
N. Weisbaum .....	590 00
N. Weisbaum .....	640 00

## EXTRADITION EXPENSES.

For a number of years the expense of arresting criminals without the State and returning them for trial has been increasing, while the appropriations have remained the same, being made at the rate of \$2,500 per year. The consequence has been the incurring of deficiencies, which recently have tended to equal or exceed the amount of the appropriations.

I have endeavored to impress upon District Attorneys the advisability of refraining from making applications for extradition, except in cases of serious crimes, and upon sheriffs and police officers, acting as State agents, the necessity for rigid economy in their expense accounts. In cases which appeared unimportant I have refused to issue requisitions, and, in a few instances, I have issued requisitions only upon the condition that the arrest and return of the fugitive should be without expense to the State.

At the same time, it would be an encouragement to crime and to criminals not to send for murderers, forgers, and embezzlers who flee to other States, and the expense of doing this is properly a public one, which individuals or corporations can not be expected to assume. I respectfully recommend that the appropriation made for this purpose be increased to \$10,000 for the next two years.

#### INSURANCE OF STATE PROPERTY.

One of the business practices of the State which is of questionable expediency is the refusal to insure its property (with some exceptions) against loss by fire. Because in former years abuses were discovered in connection with the placing of policies, the Legislature passed an Act prohibiting insurance, and it has remained the law for fourteen years. Moreover, the biennial appropriation bill usually contains a prohibition against the expenditure of any money to buy insurance.

Since the enactment of the law of 1891 the State has been fortunate in escaping any very heavy losses by fire; but buildings have burned, and there have been a number of narrow escapes from the destruction of some of the most expensive structures. During the past year one of the buildings of the Preston School of Industry was burned, causing considerable inconvenience, and if one of the larger and more costly State buildings, say one of the hospitals for the insane, should suddenly be swept away, the lack of insurance would make rebuilding a serious problem.

Whether it be wise to continue the prohibition of insurance is a question the Legislature might profitably consider; but should the prohibition be removed, it would be well to require the assent of the State Board of Examiners to each insurance policy accepted.

It may be that the conditions are such as to justify the State in carrying its own risks; but, at least, there should be some provision made to meet sudden calls for funds to make good losses sustained through fire. To that end, I recommend the establishment of an insurance fund to be made up of a moderate sum set apart from the proceeds of taxation each year. The State Board of Examiners might be authorized to invest this fund in the same class of securities in which the permanent school fund is invested, and also to sell these securities and apply the money to rebuilding when fires occur during a recess of the Legislature.

#### STATE BOARD OF CHARITIES.

The State Board of Charities and Corrections, which was created by the last Legislature, and given investigative and advisory authority, entered upon the discharge of its duties eighteen months ago. The members accepted the theory, as stated in their report, that their relations toward the various State institutions should be those of assistance and cooperation, rather than of criticism, and such shortcomings as they have discovered they attribute to inadequate facilities or other unpropitious conditions more than to the remissness of boards of directors or officers. A number of important recommendations for the improvement of the prisons and the Whittier and Preston schools have been made and may be found in their biennial report.

All of the county jails have been inspected by members of the board, and the discovery is reported that in many counties the State laws with respect to separate rooms for the confinement of different classes of prisoners, of children and adults, and of men and women, are being violated. On the other hand, the county hospitals, which, also, have been visited, are found to be in better shape and generally serve very well the purpose for which they were created, although these hospitals are not all equally good, and in many there is much room for improvement.

A census of the inmates of jails, hospitals, and infirmaries was made January 1, 1904, and another July 1 of the same year. It was found that at the date first mentioned the jails contained 1,686 persons, while six months later the number had been reduced to 1,256. This marked difference between the winter population of the jails, and that of the summer, emphasizes the conclusion announced by the board that some form of work ought to be found for county jail prisoners.

Of unfortunates condemned by poverty or old age and sickness to be inmates of hospitals and infirmaries, there are no less than 4,042 in the State, and they are divided between custodial and hospital cases in about the proportion of two to one.

#### THE CAPITOL AND THE ARCHIVES.

In the report of the Secretary of State attention is called to the necessity for making an appropriation which will render it possible to execute some of the needed repairs to the State Capitol. This is a noble building, and a great credit to earlier generations of Californians, but in its plumbing and heating systems it is sadly antiquated, besides being out of repair in a good many ways. The report of the State Board of Health declares the present condition of the building dangerous to the health of its inmates.

I wish also to indorse the suggestion of the Secretary of State that better facilities for the keeping and proper arrangement of the archives are urgently needed.

#### LABOR AND OTHER STATISTICS.

In the biennial report presented by the Commissioner of the Bureau of Labor Statistics will be found industrial and social data of a good deal of interest. It is shown, on the evidence of the figures of the last census, that the number of the unem-

ployed is smaller in this State than the average in the country at large. In the cities there has been during the past several years, a general shortening of the working day for mechanics and several other classes of employes, with an increase in pay. The number of women and children who are breadwinners is increasing in California as well as elsewhere, although the proportion of this class of workers is smaller than in other parts of the country. Labor organizations have increased rapidly during the last two years, and include now more than eight hundred unions, whose membership is estimated to be over 100,000.

A special report on workmen and university education shows that the number of students in the University of California who are sons or daughters of wage-earners is large and that these students make a fine showing; they comprise 20 per cent of the intrants, 26 per cent of the graduates, and 32 per cent of the honor men.

I recommend that the scope of the statistical work done by this Bureau be enlarged sufficiently to enable it to collect statistics of marriage and divorce and also of crimes, which could be accomplished at small expense, by requiring the cooperation of county and city officers.

#### HORTICULTURAL INTERESTS.

I am glad to be able to say that the new Horticultural Commission law, which received my approval March 25, 1903, has proven effective for the purposes intended, and, with some possible additions of power and resource, bids fair to continue to meet all reasonable requirements.

Perhaps the most important horticultural fact yet brought to light is that predaceous insects, while in their native habitat and attended by their natural adversaries, are never or seldom so injurious to plant life as to make any form of husbandry unprofitable. It is only when one insect is imported without the company of its natural enemy that the balance of nature is disturbed and injury is inflicted upon agricultural and horticultural production.

To such advantage has this fact been employed in California, and mainly through the assiduous efforts of the State horticultural office, that the once dreaded San José scale is now rendered almost powerless for evil and the various forms of orange scale are fast disappearing from the orchards. It is a reasonable estimate that the *Scutellista cyanea*, which is cleaning the trees of black scale, has proven itself worth a round million dollars to our commonwealth, and it is hardly too much to say that the *Pedalia cardinalis* rescued the great citrus fruit industry from imminent danger of destruction through the cottony cushion scale.

Through an arrangement effected by the Horticultural Commissioner with the government of West Australia, Mr. George Compere, the entomologist, was sent, during the past year, upon an extended journey in South America, Europe, and Asia Minor, at the joint expense of these two States. His principal mission, so far as this State is concerned, was to discover a parasite of the codling moth, an insect so destructive that it has been estimated it takes annually forty per cent of the pear and apple crops. Mr. Compere thinks he has found parasites which will destroy the codling moth, and he has sent to Commissioner Ellwood Cooper colonies of these insects, which are now being bred and will be placed in the orchards next season. If the results hoped for are secured, every dollar expended in this enterprise will be returned a thousand-fold.

The citrus industry being now menaced by the threatened introduction of the Morelos orange-maggot, which infests the orange-growing districts of Mexico, the importation of the fruit from that country has been prohibited. But since this does not entirely remove the danger that the pest may be brought in, it is proposed that California shall cooperate with Mexico with a view to discovering some means of combating the insect in the Mexican orchards.

#### OUR MINING INTERESTS

An industry that has added to the wealth of the State an aggregate value of \$418,851,853 in seventeen years, should not lose its proper place in the consideration of the people of the commonwealth or the Legislature which represents them. California is not only rich in precious metals, but in other mineral products of equal, if not of greater, value, and our State is so rich in all these that the exploitation of them thus far has, with the exception of placer mining, left them comparatively untouched. With the completion of the new mining building at the State University it is to be hoped that more young men of spirit and enterprise will have their attention attracted to mining as a life work and to California as a proper field for the exercise of their powers, however great they may prove to be. There are hard problems still to solve, but it can not be doubted that ways will be found for extracting the precious metals from their hiding places without rendering arable areas, upon which humanity must depend for its food supply until time shall be no more, unfitted for human habitation.

#### PRINTING STAFF REPORTS.

The State Controller has submitted the recommendation that a certain sum shall be appropriated and placed at the disposal of the State Board of Examiners to be expended in printing the reports of boards, commissions, and officers whose publication has not been otherwise provided for. It appears to be necessary either to do this, or to make separate appropriations for general printing and for publication of reports for the boards and officers referred to, since under the existing conditions some of them are unable to have their reports printed in the State Printing Office until deficiency appropriations

have been made for them. It would be most unwise, however, to go back to the old practice of making a lump sum appropriation for all State printing, because the present plan of making separate appropriations for each office, as recommended by Governors Budd and Gage, has proved to be much more economical.

#### RIVER CONTROL AND RECLAMATION.

One of the matters of greatest magnitude which the Legislature will be called upon to consider is that of control of the floods of the Sacramento River and its tributaries and the reclamation of the basin lands. Fully twenty millions of money, public and private, have already been expended to accomplish this object, but the results have been unsatisfactory, and in recent years the opinion has been growing that the solution of the problem could be found only in a comprehensive system of channel development and bank protection, such as is beyond the power of accomplishment by land-owners acting individually or through the local district organizations. The previously gradual development of this sentiment received a great impetus from the disasters of last spring, when river floods occurred which inflicted a damage amounting to several millions of dollars and demonstrated the need of a unified public control of the levee system.

Almost before the full extent of the damage had been ascertained, the owners of river lands, manifesting their usual indomitable spirit, held a convention, formed an association, and enlisted the cooperation of the commercial organizations. Out of this movement there eventually came the employment by the Commissioner of Public Works of three eminent engineers, Messrs. T. G. Dabney of Mississippi, H. B. Richardson of Louisiana, and H. M. Chittenden of the United States Army, who with Mr. M. A. Nurse, were constituted a board to study the whole problem and report a plan of relief. The report, which has recently been submitted, is an able document, and shows great boldness in its conception of a system of control of the rivers.

In its analysis of the causes of the floods the report demonstrates that the immediate cause, though not the primary one, is the inadequacy of the channel of the middle and lower river to carry off the floods poured in from above and from both sides. The most striking proof offered of this is the fact that at Iron Cañon, near Red Bluff, the channel capacity of the river is equal to 200,000 cubic feet per second, while at Collinsville, near its mouth, the maximum flood flow is but 165,000 cubic feet. The primary cause of the channel conditions before mentioned is, of course, the topography of the valley, which from Stony Creek down to Suisun Bay offers such a very gradual descent that the river, unaided by sufficient levees, does not cut a deep channel, as it does nearer its source. In times of high floods the channel from Stony Creek southward has always been insufficient to carry all of the water, and in recent times there has been a serious channel deterioration from the mouth of Feather River to the bay. At all times the river, in flood periods, has relieved itself of surplus waters by discharging them over the banks, or through sloughs, into the depressed areas, called basins, by which it is bounded on both sides.

The basic principle of the plan of relief suggested is concentration, in order that channel improvement may be secured, and the means by which concentration is to be obtained consist, in large part, of levee construction. Not only is the Sacramento River, throughout its course from Stony Creek to Collinsville, to be leveed, but also the Feather, Yuba, Bear, and American rivers and other tributaries are to be so treated. Even the small creeks are to be lined with levees, and the hill drainage is to be collected and carried off in canals. Through the great basins there are to extend waterways for drainage, and during the period when the channel improvement is being effected, these waterways will operate as by-passes to receive and carry away the spill from the river. An essential feature of the project is cutting off bends and straightening the river between the mouth of the Feather and the city of Colusa, it being proposed to reduce the present length of this part of the stream, which is almost seventy miles, to forty-seven miles. In order to increase the scour of the river in its lower reaches, it is proposed to close the sloughs through which a part of the discharge now enters the San Joaquin. To make this safe, there must first be created below Rio Vista a channel capacity of 250,000 second feet.

Such are the general outlines of the plan of relief now proposed, which in its main features agrees fairly well with the conclusions reached by other commissions and engineers. The members of the present commission testify to the value of the work performed by their predecessors, and admit that without the data previously collected they could not have prepared this report. They add that before the details of the project now submitted can be worked out it will be necessary to make many new surveys and arrive at accurate determinations concerning a number of minor problems.

The estimate of cost, made on a liberal basis, is \$23,776,022. While this is a very large amount of money, the advantages to be derived from the successful execution of the enterprise would be so vast that the price to be paid is relatively small. In times of extreme flood 1,700 square miles, or more than 1,000,000 acres, of fertile lands are flooded, and of this area 750,000 acres now have comparatively small values, because they can not be safely cultivated. If absolutely protected from floods this area would be made worth, at a conservative valuation, from \$50,000,000 to \$75,000,000, and an additional area of 250,000 acres, now protected against ordinary floods, would be largely enhanced in value. Therefore, the permanent reclamation of this vast extent of overflowed lands, assuming it could be accomplished at an expense of \$24,000,000, would be the most profit-

able kind of business undertaking. It would create a great amount of new wealth, add to the productive power of the State, and cause a large increase of population.

To accomplish these grand results seems to require the cooperation of the State and United States governments, combined with a large degree of public spirit and private enterprise on the part of the individuals who will be most directly affected. Such extensive changes in the regimen of the Sacramento River as are proposed may not be made except the assent of the United States Government is first secured, and presumably that will not be given until the whole project has first been reviewed and approved by a board of Federal engineers organized for the purpose. It would, therefore, be well, I think, for the Legislature to take action looking to the appointment, by the proper authority, of such a board, which would naturally be composed of eminent engineers, whose conclusions would constitute a valuable check upon the work of the State's commission. If the theories and estimates of the latter should be sustained and verified, there would be added confidence felt in the practicability of the enterprise on the lines which have been laid down. At the same time, such a Federal commission would lay the foundation on which an appeal could be made to Congress for aid in executing the work.

The benefits which the State will derive from the improvement of the river and the reclamation of 1,700 square miles of fertile land are so great that it will be sound public policy for it to assist in every way in which it can do so. But in what manner it can best act is a question calling for thorough and intelligent consideration before a decision is reached. The loan of the State's credit to assist the work of a great reclamation district, as well as a liberal appropriation of money to aid in the river improvement, has been suggested but I feel that the subject has not yet been sufficiently discussed to render it possible to make a positive recommendation. But in view of the vast amount of new wealth which will be created, the land itself will naturally be called upon to assume a burden of expense, and, so far as possible, in just proportion to the increment of values.

GEO. C. PARDEE, Governor.

#### APPENDIX A.

##### LIST OF PARDONS, COMMUTATIONS, AND RELIEVES.

During the period between January 7, 1903, and January 1, 1905, I have exercised executive clemency in forty-three cases, of which eight were pardons, twenty commutations of sentence and fifteen reprieves of sentence. Of the eight pardon cases, three were merely executive orders of restoration to citizenship to persons who had served out their full terms in prison some time previous to my action, but who had not obtained an order restoring them to citizenship. In two other cases of pardon the prisoners were clearly not guilty of the crime for which they were imprisoned. Two more were issued for meritorious service at the time of the outbreak of prisoners at Folsom, and one represents a case of insanity where the condition attached was that the prisoner should be removed from the State and remain therefrom.

Of the twenty commutations, six were granted on account of excessive sentences, two were cases of insane Chinese convicts and were granted upon condition that they be deported to China, four were issued for services on the occasion of the Folsom outbreak, two were granted because the prisoners were shown not to be guilty of the crimes for which they were imprisoned. The other cases of commutation stand upon distinct grounds which are set forth in the synopsis below.

Six persons, as I have before stated, were extended executive clemency for services on the occasion of the outbreak of prisoners at Folsom Prison in the month of July, 1903. The facts of each case were carefully investigated by the State Board of Prison Directors, who transmitted their findings to me with the recommendation that the prisoners named therein be released in recognition of, and as a reward for, the valuable aid rendered by them, and for the disciplinary effect of such releases upon the general body of prisoners. Each order of release was granted upon the condition that the same should become void if, after his discharge, the prisoner shall be convicted of any felony, and that in such event he should serve the remainder of his unexpired term in addition to the sentence received upon such subsequent conviction. The prisoners so released upon the recommendation of the Prison Directors are:

1. *John Martinez*, conditionally pardoned October 16, 1903. He was committed from Los Angeles County in 1895, having been convicted of the crime of rape, and sentenced for a term of twenty years. On the occasion of the outbreak, Martinez went to the assistance of Gatekeeper Chalmers when the latter was assaulted by the escaping convicts, and shut and locked the "outer gate" and put the key in his pocket. He then rang the alarm bell. He also rendered valuable assistance to the wounded prison officials, Guard Cotter and Turnkey Cochrane.

2. *Joseph Casey*, conditionally pardoned October 16, 1903, was committed from Colusa County in 1890, having been convicted of the crime of murder in the first degree, and sentenced to life imprisonment. It appears from the report of the Prison Directors that for twelve years continuously Casey had been in charge of the "inner gate," and that during this period he had never been absent a day from his post of duty. At the time of the outbreak, Casey, in the face of some five hundred advancing convicts, closed and locked the "inner gate," thus, in the language of the report of the Prison Directors, "preventing what might have been a general prison delivery."

3. *Olive C. Clark*, granted a conditional commutation of sentence October 16, 1903. He was committed from San Francisco in 1896, having been convicted of the crime of forgery and sentenced for a term of twenty years. Clark gave a general alarm of the outbreak. He also telephoned immediately to Folsom for extra medical assistance, whereby the life of Turnkey Cochrane was probably saved, and he rendered other valuable services to the wounded prison officials. As required by law in the case of persons more than once convicted of felony, a majority of the Justices of the Supreme Court approved and recommended the release of said Clark.

4. *Wm. H. Grider*, granted a conditional commutation of sentence October 16, 1903. He was committed from San Joaquin County in May, 1903, having been convicted of burglary in the second degree and sentenced for a term of five years. Just previous to the occurrence of the outbreak of prisoners at the said prison, said Grider endeavored in every way possible to impart to the prison authorities knowledge of the contemplated outbreak, which knowledge had come to him by reason of his being a cell-mate of convict Eldridge, one of the ringleaders in the outbreak. He was prevented by fellow-convicts from so imparting said knowledge in time to prevent the outbreak, but he did impart it to a prison official a few minutes before the actual outbreak. Grider being a second-termer, a majority of the Justices of the Supreme Court approved and recommended his release from prison. As before stated, Grider was convicted of felony soon after his release, thereby violating the condition of his commutation, and he will therefore be compelled to serve the remainder of his unexpired term in addition to the sentence imposed for his last offense.

5. *Charles Abbott*, granted a conditional commutation of sentence October 16, 1903. He was committed from San Francisco in 1883, having been convicted of the crime of murder in the first degree and given a life sentence. Abbott went to the aid of the prison officials who were attacked and wounded, and by his prompt action helped to save the life of Turnkey Cochrane. It also appeared that Abbott had served twenty years of his sentence, and in the language of the Prison Directors, "He has been a model prisoner, has worked exceedingly hard for the benefit of the State, and has never shirked any work assigned to him during the last ten years."

6. *Porfirio Alviso*, granted a conditional commutation of sentence December 2, 1904. He was committed from San Luis Obispo County in 1895, having been convicted of robbery and sentenced for a term of fifteen years. Alviso communicated information of the outbreak before the same occurred, but it was delayed in transmission, and was not received by the prison officials until shortly after the break. The Prison Board say: "We feel that under the circumstances Alviso did all in his power to aid the officers, and to prevent the disastrous results that followed, and that he is fully deserving of consideration at your hands." At the time of his release, Alviso had served all but a few months under his sentence of fifteen years.

#### PARDONS.

In addition to the pardons mentioned above, the following pardons were granted:

*John M. Heibert*, pardoned July 6, 1903. He was committed from Fresno County in 1884, having been convicted of robbery and sentenced for a term of twenty years. He served out his term, but, upon his discharge, did not obtain a restoration to citizenship. It was to remedy this omission that the pardon was granted, and satisfactory evidence was produced showing that since his release he had been a respectable, law-abiding citizen, and that he had inherited a large estate which he desired to manage without any doubt as to his civil competency so to do.

*Bernard McQuaid*, pardoned August 25, 1903. He was committed from Yuba County in November, 1900, having been convicted of robbery and sentenced for a term of five years. In April, 1902, McQuaid was adjudged insane and was transferred to the State Hospital at Ukiah. It was certified by Dr. E. W. King, Superintendent at said hospital, that in his opinion McQuaid was then insane and was also irresponsible at the time he committed the offense; and his release was recommended by E. A. Davis and E. P. McDaniel, the Judge and District Attorney respectively, who officiated at the trial. Upon the guarantee of the father of McQuaid that he would take his son back to Minnesota and care for him, a pardon was issued, the condition being that McQuaid should never return to the State.

*John English*, pardoned December 7, 1903. He was committed from Sacramento County in April, 1903, having been convicted of burglary in the second degree and sentenced for a term of two years. This pardon was granted upon the recommendation of the State Board of Prison Directors and upon the representation of Judge E. C. Hart and District Attorney Seymour that English was not guilty of the crime of which he was convicted. It appears that English was charged with being accessory to the crime of burglary alleged to have been committed by one Burton, as principal, while in truth, as was afterwards ascertained, Burton was not guilty of burglary, but of petit larceny, a misdemeanor. At the time of his pardon English had already served over six months in prison, the maximum imprisonment for a misdemeanor.

*J. M. Bridges*, pardoned December 15, 1903, to effect a restoration to citizenship. Bridges was committed from Fresno County in July, 1898, having been convicted of receiving stolen property, and sentenced for a term of four years. He was discharged from the prison on July 8, 1901, having earned the full allowance of credits. Upon a



showing that his prison record was good and that he had, since his discharge, lived as a respectable, law-abiding citizen, the pardon was granted.

*Walter H. Williams*, pardoned February 2, 1904. He was convicted in Santa Clara County in September, 1903, of a misdemeanor, viz : defrauding an innkeeper, and was sentenced to the county jail for a term of six months. Williams was convicted without trial upon a plea of guilty, being without advice of counsel or friends, and being ignorant of his rights. It was represented by S. F. Leib and M. H. Hyland, Judges of the Superior Court, and by James H. Campbell, District Attorney, that under the facts of the case there was clearly no intent to defraud any one, and that Williams was not guilty of the crime charged. These facts were also admitted by Mrs. Josephine Meyer, the prosecuting witness.

*Thomas Griffin*, pardoned July 27, 1904, by Lieutenant-Governor Anderson, the Acting Governor, in order to effect a restoration to citizenship. He was committed from Contra Costa County in August, 1897, having been convicted of attempt to rape and sentenced for a term of five years. He was discharged on March 21, 1901, having earned the credits allowed by law for good conduct in prison. It was satisfactorily shown that since his discharge Griffin had led an industrious and exemplary life at his home in Contra Costa County.

#### COMMUTATIONS OF SENTENCE.

In addition to the commutations of sentence mentioned as having been granted for services rendered at the outbreak of prisoners at Folsom, the following were also issued:

*Sindia Chipp*, an Indian woman, whose term was commuted to cease November 16, 1903. She was committed from Modoc County in June, 1903, having been convicted of grand larceny and sentenced for a term of one year and a day. The commutation was granted upon the certificate of Warden Tompkins that said Sindia Chipp on her receipt at said prison was pregnant, and, according to the testimony of the prison physician, was expected to be delivered before the expiration of her term. It was also represented by the District Attorney of Modoc County that there were extenuating circumstances connected with the crime. She had served over half her sentence at the time of her release.

*Pedro Yanes*, committed from San Diego County in November, 1888, having been convicted of murder in the second degree and sentenced to life imprisonment. His term was commuted to expire in December, 1906. At the time of the crime Yanes was but a boy of fifteen years. He is now thirty-one years of age. The evidence upon which he was convicted was circumstantial, and it appears that, if guilty, he was prompted to the act by a momentary impulse, without any previous deliberation or malice, and without a full appreciation of the enormity of the offense, which consisted of the shooting of his employer. He comes from a respectable Mexican family and had previous to the crime been a dutiful son and faithful employé and had during his confinement shown no criminal or vicious tendencies, but on the contrary had acquired a character which gives promise that upon his release he will become an industrious and law-abiding citizen. Hon. Edwin Parker, who was judge at the trial, strongly recommended the release of Yanes, saying: "At the time of passing sentence I reminded him (Yanes) of his youth, and the probable long term of life imprisonment of one so young, and held out to him the probability that if he properly conducted himself in prison he might after a while receive a pardon; and it appears to me that if he is ever to be so pardoned, it should be done now while his freedom may be of some benefit to the community and to himself." The release of Yanes was recommended also by Hon. J. L. Copeland, who, as District Attorney, conducted the prosecution of the case.

*Foo Yock*, committed from San Francisco in 1881 for robbery, and later in 1883, while in San Quentin Prison, convicted of murder and sentenced to life imprisonment. His term was commuted to expire on December 23, 1903, upon the condition that he should within ten days after discharge be removed to China and never return to the State of California. At the time of his release Foo Yock was an inmate of the State Hospital at Stockton, and was incurably and hopelessly insane, according to the certificate of Dr. Asa Clark, Medical Superintendent. Within the ten days stipulated Foo Yock was on his way to China. As required in cases of second-termers, a majority of the Justices of the Supreme Court approved and recommended his release upon commutation.

*Emma Wingate*, convicted in June, 1904, in Oakland, Alameda County, of vagrancy, and sentenced to a term of thirty days in the county jail. Her release on commutation was recommended by Dr. Charles L. Tisdale, County Physician; Mortimer Smith, the committing Judge, and John N. Bishop, Sheriff, who represented that she was suffering from pulmonary tuberculosis and that the lives of fifteen other female prisoners who were confined in the same room with her were endangered thereby. They urged that her sentence be commuted so that she could be sent to the county infirmary for proper treatment. It appeared that there was no other room in said county jail to which she could be removed and no other county building within the Sheriff's custody in which she could be placed.

*Charles Taylor*, a negro, committed from Butte County in June, 1896, having been convicted of the crimes of burglary and grand larceny upon a plea of guilty to four several informations. He was sentenced to an aggregate imprisonment of forty-two years. It appears from the statement of Hon. John C. Gray, who, as District Attorney, conducted

the prosecution of Taylor, and from statements of other reputable citizens of Butte County, that the crimes were of a petty nature, consisting in stealing hogs and robbing hen-roosts and other outbuildings, and that the punishment imposed was, perhaps, due to an inflamed public mind, growing out of a succession of grave crimes committed in the community. The State Board of Prison Directors, by resolution, recommended the release of Taylor, and they were joined by a majority of the Justices of the Supreme Court. Taylor had served in expiration of his offenses a term equivalent to a sentence of twenty three years. He was released April 4, 1904.

*Lee Chuck*, a Chinaman, committed from San Francisco in March, 1890, having been convicted of murder in the second degree and sentenced for a term of fifty years. Thereafter, in 1892, he was adjudged insane and sent to the State Hospital at Agnews. It was certified that he was hopelessly and incurably insane. His sentence was commuted to expire May 30, 1904, upon condition that within twenty days he be deported to China and never return to California. Because of the refusal of the Federal authorities to allow his deportation in the absence of guaranty that he would be allowed to land in China, the above condition was not fulfilled, and the prisoner was remanded to the custody of the Warden of San Quentin Prison, where he is now confined.

*James J. Thornton*, committed from Solano County in 1891, having been convicted upon an information charging robbery and a prior conviction of burglary, and sentenced to life imprisonment. The commutation of sentence ordered the release of the prisoner on June 27, 1904, and was approved by a majority of the Justices of the Supreme Court and strongly recommended by Hon. A. J. Buckles, the committing Judge, who stated the reasons therefor, as follows: "At that time Section 667 Penal Code was construed by myself, the District Attorney, and counsel for defendant, to mean that where a defendant was convicted of robbery, having suffered conviction for a prior felony, he must be sentenced to life imprisonment. This was probably an error, for reading the first part of said Section 667 it would appear that the Judge passing sentence would be left with no discretion only where the prior conviction was for petit larceny, or for an attempt to commit a felony. However this may be, had I not been under the impression that I must send him up for life, the sentence would not have exceeded imprisonment for a term longer than ten years. This section (667) was repealed by the Legislature of 1903, so that now no person *must* be sentenced for life simply because he has suffered for a prior conviction. It seems to me this is a very strong case calling for executive clemency." At the time of his release Thornton had served in expiration of his crime a term equivalent to a sentence of twenty-one years.

*Douglas Berry*, convicted of indecent exposure upon a plea of guilty in the Police Court of Oakland, Alameda County, and sentenced for a term of one hundred days in the county jail. It satisfactorily appeared by the testimony of Dr. A. A. Stafford, Judge Stephen G. Nye, and other reputable citizens that Berry had been a great sufferer from kidney troubles and weakness of the bladder, and that the act charged was committed while under severe physical suffering; that he was an old man, sixty-four years of age, and had never before been charged with any infraction of the law, having always borne an excellent reputation in the community. He had served about a month in jail before his release upon commutation of sentence.

*John Bryan*, committed from Sonoma County in April, 1896, having been convicted upon two charges of burglary and given two separate sentences of ten years each. His term was commuted to expire July 11, 1904. At the time of his discharge he had served a term equivalent to a sentence of twelve years, which, under the circumstances, was ample punishment for the crime committed. At the date of the crime Bryan was but seventeen years of age. Hon. S. K. Dougherty and Hon. Emmett Seawell, who officiated as Judge and District Attorney respectively at the trial, and other prominent citizens of Sonoma County, strongly argued that executive clemency be extended in this case, representing that a rumor current at the time to the effect that said Bryan was concerned in a still more serious crime which had lately been committed in the community, contributed to the severity of the sentence imposed, which rumor was afterwards found to be without foundation. The State Board of Prison Directors, by resolution, recommended the release of said Bryan, and a majority of the Justices of the Supreme Court also approved and recommended the commutation of his sentence.

*Richard Dalton*, committed from Fresno county in November, 1901, having been convicted of grand larceny and sentenced for a term of six years. It appears from the representations of George E. Church and O. L. Ewerts, who officiated as Judge and District Attorney respectively at the trial, that the crime consisted in the stealing of a bicycle of small value; that Dalton was in an intoxicated condition when the crime occurred; that he did not appropriate the bicycle to his own use, but gave it to a stranger standing near, who later turned it over to an officer, that the severity of the sentence was due to the fact that at the time of the trial Dalton was reported as having been an old offender, while in truth, as was afterwards ascertained, he had never before been convicted of any crime. At the time of his release on commutation Dalton had already served a term equivalent to a sentence of five years, which, under the circumstances, was more than ample punishment for his offense.

*Jack Brooks*, committed from Fresno County in 1899, having been convicted of murder in the second degree and sentenced to life imprisonment. Brooks's term was commuted to expire in August, 1906, by which time he will have served a term equivalent to a sen-

tence of twelve years. The commutation in this case was granted because it was satisfactorily shown from facts brought to light since the trial and conviction of said Brooks that he was not guilty of the crime charged, although culpable in a lesser degree in his connection with the crime. The crime for which Brooks was imprisoned consisted in the shooting and killing of one Donnelly in the city of Fresno, in a running fight, in which, besides said Brooks, one Rice, a police officer, and one Ardell, also took part, and also fired shots at Donnelly. After the conviction of Brooks, Rice and Ardell were separately tried and were both acquitted, and at said trials new evidence came to light which clearly established the fact that the fatal shot was not fired by Brooks. In fact, the defense of Rice went upon the assumption that he (Rice) fired the shot, but was justified as an arresting officer in so doing. The State Board of Prison Directors presented a review of the facts of this case and says: "The Board, after duly examining the case, is of the opinion that Convict No. 4926, Jack Brooks, is innocent of the crime charged against him. \* \* \* This Board does most respectfully recommend to the Governor of California that he do pardon the said Convict No. 4926, Jack Brooks. These findings and recommendations are approved by the affirmative votes of Directors Devlin, Wilkins, Ray, and Felton." This recommendation was joined in by E. W. Risley, who presided as Judge on the trial of Brooks; H. Z. Austin, who presided as Judge at the trial of Ardell; O. L. Ewatts, the District Attorney, who prosecuted both Brooks and Ardell; J. D. Collins, Sheriff of Fresno County; and by Frank H. Short, who defended Rice.

*Turvivio Fiorivanti*, convicted in April, 1904, in Placer County of assault with a deadly weapon and sentenced to the county jail for eighteen months. The sentence was commuted by Lieutenant and Acting Governor Anderson to expire in July, 1904. This was done upon the recommendation of J. E. Prewett and A. K. Robinson, who officiated as Judge and District Attorney respectively on the trial, who represented that since the trial of said Fiorivanti a condition of facts had been disclosed showing that the assault grew out of a quarrel among Italian laborers at Lincoln, in which many took part and the responsibility for which was not confined to any one person; that Fiorivanti made the assault under fear that his brother's life and that of his own were in danger. It was urged that in any aspect of the case the four months served by the prisoner was more than ample punishment for his connection with the trouble. The recommendation of Judge Prewett and District Attorney Robinson was joined in by F. P. Tuttle, who assisted in the prosecution of Fiorivanti; Charles Keena, Sheriff of Placer County; T. B. Harper, Justice of the Peace, who conducted the preliminary examination, and by A. J. Gladding, of the firm of Gladding & McBean, by whom the prisoner had been employed.

*Charles Bird*, committed from Los Angeles County in January, 1901, having been convicted of burglary in the first degree and sentenced for a term of five years. Bird had all but served his sentence—the last day of his term being August 14, 1904. He was released by Lieutenant and Acting Governor Anderson upon a commutation of sentence on August 11, 1904, three days before the expiration of his term, upon the representation of Warden Yell that the mother of said Bird, who was residing in another State, was dying and greatly desired the presence of her son.

*Natale Rossi*, committed from Marin County in July, 1883, having been convicted of murder in the first degree and sentenced for life. On account of extenuating circumstances surrounding the crime and as a reward for his faithful conduct as a prisoner, the State Board of Prison Directors on December 28, 1901, released him upon parole. Since his parole Rossi has been employed by the Novato Land Company in Marin County, and the officers of said company certify that "ever since his release Rossi has led a most exemplary life, has been sober, industrious, honest, peaceable, and law-abiding and is one of the most reliable and trusted employes of the company. He has sent to Switzerland for his wife, his two sons, and the wife of one of his sons, all of whom are now living happily with him at Novato, California." The State Board of Prison Directors, under date of October 12, 1904, passed the following resolution.

"Resolved, That the Governor be respectfully petitioned to exercise executive clemency and issue a pardon to one Natale Rossi, a prisoner of San Quentin Prison, who has been out on parole for about four years, and whose conduct during this period of time has been such as to merit a pardon."

This recommendation was joined in by Thomas J. Lennon, Judge of the Superior Court; Thomas P. Boyd, District Attorney of Marin County, and George Mason, ex-Sheriff of Marin County. At the time of his release upon parole the said Rossi had served a term equivalent to a sentence of twenty-seven years.

*John J. Baker*, committed from Sacramento County in February, 1900, having been convicted of robbery and sentenced for a term of thirty-five years. His term was conditionally commuted to expire December 14, 1904, upon the recommendation of Judge E. C. Hart, who presided at the trial of Baker, and of C. W. Baker, who as District Attorney conducted the prosecution. They represent that R. M. Gordon and A. B. Spellman, two hardened criminals, were the leaders in the robbery and that Baker was more a spectator than a participant; that Baker, who was under twenty-one years of age at the time, pleaded guilty to the crime under the name of Spellman to prevent the fact of his disgrace becoming known to his family, and that on this account no effort was made to consider his case separately from the other two. The new light thrown upon the case is indicated by the statement of Judge Hart, which is in part as follows:

"I have since been convinced that this young man bore a very good reputation prior to his arrest upon the occasion referred to. When he pleaded guilty he made no statement with a view of mitigating his punishment, and I assumed, from the fact of his having been found in such bad company, that he was also a man with a bad record, which the officers at that time were unable to learn anything about. For this reason I gave him a heavy sentence. If, after you have investigated the facts, you feel justified in commuting Spellman's (Baker's) sentence, I can assure you that such a course on your part will meet with my unqualified approval. I think that young Spellman's (Baker's) worst crime was in permitting himself to become associated with these men—Gordon and the other Spellman. But I understand that he met them for the first time in Sacramento on the day of the evening upon which the robbery occurred, and it is very likely that he did not know the dangerous character of the men with whom, unfortunately, circumstances brought him into association. Again I say if I had the sentencing of this young man to do over, I would not, in any event, give him over seven years."

The parents of Baker, who are people of respectability and good standing in another State, advanced funds to enable him to return home immediately upon his release, and have given assurance that he will be furnished useful employment, and will never return to this State.

#### REPRIEVES.

*Bert Ross*, committed from San Luis Obispo County in November, 1901, having been convicted of murder and sentenced to be hanged on January 10, 1902. Ross appealed to the Supreme Court of the United States; thereby staying the execution. His sentence was reprieved by successive orders of Governor Gage until February 18, 1903, in order to avoid the necessity of having Ross again brought before the Superior Court of San Luis Obispo County for the purpose of resentencing. Because of the prolonged pendency of this appeal I reprieved Ross's sentence four successive times, the date last set for execution being Friday, December 18, 1903. The appeal was decided adversely to Ross, and upon that date he was executed.

*Leung Ock*, committed from Siskiyou County in October, 1903, having been convicted of murder and sentenced to be hanged on Friday, April 22, 1904. Upon the certificate of Dr. F. W. Hatch, General Superintendent of State Hospitals, and Dr. Asa Clark, Superintendent of the Stockton State Hospital, dated April 19, 1904, that Leung Ock's mental condition was very doubtful, and recommending a reprieve to enable them to make further observation and reach a definite conclusion, I reprieved his sentence to and until January 24, 1904. On June 20, 1904, said medical experts reported to Hon. Alden Anderson, Lieutenant and Acting Governor, that there was evidence to justify further careful and prolonged observation. They recommended that he be reprieved for six months and be transferred to Mendocino State Hospital. His sentence was thereupon reprieved to August 26, 1904, and later, for the same reasons, he was again reprieved to and until February 24, 1905.

*Ung Ting Bow*, committed from Kings County in April, 1903, having been convicted of murder and sentenced to be hanged on Friday, May 27, 1904. On May 24, 1904, Dr. F. W. Hatch and Dr. J. D. Young, Assistant Physician at Stockton State Hospital, reported that after an examination they believed the prisoner to be insane, and recommended that he be reprieved for a period of six months in order that he might be placed in one of the State Hospitals for treatment and observation. Upon this showing, his sentence was reprieved to and until November 27, 1904. Before the expiration of the last reprieve I recommended to the Warden at San Quentin Prison that the procedure provided for in Sections 1221 to 1225, inclusive, of the Penal Code be employed. These sections provide that if a prisoner under judgment of death is supposed to be insane, the Warden, with the concurrence of the Superior Judge of the county, may summon a jury to try the fact. If it be found that the prisoner is insane, the Warden must suspend the execution and transmit the findings to the Governor, who may, when the prisoner becomes sane, issue a warrant appointing a day for the execution of the judgment. This recommendation on my part was made to obviate the issuance of further reprieves, the experts still being in doubt as to Leung Ock's mental condition. Upon the representation of the Warden that the time was too short to proceed under these sections, the sentence of Ung Ting Bow was again reprieved to and until December 23, 1904. Before that date the inquisition provided by the Code was held, and Ung Ting Bow was found to be insane. The death sentence will be stayed thereby until it be found that he has recovered his sanity.

*Francisco Ochoa*, committed from Kern County, in September, 1899, having been convicted of murder and sentenced to be hanged on Friday, May 27, 1904. The sentence was reprieved to June 10, 1904, upon representations by the Mexican Consul at San Francisco and by other respectable persons that certain material testimony given at the trial was false, and that the fact that such falsity was discovered so recently as not to afford time to present the proper affidavits and statements to the Governor before the day set for execution. The statements so furnished were not sufficient to establish the contention made, and Ochoa was executed on the day set in said reprieve.

*Charles Lawrence*, an Indian, committed from Sacramento County in January, 1903, having been convicted of murder and sentenced to be hanged on Friday, August 12, 1904. The sentence was reprieved to October 7, 1904, for the reason that the retrial of

Charles Padilla, who was charged jointly with Lawrence, was set for September 5, 1904, and it was claimed that new evidence was likely to be produced at such retrial tending to establish the innocence of said Lawrence. The expected new evidence was not produced, and Lawrence was executed on the date set in the reprieve.

*William Buckley*, committed from San Francisco, having been convicted in April, 1902, of murder and sentenced to be hanged on Friday, October 7, 1904. Buckley's sentence was reprieved four successive times, the day last set for execution being December 16, 1904. The reprieves were granted upon affidavits to the effect that Buckley could be shown conclusively to be innocent of the crime charged, if time were given to prepare and present certain newly discovered material evidence brought to light since his conviction. Each reprieve succeeding the first was granted upon a sworn statement that additional time was required to prepare and present said evidence, although the utmost diligence had been used since the granting of the last reprieve. Before the day last set for the execution, an appeal to the Supreme Court of the United States was perfected, which, during its pendency, will have the effect of staying the execution of the sentence.

## APPENDIX B.

## APPROPRIATIONS AND EXPENDITURES FOR BETTERMENTS.

The following table shows the appropriations made at the session of the Legislature in 1903 for buildings and other improvements in connection with State institutions; also the expenditures up to January 1, 1905, from such appropriations, and also from former appropriations and from contingent funds:

	Appropriations	Expended.	Contingent Fund
Stockton Hospital—			
Cold-storage and improvements .....			\$29,171 13
Napa Hospital—			
Building, plumbing, etc. ....			36,106 59
Agnews Hospital—			
Water towers (old appropriation) .....	\$4,705 55	\$4,705 55	
Water towers (1903 appropriation) .....	5,000 00	4,486 89	
Sewer system .....	8,000 00	3,153 82	
Lighting system .....	6,000 00	5,493 17	
Artesian well (old appropriation) .....	1,647 56		
Repairs, etc. ....	4,000 00	313 73	
Cottages, etc. ....			33,397 29
Mendocino Hospital—			
Purchase of land .....	7,500 00	7,500 00	
Boilers, etc. ....			1,947 13
Assembly Hall .....	30,000 00	10,349 77	
Southern California Hospital—			
New boilers .....	3,000 00	2,998 10	
Reservoir, etc. ....	3,000 00	2,418 04	
Administration Building .....	110,000 00	26,674 96	
Improvements .....			5,458 85
Laundry .....	2,000 00	1,996 00	
Home for Feeble-Minded—			
Certain improvements .....			2,119 86
Oil-storage plant .....	2,500 00	2,500 00	
Lavatories and baths .....	4,500 00	4,231 08	
Food elevators .....	1,000 00	911 99	
Laundry .....	1,000 00	956 73	
Sewer and septic tank .....	2,000 00	1,949 27	
Building, steam heater, electric plant .....	16,500 00	15,355 70	
Fire apparatus .....	5,000 00	4,962 16	
Hospital cottages .....	20,000 00		
San Quentin Prison—			
Jute warehouse .....	5,000 00	4,770 88	
Folsom Prison—			
Building for insane .....	25,000 00		
Air-compressor .....	10,000 00		
Whittier School—			
Well and equipment .....	6,000 00	6,000 00	
Shops and equipment .....	8,000 00	2,456 63	
Preston School—			
Water system .....	8,000 00	6,792 06	
Furnishings .....	3,500 00	1,195 44	
Amounts carried forward .....	\$302,853 11	\$122,221 87	\$108,200 85

## APPROPRIATIONS AND EXPENDITURES FOR BETTERMENTS—Continued.

	Appropriations.	Expended	Contingent Fund.
Amounts brought forward .....	\$302,853 11	\$122,221 87	\$108,200 85
San José Normal School—			
Repairs and improvements .....	5,000 00	4,998 19	-----
Los Angeles Normal School—			
Improvements .....	12,000 00	11,413 58	-----
Chico Normal School—			
Erection of buildings .....	28,500 00	25,441 88	-----
San Diego Normal School—			
West wing, assembly hall, and training school.	61,000 00	59,244 77	-----
Polytechnic School—			
Purchase of site (old appropriation) .....	21,251 10	21,251 10	-----
Construction and furnishing .....	18,000 00	17,977 27	-----
Buildings and plant .....	13,000 00	10,173 47	-----
University—			
Erection of buildings .....	250,000 00	250,000 00	-----
Affiliated Colleges .....	6,000 00	6,000 00	-----
Laboratory .....	1,800 00	1,800 00	-----
Sisson Hatchery—			
Dwelling and land .....	10,000 00	10,000 00	-----
Colton Hall—			
Improvements .....	1,500 00	-----	-----
Sutter's Fort—			
Improvements .....	5,000 00	4,663 70	-----
Veterans' Home—			
Hospital Annex .....	25,000 00	25,000 00	-----
Furnishings .....	10,000 00	10,000 00	-----
Power-house, etc. ....	10,000 00	9,999 67	-----
Marshall Monument .....	2,500 00	2,432 76	-----
Poultry Station .....	5,000 00	5,000 00	-----
Superintendent of State Printing—			
Machinery and repairs .....	40,000 00	39,388 93	-----
Governor's Mansion—			
Old appropriation .....	48,758 00	48,735 32	-----
Total old appropriations .....	\$377,162 21 76,362 21	\$685,742 61 74,691 97	\$108,200 85
Total 1903 appropriations .....	\$800,300 00 611,050 64	\$611,050 64	
Amount of 1903 appropriations unexpended .....	\$189,749 36		

## RESOLUTIONS.

By Mr. Drew:

*Resolved*, That one thousand copies of the Governor's message be printed for general distribution.

Resolution read, and referred to Committee on Printing.

By Mr. Dorsey:

*Resolved*, That the Chief Clerk of the Assembly be and he is hereby directed to purchase for the use of the members of the Assembly eighty-five (85) copies of each of the following named books, the cost of the same to be paid out of the Contingent Fund of the Assembly:

Bancroft's Code of Civil Procedure, 1903.

Bancroft's Civil Code, 1903.

Bancroft's Political Code, 1903.

Bancroft's General Laws, 1903.

Fairall's Criminal Law and Procedure.

Treadwell's Annotated Constitution.

And the Controller of State is directed to draw his warrant in favor of the Chief Clerk and the State Treasurer is directed to pay the same

Resolution read, and referred to Committee on Ways and Means. . .

## REPORT OF SPECIAL COMMITTEE.

MR SPEAKER: Your committee appointed to wait upon the Senate and notify that honorable body that the Assembly is organized and ready to act upon any communication it might wish to make, respectfully reports that the instructions of the Assembly have been carried out.

DORSEY, Chairman.

Report read, and adopted.

## ADJOURNMENT.

At ten o'clock and twenty-two minutes A. M., on motion of Mr. McGowan, the Assembly adjourned until eleven o'clock A. M. of Wednesday, January 4, 1905.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Wednesday, January 4, 1905. }

The Assembly met at eleven o'clock A. M., pursuant to adjournment. Speaker Prescott in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitchell-tree, Moore, O'Brien, Pekrins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—76.

Quorum present.

## LEAVE OF ABSENCE.

Leave of absence for the day was granted to Messrs. Barnes, Olmsted, Bates, and Espey.

## PRAYER.

Prayer by the Rev. George C. King.

## READING OF THE JOURNAL.

On motion of Mr. Atkinson, the further reading of the Journal was dispensed with.

## PRIVILEGES OF THE HOUSE.

Mr. Waste moved that the privileges of the floor be extended to Hon. Arthur G. Fisk, ex-Speaker of the Assembly.

So ordered.

The Speaker appointed Mr. Waste a committee of one to escort Mr. Fisk to a seat at the Speaker's desk.

Mr. McKenney moved that the privileges of the floor be extended to Hon. Henry W. Brown, an ex-Member of the Assembly.

Amendments were offered to include in the motion the names of the following ex-Members of the Assembly:

Hon. Thomas W. Flinn, E. N. Baxter, B. F. Howard, W. S. Killingsworth, W. R. Guy, J. I. McConnell, A. C. McLaughlin, J. V. Snyder, L. A. Devoto, Marshall Black, F. R. Stansell, Leo H. Susman, A. M. Mahany, John G. Covert, and F. E. Dunlap.

Amendments were accepted, and the motion, as amended, carried.

#### RESOLUTION.

##### By Committee on Rules:

MR SPEAKER: Your Committee on Rules submit the accompanying report, and recommend the adoption of the following resolution:

*Resolved*, That the report of the Committee on Rules be received and printed in the Journal, and that consideration of the same be made the special order to be taken up immediately after the reading of the Journal on Thursday, January 5th.

CROMWELL, Acting Chairman.

Resolution read, and adopted.

#### REPORT OF COMMITTEE ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 4, 1905.

MR SPEAKER: Your Committee on Rules and Regulations recommend the adoption of the following as the Standing Rules of the Assembly.

F. W. BARNES.  
F. A. CROMWELL.  
H. S. G. McCARTNEY.  
FREDERICK W. HOUSER  
FRANK C. PRESCOTT (Speaker)

#### STANDING RULES OF ASSEMBLY.

##### 1. *Hour of Meeting.*

The sessions of the House shall be daily (Sundays excepted), beginning at nine o'clock and thirty minutes A. M. Until February 6, 1905, adjournment shall be taken at twelve o'clock and thirty minutes P. M., and after said date a recess shall be taken at said hour to two o'clock P. M., unless otherwise ordered by a vote of the House.

##### 2. *Order of Business.*

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal.
4. Presentation of Petitions.
5. Reports of Standing Committees.
6. Reports of Select Committees.
7. Messages from the Governor.
8. Messages from the Senate.
9. Introduction and Reference of Bills.
10. Motions and Resolutions.
11. Special Orders of the Day.
12. Unfinished Business of the Preceding Day.
13. Business on Special File.
14. Business on General File and Third Reading of Bills.

##### 3. *Reports of Committee on Engrossed and Enrolled Bills.*

It shall be in order for the Committee on Engrossed and Enrolled Bills to report at any time.

##### 4. *Messages from the Governor and Senate.*

Messages from the Governor and from the Senate may be considered at any time by a vote of the House.

##### 5. *Petitions to be Presented, with a Brief Statement of Contents.*

Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place. A brief statement of the contents thereof shall be made verbally by the introducer. They shall not be debated on the day of their being presented, but shall lie on the table, or be referred, as the House shall determine.



#### 6. *Introduction and Reading of Bills*

Any member desiring to introduce a bill shall rise in his place and address the Speaker, and upon being recognized shall present the same. It shall then be numbered and read the first time at the Clerk's desk and referred to a standing committee, and be printed, and a copy placed upon the desk of each member. Every bill shall be read at length on three several days previous to its passage, unless in case of urgency two thirds of the House shall, by vote of ayes and noes, dispense with this provision. The Speaker shall give notice at each reading whether it be the first, second, or third, and no bill shall be read at either reading until the House has so determined by a vote. All bills to appropriate money for contingent purposes shall be presented by the Committee on Ways and Means. The chairman or clerk of each committee of the Assembly shall notify the author of any bill or proceeding pending before such committee of the hour and place of hearing or acting upon such bill or proceeding.

#### 7. *Introduction of Bills by Committee.*

Any committee may introduce a bill appertaining to any subject coming within its consideration, whereupon it shall be read the first time and placed upon the proper second-reading file. When such a bill is designed to be a substitute for one or more Assembly bills, the bills for which it is such a substitute shall, by a majority vote of the House, be deemed withdrawn, and shall not appear upon the file. Upon the introduction of a bill by a committee, it shall be numbered as a new bill, ordered printed, and placed upon the Assembly file for further action.

#### 8. *Disposition of Senate Bills.*

When a Senate bill has been received by the House, with a message announcing that the same has passed the Senate, such bill shall be referred to a standing committee; *provided, however*, that when a Senate bill is received, the provisions of which are identical with those of an Assembly bill which has already been considered and reported by a committee of the House, such Senate bill shall be substituted for the Assembly bill (the latter being considered withdrawn), shall take the same place upon the Assembly file, and be considered as having received the same recommendation of the Assembly committee; *provided*, that the fact that the bills are identical shall be entered in the Journal.

#### 9. *Joint Resolutions and Constitutional Amendments*

Joint resolutions shall be treated the same as bills; *provided*, that they shall be read but once, and that after they have been reported by a committee; and *provided further*, that the ayes and noes shall not be called upon their adoption, unless regularly demanded. Proposed amendments to the Constitution shall be treated the same as bills; *provided*, they shall be read but once, and only after they shall have been reported by a committee.

#### 10. *Proceedings Touching Appropriations of Money to be Considered in Committee of the Whole.*

All bills making appropriations of money shall be considered in a Committee of the Whole House while on second reading, and no addition to any appropriation shall be made out of Committee of the Whole.

#### 11. *Reference of Bills*

No debate shall be allowed on any motion to refer a bill or resolution to a committee. The Speaker shall first indicate to what committee a bill or resolution ought to be referred, and it shall be so referred, unless upon a motion, without debate, the House by a majority vote refer it to some other committee.

#### 12. *Referring With Special Instructions*

A bill or resolution may be committed with special instructions at any time after the third reading has been ordered.

#### 13. *Order of Making File.*

Upon the introduction of bills they shall be read the first time, and referred to committees as provided in Rule 6. When reported back they shall be placed upon the general file, to be kept by the Clerk, as follows: All bills when reported to the House by the committees shall be placed at the foot of the second-reading file, in the order in which the reports are made, and after the second reading they shall be placed at the foot of the third-reading file, in the order of reading; and precedence shall be given in the consideration of bills in the following order: third-reading file and second-reading file, unless otherwise ordered by a two-thirds vote of the House. The Clerk shall post, in a conspicuous place in the chamber, a daily statement of the bills on the general file, setting forth the order in which they were filed, and specifying the alterations arising from the disposal of business each day.

#### 14. *Order Making Special File.*

The Clerk shall, from time to time, make up a file, to be known as the special file, on which he shall place bills relating to appropriations for the support of the State gov-

ernment and State institutions, revenue, election laws, and constitutional amendments, in the order named and in the order in which the same may be reported to the Assembly, and he shall place no other bills thereon, nor shall any bill on the general file be substituted for any bill thereon

15. *Taking Up Bills Out of Order.*

When a member shall ask leave to have a bill taken up out of its regular order, he shall, in making the motion, give the number and title of the bill, and its position on the file.

16. *Engrossing and Enrolling Bills.*

The Engrossing and Enrolling Clerk shall engross, and enroll, the bills which shall come to his hands for such purposes, in compliance with the provisions of Section 539 of the Political Code, and in the order of time in which the same shall be acted upon by the House. Said Clerk shall be responsible for every violation of this rule by his assistants or deputies; no clerk of this House, or his deputy or assistant, shall demand or receive from any person any compensation other than that provided by law for any services performed by him in regard to the bills or preparation of bills before this House.

17. *Bills to be Reported Back Within Ten Days.*

All bills referred to any committee shall be by such committee reported back to the House, with its action thereon, within ten days after such reference, unless the House, by request of such committee, shall otherwise order.

DUTIES OF SPEAKER.

18. *To Call House to Order.*

The Speaker, or, in his absence, the Speaker pro tem., shall take the chair precisely at the hour appointed for meeting, and shall immediately call the House to order. In the absence of both the Speaker and the Speaker pro tem., the Chief Clerk, or an assistant, shall call the House to order, whereupon a chairman shall be elected from among the members to preside.

19. *To Preserve Order; to Decide Points of Order; and May Speak to Same.*

He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any member, on which appeal no member shall speak more than once, unless by leave of the House.

20. *To Have Direction of the Hall, May Call Any Member to the Chair.*

He shall have general direction of the hall. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment

21. *To Sign Resolutions, etc., Attested by the Clerk.*

All Acts, addresses, and joint resolutions shall be signed by the Speaker, and all writs, warrants, and subpoenas issued by order of the House shall be under his hand, attested by the Clerk.

22. *May Order the Galleries and Lobby Cleared.*

In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared.

DUTIES OF THE SERGEANT-AT-ARMS

23. *To Attend Sitzings of House, Serve Processes.*

The Sergeant-at-Arms shall attend the House during its sittings, to execute the commands of the Speaker of the House, and all process issued by authority thereof directed to him by the Speaker. He shall be sworn to keep the secrets of the House. He shall also have supervision of all the attachés of the House (except the clerks at the desk, the committee attachés, and the Page to the Speaker, which Page shall be under the exclusive supervision of the Speaker), and shall be responsible for the performance of their duties, and shall have power to suspend any attaché under him for dereliction of duty, and shall report to the Speaker such suspension and the causes thereof; said attaché shall not receive any pay during the time of such suspension. The Speaker shall have the power to relieve the attaché of his suspension, and shall have the power to remove any attaché for incompetency or for willful neglect of duty

24. *Fees of Sergeant-at-Arms*

The Sergeant-at-Arms shall receive for every arrest the sum of one dollar; for each day's custody and release, one dollar; and for traveling expenses for himself, or a special messenger, going and coming, ten cents per mile, but no compensation shall be

allowed for the arrest, custody, or releasement of members under a call of the House, within the limits of the Capitol grounds. All fees accruing to the Sergeant-at-Arms for arrest, custody, and release of members, shall be paid by the members so arrested, held in custody, and released, unless excused by a vote of the House. And when a member shall be excused by the House, the Sergeant-at-Arms shall not be allowed any fees for his arrest.

*Assistant Sergeant-at-Arms to be Doorkeeper.*

The Assistant Sergeant-at-Arms shall be the Doorkeeper, and shall be sworn to keep the secrets of the House.

*26. Standing Committees.*

The Standing Committees of the House shall be as follows:

1. A Committee on Agriculture, to consist of seven members.
2. A Committee on Attachés and Employés, to consist of five members.
3. A Committee on Banks and Banking, to consist of five members.
4. A Committee on Building and Loan Associations, to consist of seven members.
5. A Committee on Claims, to consist of seven members.
6. A Committee on Commerce and Navigation, to consist of nine members.
7. A Committee on Commissions and Public Expenditures, to consist of seven members.
8. A Committee on Contingent Expenses and Accounts, to consist of five members.
9. A Committee on Constitutional Amendments, to consist of seven members.
10. A Committee on Contested Elections, to consist of seven members.
11. A Committee on Corporations, to consist of nine members.
12. A Committee on Counties and County Boundaries, to consist of five members.
13. A Committee on County and Township Governments, to consist of thirteen members.
14. A Committee on Dairies and Dairy Products, to consist of nine members.
15. A Committee on Election Laws, to consist of seven members.
16. A Committee on Education, to consist of nine members.
17. A Committee on Engrossment and Enrollment, to consist of seven members.
18. A Committee on Fruit and Vine Interests, to consist of seven members.
19. A Committee on Fish and Game, to consist of eleven members.
20. A Committee on Federal Relations, to consist of five members.
21. A Committee on Governor's Message, to consist of five members.
22. A Committee on Immigration, to consist of nine members.
23. A Committee on Insurance and Insurance Laws, to consist of seven members.
24. A Committee on Irrigation, to consist of nine members.
25. A Committee on Judiciary, to consist of twenty-one members.
26. A Committee on Labor and Capital, to consist of nine members.
27. A Committee on Levees and River Improvements, to consist of seven members.
28. A Committee on Manufactures and Internal Improvements, to consist of seven members.
29. A Committee on Mileage, to consist of five members.
30. A Committee on Military Affairs, to consist of seven members.
31. A Committee on Mines and Mining Interests, to consist of nine members.
32. A Committee on Municipal Corporations, to consist of seven members.
33. A Committee on Oil Industries and Oil Mining Interests, to consist of nine members.
34. A Committee on Public Buildings and Grounds, to consist of eleven members.
35. A Committee on Public Health and Quarantine, to consist of seven members.
36. A Committee on Public Lands and Forestry, to consist of seven members.
37. A Committee on Public Morals, to consist of nine members.
38. A Committee on Public Printing, to consist of seven members.
39. A Committee on Public Works, State Capitol, and Parks, to consist of seven members.
40. A Committee on Public Charities and Corrections, to consist of seven members.
41. A Committee on Reform of the Civil Service, to consist of five members.
42. A Committee on Retrenchment and Reform, to consist of seven members.
43. A Committee on Revenue and Taxation, to consist of seven members.
44. A Committee on Revision and Reform of Laws, to consist of nine members.
45. A Committee on Roads and Highways, to consist of eleven members.
46. A Committee on Rules and Regulations, to consist of five members, one of whom shall be the Speaker.
47. A Committee on State Hospitals and Asylums, to consist of eleven members.
48. A Committee on State Library, to consist of five members.
49. A Committee on State Prisons and Reformatory Institutions, to consist of nine members.
50. A Committee on Swamp and Overflowed Lands and Drainage, to consist of nine members.
51. A Committee on Universities, to consist of seven members.
52. A Committee on Ventilation and Acoustics, to consist of five members.
53. A Committee on Ways and Means, to consist of fifteen members.

The San Francisco Delegation, to whom may be referred matter of interest in particular to the City and County of San Francisco, but not to the exclusion of jurisdiction of other committees

*27. Committees to be Appointed by Speaker.*

All committees shall be appointed by the Speaker, unless otherwise ordered by the House

*28. Committee on Contested Elections.*

It shall be the duty of the Committee on Contested Elections to examine and report upon the certificates of election or other credentials of the members returned to serve in this House, and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented or come into question, and be referred to them by the House.

*29. Committee on Ways and Means*

It shall be the duty of the Committee on Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House; to inquire into the state of the public debt or the revenue and of the expenditure, and report from time to time their opinions thereon. All bills for the appropriation of money, which were not at first referred to the Committee on Ways and Means, shall be reported to the House by the committee having them under consideration, and shall thereupon, without motion, be referred to the Committee on Ways and Means; and said committee shall consider them and report thereon the amount of appropriation required, but such bill shall retain its place on the file pending its consideration by said Committee on Ways and Means.

The Committee on Ways and Means shall, from time to time, at least once in two weeks, report to the House the exact condition of legislation involving appropriations, and the aggregate amount of all the proposed appropriations pending.

*30. Committee on Commissions and Public Expenditures.*

It shall be the duty of the Committee on Commissions and Public Expenditures to ascertain what State commissions, institutions, or boards, if any, can be abolished or consolidated with advantage to the public, in view of a more economical administration of State affairs, to ascertain what expenditures and salaries of the various public offices and institutions can be advantageously reduced or discontinued, to prepare and report to the Assembly such bills or resolutions as may be required to carry out the recommendations of the committee.

*31. Committee on Engrossment.*

It shall be the duty of the Engrossing Committee to compare all bills ordered or considered engrossed by this House with the engrossed copies thereof; and before they pass out of the possession of the House, see that the engrossed bill is a true copy of the original, with such amendments as may have been made thereto; and said committee shall see that all engrossed bills are reported back in the order in which they were ordered engrossed.

*32. Committee on Revision and Reform of the Law*

It shall be the duty of the Committee on Revision and Reform of the Law to take into consideration all petitions, bills, and resolutions touching the revision and reform of the existing laws of the State of California as shall or may be presented or come into question and be referred to it by the Assembly.

*33. Committee Expenditures.*

No committee shall be permitted to incur any expense by visiting any part of the State on official or other business, without first obtaining leave of the House by a two-thirds vote of the members thereof.

*34. Committee of the Whole House.*

In forming a Committee of the Whole House, a chairman, to be named by the Speaker, shall preside. Bills committed to a Committee of the Whole House shall, as Committee of the Whole, be read by sections. All amendments shall be noted and reported to the Assembly by the chairman. After report to the Assembly, the bill shall again be subject to amendment before a vote on the report is taken.

*35. Rules in Committee of the Whole.*

The rules of the Assembly shall be observed in Committees of the Whole, as far as may be applicable, except limiting the time of speaking, and except that the yeas and nays shall not be taken.

*36. Motion to Rise Decided Without Debate.*

A motion that the committee rise shall always be in order and shall be decided without debate.

*Reference of Bills.*

When a motion is made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House.

A Standing Committee

A Select Committee.

*Calling Members to Order When Transgressing Rules.*

If any member, in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the Chair, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the Chair shall be subject to an appeal to the House, but no discussion of a question of order shall be allowed, unless an appeal be taken from the decision of the Chair.

*Speaker to Decide Who is Entitled to the Floor.*

When two or more members shall rise at once, the Speaker shall name the member who is first to speak.

*Order in Speaking to Questions.*

Every member, when he speaks, shall, standing in his place, address "Mr. Speaker," and when he has finished he shall sit down. No member shall speak more than twice during the consideration of any one question, of whatever nature, on the same day and at the same stage of proceedings, without leave being granted, except the author of a bill or resolution or mover of a question. No member shall be allowed to speak more than twenty (20) minutes upon any question, except by leave of the House.

*Called to Order for Offensive Words in Debate.*

If any member be called to order for offensive words spoken in debate, the person calling him to order shall report the words excepted to, and they shall be taken down in writing at the Clerk's table, and no member shall be held to answer, or be subject to censure of the House, for language used in debate, if any member has spoken or other business has intervened after the words spoken and before exception to them shall have been taken.

*Personal Explanation.*

Any member may rise to explain a matter personal to himself, with leave of the Chair, but shall not discuss a question in such explanation.

*Motions to be Stated by Speaker Shall be Reduced to Writing, or May be Withdrawn.*

No motion shall be debated until the same be seconded and distinctly announced by the Speaker, and it shall be reduced to writing, if desired by the Speaker, or any member, and be read by the Clerk, before the same shall be debated. A motion may be withdrawn, by leave of the House, at any time before amendment or decision.

*Motion to Adjourn.*

A motion to adjourn shall always be in order, except during roll call. The Clerk shall enter on the Journal the name of any member moving an adjournment, also the hour at which the motion was made.

When a motion is made and seconded to adjourn, it shall be in order for the Speaker before putting the question, to permit any member to state any fact to the House relating to the condition of the business of the House, which would seem to render it improper to adjourn at that time. Such statement, however, shall not be debatable, and such statement or statements shall not, in any case, occupy more than two minutes. Concurrent resolutions for adjournment *sine die* shall in all cases, whether originating in the House or coming from the Senate, be referred to the Committee on Ways and Means. That committee shall report upon any such concurrent resolution not later than the next legislative day, and with regard to the status of the general appropriation and the tax levy.

*Precedence of Motions during Debate.*

When a question is under debate, or before the House, no motion shall be received: To adjourn; to lay on the table, for the previous question; to postpone to a day certain; to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are named, but the first three shall be decided without debate, and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings. A motion to strike out the enacting clause of a bill shall have preference over a motion to amend, and if carried, shall be considered equivalent to its rejection. A dilatory motion shall not be considered intervening business within the meaning of parliamentary usage.

46. *Previous Question.*

The previous question shall be in this form: "Shall the main question be now put?" And its effect, when sustained by a majority of the members present, shall be to put an end to all debate and bring the House to a vote on the question or questions before it.

47. *Questions of Order After Previous Question is Ordered.*

All incidental questions of order arising after a motion is made for the previous question, and pending such motion or previous question, shall be decided (whether on appeal or otherwise) without debate; *provided*, that after the previous question shall have been ordered, ten minutes shall be allowed for explanation of the matters covered by the previous question, of which five minutes shall be given to the member moving the previous question, and five minutes to those opposed thereto.

48. *Previous Question Demanded.*

The previous question shall only be put when demanded by three members.

49. *Question Indefinitely Postponed.*

When a question is postponed indefinitely, the same shall not again be introduced during the session.

50. *Division of Questions.*

Any member may call for a division of the question, which shall be divided if it comprehend propositions in substance so distinct that one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out being lost, shall preclude neither a motion to add to nor a motion to strike out and insert.

51. *Substitute.*

A substitute shall be deemed and held to be an amendment, and be treated in all respects as such.

52. *Subjects Different from the One Under Consideration.*

No motion or proposition on a subject different from that under consideration shall be admitted as an amendment.

53. *Printing of Bills.*

Five hundred copies of all bills shall be printed. The Sergeant-at-Arms shall be required to certify to the reception by the House of all such printed matter, and the quantity thereof.

54. *Printing Extra Number of Bills, Etc.*

A proposition to print an extra number of any document or other matter shall lie on the table one day for consideration, unless otherwise ordered by consent of the House.

55. *Printing of Maps.*

Maps accompanying documents shall not be printed under the general order to print, without the special direction of the House.

56. *Filling Blanks.*

In filling up blanks the least sum and shortest time shall be first put.

57. *Priority of Business.*

All questions relating to the priority of business shall be decided without debate.

58. *Reading of Papers.*

When the reading of a paper is called for, except petitions, and the same is objected to by a member, it shall be determined by a vote of the House, without debate.

59. *Notice of Reconsideration.*

On the day succeeding that on which a final vote on any bill or resolution has been taken said vote may be reconsidered on the motion of any member; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a member voting with the majority; and it shall not be in order for any member to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session.

No motion to reconsider shall be adopted, except upon a roll call, and it shall require forty-one votes to adopt the motion.

60. *Elections by House.*

In all cases of election by the House the vote shall be taken *viva voce*.

**61. Calling Ayes and Noes.**

The ayes and noes shall be taken on the final passage of all bills, and when called for by three members on other questions, and every member within the bar of the House, when his name is called, shall (unless for special reasons he be excused) declare openly, and without debate, his vote. In taking the ayes and noes, and upon call of the House, the names of the members shall be taken alphabetically, and the Clerk shall enter on the Journal the names of those demanding the ayes and noes.

**62. Members at Clerk's Desk.**

No member or other person shall remain by the Clerk's table while the ayes and noes are being called or while the votes are being counted.

**63. Voting on Question When Interested.**

No person shall vote on any question in the result of which he is personally interested or involved.

**64. Division and Count of House.**

Upon a division and count of the House on any question, no person without the bar shall be counted.

**65. Explaining or Changing Vote**

No member shall be allowed to explain his vote or discuss the question while the ayes and noes are being called, and no member shall be allowed to change his vote after the vote is announced from the chair.

**66. Call of the House**

Upon a call of the House, the names of the members shall be called over by the Clerk, and the absentees noted, after which the names of the absentees shall again be called over. The door shall then be shut, and those for whom no excuse or insufficient excuses are made, may, by order of those present, be taken into custody, as they appear, or may be sent for and taken into custody by the Sergeant-at-Arms, wherever to be found, or by special messenger, to be appointed for that purpose. In the absence of a quorum, a majority of the members present may order a call of the House, and compel the attendance of absentees in the manner above provided. No recess can be taken during a call of the House.

**67. Suspending and Changing Rules.**

No standing rule or order of the House shall be rescinded or changed without a vote of two thirds, and one day's notice being given of the motion therefor, *provided*, that the Committee on Rules and Regulations may at any time, except during a roll call, report a temporary rule providing for the consideration of any bill on the files of the House belonging to either of the following classes:

1. Bills affecting the State government, its revenue, its various departments or commissions, or appropriations therefor.

2. Bills affecting county and township governments, or roads and highways.

3. Bills affecting town, city, city and county governments, or the municipal affairs of the same.

4. Amending election laws.

Such temporary rule shall provide when a bill so selected shall be taken up for consideration, and the time when final vote shall be taken thereon and pending amendments thereto, if there be any.

It shall always be in order to call up for consideration such report. The same shall be subject to amendment by the House.

On the adoption of such temporary rule by the House by a two-thirds vote thereof, if the bill be on third reading, and by a majority vote of the members elected to the House, if otherwise, such bill shall thereupon be made the special order for the time fixed therein.

A rule of order may be suspended temporarily by a vote of two thirds of the members present, except that portion of Rule 6 relating to third reading of bills. A motion or resolution proposing to increase or diminish a standing committee shall not be adopted until the same has been referred to the Committee on Rules and Regulations.

The Committee on Rules and Regulations may also, at any time, report a temporary rule or regulation for the consideration of the business on the file, having regard to the condition of the business of the House. When such temporary rule or regulation shall have been adopted by the House, it shall have the effect, for the time being, of a standing rule, and shall be enforced by the Speaker.

**68. Members Absenting Themselves.**

No member shall absent himself from the service of the House without the leave of the House, except in case of sickness, and if any member or officer of the House absent himself without leave, his per diem shall not be allowed him; but no member shall obtain leave of absence, or be excused, without a vote of two thirds of the House.

69 *Persons Admitted to Floor.* -

No persons, except Senators, State officers, Governors, and ex-Governors of States, Members of Congress, Judges of the Supreme or Superior Courts, members of the press when accredited by their respective journals, ladies or gentlemen when specially invited by a member of the House, shall be admitted within the Assembly Chamber, except in the galleries, during the session of the House; but a majority may have the floor of the House within the bar cleared of any or all such persons. The Speaker is charged with the enforcing of this rule.

70. *Smoking in Hall.*

No smoking shall be allowed within the Assembly Chamber during the session of the House.

71. *Parliamentary Rules.*

The rules of parliamentary practice contained in Roberts' Rules of Order shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the House and the Joint Rules of the Senate and House of Assembly.

72. *Use of Hall.*

The Assembly Room shall not be used for any public or private business other than legislative, except by consent of a majority of the House.

73. *Fees for Witnesses.*

Witnesses summoned to appear before the House, or any of its committees, shall be paid as follows: For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to and going from the place of examination, the sum of ten cents. No mileage shall be paid except where the witness has actually traveled for the purpose of giving testimony.

74. *Protest of Members.*

It shall be in order for any member or members to protest against action of the House, and have such protest entered upon the minutes.

75. *Fees Allowed in Cases of Contest.*

Whenever, in the Assembly, a contest is made for the seat of any Assemblyman, no more than two hundred dollars shall be allowed as counsel fees to either side.

76. *Assignment of Attachés.*

The Committee on Attachés shall assign the committee clerks and the official stenographers of the House to the various committees; *provided*, that the Committee on Judiciary and the Committee on Ways and Means shall each be entitled to one clerk and one stenographer, to be selected by the chairman of those committees, respectively.

All assignments of committee clerks and stenographers made by the Committee on Attachés under this rule shall be reported to the House and entered in the Journal.

77. *Introduction of Bills after Fiftieth Day.*

On or prior to the fiftieth day of the session the Speaker shall appoint a standing Committee on Introduction of Bills, to consist of three members.

All motions for leave to introduce bills after the fiftieth day shall be sent to the desk in writing, under the order of "Introduction of Bills," and at no other time. The motion shall give the title of the bill, and shall be accompanied by the bill. The bill shall thereupon be referred to the Committee on Introduction of Bills.

That committee shall examine bills referred to it with particular reference to the question as to whether there is already any bill in either house of the same character which might be amended to effect the result sought, and generally as to the advisability of introducing the measure.

The committee shall report upon each bill so referred to it on the same legislative day. The report shall be made at the conclusion of the consideration of the Senate Special File.

The committee may, in its discretion, incorporate more than one bill in the resolution to grant leave to introduce, incorporating in the resolution the title of each bill in full, and the roll shall be called upon the adoption of the resolution without debate.

If a division of the question is demanded upon the introduction of any particular bill, the division shall be allowed, and the roll called separately upon the bill.

78. *Form for Introduction of Bills*

When a bill is introduced and when printed amending an existing law, the new matter shall be underscored, and portions of the law proposed to be omitted shall be included in brackets; *provided, however*, that where the subject consists of an entirely new section, the words thereof need not be underscored and that when any bill introduced repeals an existing law in whole, the matter repealed need not be put in the bill.

All bills reported favorably or for consideration, if reported with amendments, shall



be immediately reprinted; the new matter underscored and the parts of the law proposed to be omitted included in brackets

**79. Leave of Absence of Committee Visiting Public Institutions.**

When leave of absence shall be granted any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by a two-thirds vote taken viva voce, and no expenses or mileage of attachés shall be allowed. No member of the Assembly shall accompany a committee as a substitute for a member thereof who declines to accompany the committee, without permission for such substitution being obtained from the Speaker. Application for a leave of absence for a committee shall be made to the Assembly by the chairman thereof, by resolution, which shall give the name of the institution or institutions to be visited and briefly recite the occasion and necessity for visiting the same, together with the number of committeemen desiring leave. Such resolution shall immediately, and without debate, be referred to the Committee on Rules and Regulations, with instructions to report upon the next legislative day on the same, and whether the leave of absence can be granted without interfering with the business of the Assembly.

**RESOLUTIONS—(RESUMED).**

By Mr. Goodrich:

**ASSEMBLY CONCURRENT RESOLUTION No. 1.**

WHEREAS, The Hon. Walter S. Melick, a member of the Assembly of the Legislature of California during the thirty-second, thirty-third, and thirty-fourth sessions, died on October 8, 1904; and,

WHEREAS, The late Hon. W. S. Melick, as a legislator from his district in Los Angeles County and later in the capacity of Secretary of the State Board of Examiners, by unusual energy, ability, and fidelity in advancing public interest along all lines, placed his name high in the respect of the whole people of our commonwealth; therefore, as a token of respect for his high character and the unselfish and distinguished services he gave the people of this State during life;

*Resolved*, That this House, on this day, record in its Journal, and such shall be the order, as having adjourned out of respect to and in recognition of the distinguished services rendered the State by the late Walter S. Melick, and as an evidence of appreciation by the people.

*Resolved further*, That the Chief Clerk of the Assembly procure and forward to the family of the deceased an engrossed copy of these resolutions.

Resolution read, and, on motion of Mr. Goodrich, was adopted by rising vote.

By Mr. Transue:

*Resolved*, That the following named persons be and they are hereby appointed and employed for the positions, and at the per diem set opposite their respective names—said per diem to be paid out of the appropriations for the contingent expenses of the Assembly; said appointments to date from and include the 2d day of January, 1905, and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said following named persons for the said per diems, and the State Treasurer is hereby authorized and directed to pay the same.

Chas. Thompson.....	Assistant to the Chief Clerk.....	\$6 00
Ed Hinkle.....	Assistant to the Chief Clerk.....	6 00
C. W. Kyle.....	Assistant to the Chief Clerk.....	6 00
	Assistant to the Chief Clerk.....	6 00
Jacob Steppacher.....	Minute Clerk.....	6 00
J. H. Wright.....	Assistant Minute Clerk.....	6 00
Ed Gill.....	Assistant Minute Clerk.....	5 00
H. H. Macdonald.....	Assistant Minute Clerk.....	5 00
Wm. Harry.....	Assistant Minute Clerk.....	5 00
B. A. Wilson.....	Assistant Minute Clerk.....	5 00
J. A. Moynihan.....	Assistant Minute Clerk.....	5 00
Ed. O'Brien.....	Assistant Minute Clerk.....	5 00
W. C. Guirev.....	File Clerk.....	6 00
Rev. G. C. King.....	Chaplain.....	4 00
Percy Hight.....	History Clerk.....	6 00
R. L. Dempsey.....	Journal Clerk.....	6 00
Louie Howell.....	Assistant Journal Clerk.....	5 00
R. Fuller.....	Assistant Journal Clerk.....	5 00
J. McCarthy.....	Assistant Journal Clerk.....	5 00
Frank E. Redell.....	Assistant Journal Clerk.....	5 00
J. F. R. Arellanes.....	Assistant Journal Clerk.....	5 00
V. Dolan.....	Assistant Journal Clerk.....	5 00
Carl Hoffman.....	Assistant Journal Clerk.....	5 00

J. J. Murphy	Engrossing and Enrolling Clerk	\$6 00
T. G. Walker	Assistant to Chief Clerk	6 00
J. M. Jones	Assistant Engrossing and Enrolling Clerk	6 00
J. H. Long	Assistant Engrossing and Enrolling Clerk	5 00
S. D. Barclay	Assistant Engrossing and Enrolling Clerk	5 00
J. A. Mathis	Assistant Engrossing and Enrolling Clerk	5 00
B. Lagrave	Assistant Engrossing and Enrolling Clerk	5 00
Jesse Seiler	Assistant Engrossing and Enrolling Clerk	5 00
W. A. Price	Assistant Engrossing and Enrolling Clerk	5 00
Don R. Dunbar	Assistant Engrossing and Enrolling Clerk	5 00
Geo. Eustus	Assistant Engrossing and Enrolling Clerk	5 00
Mrs. F. H. Mouser	Assistant Engrossing and Enrolling Clerk	5 00
O. W. Haub	Bookkeeper to Sergeant-at-Arms	5 00
B. Cohn	First Assistant Sergeant-at-Arms	5 00
E. B. Carr	Assistant Sergeant-at-Arms	5 00
T. M. Gilbert	Assistant Sergeant-at-Arms	5 00
J. Entough	Assistant Sergeant-at-Arms	5 00
A. Machen	Assistant Sergeant-at-Arms	5 00
J. A. Kirk	Assistant Sergeant-at-Arms	5 00
B. M. Harford	Assistant Sergeant-at-Arms	5 00
Geo. Whitehead	Assistant Sergeant-at-Arms	5 00
Jas J. Beatty	Assistant Sergeant-at-Arms	5 00
	Clerk to Sergeant-at-Arms	5 00
Miss B. Bentein	Stenographer to Mr. Speaker	5 00
Miss Adaline Stanton	Stenographer	5 00
Miss Perle Taylor	Stenographer	5 00
Miss Ethel Thomas	Stenographer	5 00
F. P. Mouser	Stenographer	5 00
Mrs. L. Sherburne	Stenographer	5 00
E. E. Gehring	Stenographer	5 00
Miss Mabel E. Waste	Stenographer	5 00
Miss C. Wagner	Stenographer	5 00
Miss Ollie Smith	Stenographer	5 00
S. G. Tyler	Bill Clerk	4 00
Ed. Haigh	Bill Clerk	4 00
C. W. Curtis	Bill Filer	4 00
Chas. Cleaver	Bill Filer	4 00
F. L. Whitney	Bill Filer	4 00
A. Brannon	Bill Filer	4 00
W. Haynes	Bill Filer	4 00
Thos. Dolan	Bill Filer	4 00
Henry Nelson	Bill Filer	4 00
H. A. Russell	Bill Filer	4 00
Jno F. Murray	Bill Filer	4 00
W. H. Orrick	Clerk to Code Commissioner	6 00
Miss E. Burnett	Committee Clerk	4 00
Emel Danielson	Committee Clerk	4 00
C. W. Bates	Committee Clerk	4 00
E. H. Beardslee	Committee Clerk	4 00
L. A. Bills	Committee Clerk	4 00
J. Bailey	Committee Clerk	4 00
John Kersey	Committee Clerk	4 00
Jos. Coughlin	Committee Clerk	4 00
B. J. Blaisdell	Committee Clerk	4 00
Miss Edna Garvin	Committee Clerk	4 00
E. S. Havens	Committee Clerk	4 00
M. E. Dorsey	Committee Clerk	4 00
John B. Best	Committee Clerk	4 00
Chas. A. Tuttle	Committee Clerk	4 00
Thos. W. Green	Committee Clerk	4 00
Edw. Mero	Committee Clerk	4 00
F. N. Whittaker	Committee Clerk	4 00
Miss B. McGee	Committee Clerk	4 00
Henry Wessa	Committee Clerk	4 00
L. Kung	Committee Clerk	4 00
Jno. Maraney	Committee Clerk	4 00
P. J. Kennedy	Committee Clerk	4 00
Ralph McComish	Committee Clerk	4 00
Geo. P. Dennis	Committee Clerk	4 00
J. F. Carrere	Committee Clerk	4 00
Reno Young	Committee Clerk	4 00
M. R. Telles	Committee Clerk	4 00
Jno. Johnson	Committee Clerk	4 00
S. C. Balch	Committee Clerk	4 00
Henry King	Committee Clerk	4 00
H. Baker	Committee Clerk	4 00

W. Williams	Committee Clerk	\$4 00
R. Bain	Committee Clerk	4 00
E. W. Lawrence	Committee Clerk	4 00
H. Z. Herzog	Committee Clerk	4 00
C. W. Talbot	Committee Clerk	4 00
Miss Mary Brown	Committee Clerk	4 00
Miss Ada Rehm	Committee Clerk	4 00
Miss Linda Spurlock	Committee Clerk	4 00
Maurice Beahn	Committee Clerk	4 00
Cornelia O'Brien	Committee Clerk	4 00
W. B. Stewart	Committee Clerk	4 00
D. B. Ferner	Sergeant-at-Arms to Committee	4 00
O. Schoomacher	Sergeant-at-Arms to Committee	4 00
W. W. Benchley	Sergeant-at-Arms to Committee	4 00
A. P. Brown	Sergeant-at-Arms to Committee	4 00
C. W. Mahony	Sergeant-at-Arms to Committee	4 00
J. J. Walters	Sergeant-at-Arms to Committee	4 00
Hugh Murphy	Sergeant-at-Arms to Committee	4 00
Philip Ambrose	Sergeant-at-Arms to Committee	4 00
N. Villanos	Sergeant-at-Arms to Committee	4 00
A. B. Smith	Sergeant-at-Arms to Committee	4 00
S. O. Richardson	Sergeant-at-Arms to Committee	4 00
T. J. Green	Sergeant-at-Arms to Committee	4 00
R. H. McDonald	Sergeant-at-Arms to Committee	4 00
J. Connell	Sergeant-at-Arms to Committee	3 00
A. A. Friedlander	Sergeant-at-Arms to Committee	3 00
Jas Strachan	Sergeant-at-Arms to Committee	3 00
R. Fullaway	Sergeant-at-Arms to Committee	4 00
Leo McDonald	Assistant to Committee Clerk	4 00
A. Vanberg	Assistant to Committee Clerk	4 00
Miss Lena Jackson	Assistant to Committee Clerk	4 00
— Arnold	Assistant to Committee Clerk	4 00
L. Duryea	Assistant to Committee Clerk	4 00
M. Mulcahy	Assistant to Committee Clerk	4 00
T. O. Connelly	Assistant to Committee Clerk	4 00
M. M. Miller	Assistant to Committee Clerk	4 00
Mrs S. E. Moore	Assistant to Committee Clerk	4 00
Mrs A. Newman	Assistant to Committee Clerk	4 00
Walter Marino	Assistant to Committee Clerk	4 00
O. G. Whiting	Assistant to Committee Clerk	4 00
A. S. Petterson	Assistant to Committee Clerk	4 00
F. Paduvier	Assistant to Committee Clerk	4 00
May Coffield	Assistant to Committee Clerk	4 00
E. Baxter	Clerk to Minority	6 00
Mrs. Pauline Smith	Postmistress	4 00
Miss Nieta Taylor	Assistant Postmistress	4 00
Miss Evelyn Brill	Assistant Postmistress	4 00
Herb Brice	Watchman	4 00
Emmett Hodges	Assistant Watchman	3 00
H. Camp	Assistant Watchman	3 00
Edw. Kane	Assistant Watchman	3 00
P. O'Connell	Doorkeeper	3 00
Wm. Richards	Doorkeeper	3 00
Mark Senna	Mail Carrier	3 00
Wm. Milligan	Gatekeeper	3 00
O. E. Goodell	Gatekeeper	3 00
W. Connell	Gatekeeper	3 00
Jas. Anderson	Gatekeeper	3 00
J. J. Walsh	Gatekeeper	3 00
A. Dougherty	Gatekeeper	3 00
Joe Blodgett	Gatekeeper	3 00
	Ladies' Cloak Room Attendant	
Mrs. Sherman	Assistant Ladies' Cloak Room Attendant	3 00
Miss Lena Harris	Assistant Ladies' Cloak Room Attendant	3 00
John Kofard	Porter	3 00
A. S. Hall	Porter	3 00
Jos. Moore	Porter	3 00
H. W. Jones	Porter	3 00
H. W. Bennett	Porter	3 00
W. J. Simpson	Porter	3 00
Jas. A. Churchill	Porter	3 00
I. D. Cherry	Porter	3 00
C. D. Mooney	Porter	3 00
J. J. Hanbury	Porter	3 00
Frank McMahon	Porter	3 00
Robert Nangle	Porter	3 00

Thos. Machun.....	Porter.....	\$3 00
John Palm.....	Porter.....	3 00
Sanford Barnes.....	Page.....	2 50
Wm. Murphy.....	Page.....	2 50
Roy Nichols.....	Page.....	2 50
Lester Summerfield.....	Page.....	2 50
Edw. Curran.....	Page.....	2 50
Eddie Fitzgerald.....	Page.....	2 50
Geo. Berry.....	Page.....	2 50

Resolution read, and, on the roll being called, was adopted by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—72.

**NOES**—None.

By Mr. Creighton:

*Resolved*, That the Sergeant-at-Arms be and he is hereby directed to procure for each member of the Assembly, the Chief Clerk, and Minute Clerk, and accredited newspaper representatives, three Keystone patent binders, and the Controller is authorized to draw his warrant on the Contingent Fund of the Assembly in payment for the same, and the Treasurer is hereby authorized to pay the same.

Resolution read, and, on the roll being called, was adopted by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Manwell, McCartney, McGowan, McNamara, Meincke, Mindham, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—79.

**NOES**—None.

By Mr. Waste:

*Resolved*, That the Sergeant-at-Arms be, and he is hereby directed to hire a box at the Sacramento postoffice for the use of the Assembly, the rent for which shall be payable out of the appropriation for the contingent expenses of the Assembly.

Resolution read, and, on the roll being called, was adopted by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Manwell, McCartney, McKenney, McNamara, Meincke, Mindham, Mitcheltree, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—71.

**NOES**—None.

By Mr. Burke:

*Resolved*, That the Sergeant-at-Arms be, and he is hereby directed to furnish to each regularly accredited representative of the press having a seat on the floor of this House, copies of all bills, resolutions, and other documents, the same as they are furnished to the press.

Resolution read, and adopted.

By Mr. Walsh:

*Resolved*, That the Sergeant-at-Arms be instructed to contract for telephones in the Assembly Chamber and Sergeant-at-Arms' room for the use of the members of the Assembly and the Chief Clerk, and that the expense thereof be paid out of the Contingent Fund of the Assembly, and the Controller be directed to draw proper warrants for the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Mr. Houser:

*Resolved*, That all resolutions or motions providing for the purchase of supplies or the contracting for any necessities for the use of the Assembly be referred to the Committee on Contingent Expenses, when appointed.

Resolution read, and adopted.

By Mr. Burke:

*Resolved*, That the Sergeant-at-Arms be and he is hereby instructed to rent fifteen typewriting machines for the use of the stenographers of the Assembly; and the Controller of State is hereby authorized to draw his warrant for the amount of the rentals and the Treasurer is directed to pay the same out of the fund for the contingent expenses of the Assembly.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

RECESS.

At twelve o'clock and five minutes P. M., on motion of Mr. Stanton, the Assembly took a recess until twelve o'clock and fifteen minutes P. M.

REASSEMBLED.

The Assembly reconvened at twelve o'clock and fifteen minutes P. M. Speaker Prescott in the chair.

#### REPORT OF SPECIAL COMMITTEE.

##### ON CONTINGENT EXPENSES AND MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, January 4, 1905

MR. SPEAKER: Your Committee on Contingent Expenses and Mileage beg leave to report that they have computed the mileage according to Part II, Title III, and Section 237 of the Political Code, and recommend the adoption of the resolution herewith:

*Resolved*, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the proper fund in favor of the following named officers and members of the Assembly for the amounts set opposite each of their names, and the State Treasurer is hereby ordered and directed to pay the same.

Name.	Residence.	Miles.	Amount.
Amerige, E. R.	Fullerton	1,026	\$102 60
Anthony, Marc.	San Francisco	180	18 00
Arnerich, Paul	Los Gatos	276	27 60
Atkinson, Thos. E.	San Francisco	180	18 00
Barnes, F. W.	Pacific Beach	1,152	115 20
Bates, J. Clem	Alameda	176	17 60
Beardslee, R. L.	Stockton	96	9 60
Beckett, Samuel H.	San Francisco	180	18 00
Bliss, John A.	Oakland	168	16 80
Boyle, Patrick J.	San Francisco	180	18 00
Branstetter, Louis P.	Ferndale	644	64 40
Burge, S. S.	Merced	228	22 80
Burke, John J.	Oakland	168	16 80
Busick, Chas. O.	Sacramento	2	20
Chandler, W. F.	Fowler	358	35 80
Cleveland, George C.	Watsonville	436	43 60
Coghlan, Nathan C.	San Francisco	180	18 00
Cooper, J. B. R.	Monterey	416	41 60
Coyle, James L.	Hornbrook	634	63 40
Creighton, J. H.	Redding	342	34 20
Cromwell, F. A.	Petaluma	212	21 20

Name	Residence	Miles	Amount.
Cullen, John A	San Francisco	180	\$18 00
Devlin, Frank R.	Vallejo	80	8 00
Dorsey, Jesse R.	Bakersfield	556	55 60
Drew, A. M.	Fresno	338	33 80
Duryea, Frank A.	Lincoln	104	10 40
Ellis, Harry	Stege	170	17 00
Espey, R. H. E.	Oakland	168	16 80
Estudillo, Miguel	Riverside	1,024	102 40
Gans, H. S.	Red Bluff	270	27 00
Gates, Dr. W. F.	Oroville	172	17 20
Goodrich, John A.	Pasadena	912	91 20
Hartman, Gus	San Francisco	180	18 00
Hawkins, N. A.	Woodland	46	4 60
Held, W. D. L.	Ukiah	300	30 00
Houser, Fred W.	Los Angeles	894	89 40
Jarvis, Ward	Santa Clara	250	25 00
John, Warren M.	San Luis Obispo	686	68 60
Johnson, Percy A.	Fallbrook	1,146	114 60
Johnstone, W. A.	San Dimas	1,024	102 40
Jones, C. V.	Sonora	260	25 00
Jones, Fred C.	San Francisco	180	18 00
Jury, R. H.	San Mateo	254	25 40
King, P. S.	Napa	122	12 20
Lucey, Jeremiah	San Francisco	180	18 00
Lunley, Aubrey M.	Porterville	482	48 20
Lynch, Edw. J.	Walsh's Station	26	2 60
Manwell, E. T.	Wheatland	80	8 00
McCartney, H. S. G.	Los Angeles	894	89 40
McGowan, George A.	San Francisco	180	18 00
McKenney, C. H.	Ione	142	14 20
McNamara, Francis	San Francisco	180	18 00
Meincke, Fred J.	San Francisco	180	18 00
Mindham, Wm. J.	San Francisco	180	18 00
Mitcheltree, Fayette	Palo Alto	296	29 60
Moore, J. W.	Undine	110	11 00
O'Brien, Frank J.	Sacramento	2	20
Olmsted, S. H.	San Rafael	210	21 00
Perkins, David T.	Hueneme	1,002	100 20
Pfaeffle, Eugene E.	San Francisco	180	18 00
Prescott, Frank C.	Redlands	1,046	104 60
Pryor, John F.	Hanford	428	42 80
Pyle, E. M.	Santa Barbara	920	92 00
Rolley, George T.	Eureka	624	62 40
Severance, Fred V.	San Francisco	180	18 00
Slaven, James	San Juan	380	38 00
Stanton, Philip A.	Los Angeles	894	89 40
Strobridge, E. K.	Haywards	196	19 60
Strohl, Louis	San Francisco	180	18 00
Thompson, Newton W.	Alhambra	906	90 60
Transue, J. P.	Los Angeles	894	89 40
Treadwell, Edw. F.	San Francisco	180	18 00
Tripp, H. L.	Santa Rosa	180	18 00
Vogel, Mel	San Francisco	180	18 00
Walsh, Philip M.	Oakland	168	16 80
Waste, Wm. H.	Berkeley	180	18 00
Weyand, Ernest	Colusa	154	15 40
Whiting, Edw. F.	Grass Valley	142	14 20
Wickersham, Wm. H.	San Pedro	950	95 00

## CONTINGENT EXPENSES.

Lloyd, Clio	Santa Barbara	920	92 00
Wood, A. A.	Riverside	1,024	102 40
Stafford, J. T.	Sacramento	2	20

Respectfully submitted.

BURKE,  
WASTE,  
TRANSUE,  
Committee.

Pending the reading of the resolution, Mr. Treadwell moved to extend the time of the session until the matter was disposed of.

Motion carried.

Reading of the resolution resumed.

The roll being called, the resolution was adopted by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Goodrich, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Perkins, Pfaefle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobbridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—71.

**NOES**—None.

#### RESOLUTIONS.

By Mr. Waste:

*Resolved*, That by reason of the services rendered the Assembly by J. P. Greeley at the request of Chief Clerk in the organization of the Assembly, the Controller is hereby directed to draw his warrant in favor of said J. P. Greeley for \$102 60, mileage to Sacramento, and the State Treasurer is hereby ordered to pay said warrant out of appropriation for the contingent expenses of the Assembly.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

Also:

*Resolved*, That by reason of the services rendered the Assembly by Chas. A. Thompson, at the request of the Chief Clerk, in the organization of the Assembly as Assistant Clerk, the Controller is hereby directed to draw his warrant in favor of said Chas. A. Thompson for \$25 mileage to Sacramento, and the State Treasurer is ordered to pay said warrant out of the appropriation for the contingent expenses.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

#### ADJOURNMENT.

At twelve o'clock and forty minutes P. M., on motion of Mr. Anthony, the Assembly adjourned until eleven o'clock A. M., Thursday, January 5, 1905.

#### IN ASSEMBLY.

ASSEMBLY CHAMBER,

Thursday, January 5, 1905. }

The Assembly met at eleven o'clock A. M., pursuant to adjournment.  
Speaker Prescott in the chair.

#### ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaefle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—78

Quorum present.

## LEAVE OF ABSENCE.

Leave of absence for the day was granted to Messrs. Creighton and Barnes.

## PRAYER.

Prayer by the Rev. George C. King.

## READING OF THE JOURNAL.

On motion of Mr. Bliss, the further reading of the Journal was dispensed with.

## SPECIAL ORDER—REPORT OF COMMITTEE ON RULES AND REGULATIONS.

Mr. Cromwell moved their adoption.

Mr. McCartney moved to amend by striking out Section 78.

The question being on the adoption of the amendment.

Amendment adopted.

Mr. Treadwell moved to amend as follows:

Amend by numbering "Section 79" as "Section 78."

The question being on the adoption of the amendment.

Amendment adopted.

The question then being on the adoption of the Rules as amended.

The roll was called, and the Rules adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strowbridge, Strohl Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—74.

NOES—None.

## RESOLUTIONS.

By Mr. McCartney:

## ASSEMBLY CONCURRENT RESOLUTION No. 2.

*Resolved by the Assembly, the Senate concurring:*

First—That all bills amendatory of existing laws of the State of California shall be printed with the amendatory matter underscored with a light line, if an insertion, and enclosed in light brackets if matter to be struck out; *provided*, that an amendment consisting solely of new matter, shall not be underscored.

Second—That all bills upon the adoption of any amendment thereto shall be reprinted immediately, underscored with a heavy line if an insertion, and enclosed in heavy brackets if stricken out.

Resolution read.

Mr. McCartney moved its adoption.

Mr. Houser moved to postpone consideration until to-morrow, and that it be printed in the Journal.

Mr. McGowan moved to amend, that it be made a special order for three o'clock P. M. of this day.

On being put to vote, the amendment of Mr. McGowan was adopted.

By Mr. Drew:

*Resolved*, That the Governor's message be referred to a committee of three for the purpose of distributing the subjects therein contained to the several committees of this Assembly for consideration.

Resolution read, and adopted.



## PRIVILEGES OF THE HOUSE.

On motion of Mr. Waste, the privileges of the floor were extended to Hon. N. K. Foster, ex-member of the Assembly.

## MOTION.

Mr. Bates moved that when the Assembly adjourns it be to meet at three o'clock P. M., this day.

Carried.

## REPORTS OF SPECIAL COMMITTEES.

## ON CONTINGENT EXPENSES AND MILEAGE.

MR. SPEAKER: Your Committee on Contingent Expenses and Mileage, to whom was referred the following resolution:

*Resolved*, That by reason of the services rendered the Assembly by J. P. Greeley at the request of Chief Clerk in the organization of the Assembly, the Controller is hereby directed to draw his warrant in favor of said J. P. Greeley, for \$102.60, mileage to Sacramento, and the State Treasurer is hereby ordered to pay said warrant out of appropriation for the contingent expenses of the Assembly

Beg leave to report that we have had the same under consideration, and recommend that it be adopted.

BURKE,  
WASTE,  
TRANSUE,  
Committee

Report and resolution read.

Mr. Burke moved the adoption of the report and resolution.

The roll being called, the report and resolution were adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Maxwell, McCartney, McKenney, McNamara, Meincke, Mindham, Mitchell-tree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Slaven, Stanton, Strobidge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—69.

NOES—None.

Also:

MR. SPEAKER: Your Committee on Contingent Expenses and Mileage, to whom was referred the following resolution:

*Resolved*, That by reason of the services rendered the Assembly by Chas. A. Thompson, at the request of the Chief Clerk, in the organization of the Assembly as Assistant Clerk, the Controller is hereby directed to draw his warrant in favor of said Chas. A. Thompson for \$25 mileage to Sacramento, and the State Treasurer is ordered to pay said warrant out of the appropriation for the contingent expenses.

Beg leave to report that we have had the same under consideration, and recommend that it be adopted.

BURKE,  
WASTE,  
TRANSUE,  
Committee.

Report and resolution read.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Maxwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitchell-tree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Slaven, Stanton, Strobidge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—70.

NOES—None.

## RESOLUTION.

By Mr. Waste:

*Resolved*, That the Secretary of State is hereby directed to close the contingent expense accounts of the members of the Assembly and to forthwith transmit a statement of the same to the State Controller; and the State Controller is hereby directed to draw his warrant in favor of each member of the Assembly for the amount remaining to his credit in his account, and the State Treasurer is hereby directed to pay such warrants.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYE—Messrs Amerige, Anthony, Arnerich, Bates, Beardslee, Bliss, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, Maxwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitchell-tree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr Speaker—67.  
 NOES—None.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 5, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 1—Relative to the late Hon. Walter S. Melick.

LEWIS A. HILBORN, Secretary of Senate.

Also:

SENATE CHAMBER, SACRAMENTO, January 5, 1905.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 2, Relative to the appointment of a joint committee to confer about legislative printing.

LEWIS A. HILBORN, Secretary of Senate.

Senate Concurrent Resolution No. 2 read.

The question being on the adoption of the resolution.

Resolution adopted.

## APPOINTMENT OF COMMITTEES.

The Speaker appointed the following committee, pursuant to Senate Concurrent Resolution No. 2:

Messrs Cromwell, McCartney, and Houser.

The Speaker appointed the following committee on the distribution of the Governor's Message:

Messrs. Drew, Strohl, and Jones of Tuolumne.

## RECONSIDERATION OF VOTE.

Mr. McGowan moved to reconsider the vote whereby Assembly Concurrent Resolution No. 2 was made the special order for three o'clock p. m. this day, and that when the Assembly adjourn it be to meet at three o'clock p. m. this day.

The question being on the reconsideration of the vote.

Reconsideration carried.

## RESOLUTION.

By temporary Committee on Contingent Expenses and Mileage:

*Resolved*, That the State Controller be and he is hereby directed to draw his warrant for the sum of fifteen (\$15) dollars, payable out of the Contingent Fund of the Assembly,

to be used as a revolving fund for the purchase of stamps and wrappers for sale at the Assembly postoffice; and the State Treasurer is hereby authorized and directed to pay the same

Resolution read.

Mr. Burke moved its adoption.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, King, Lucey, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—67.

NOES—None.

#### TIME FOR ADJOURNMENT.

Mr. McCartney moved that when the Assembly adjourn it be until eleven o'clock A. M., Friday, January 6, 1905.

Motion carried.

#### NOTICE OF MOTION TO RECONSIDER.

Mr. Treadwell gave notice that he would on the next legislative day move a reconsideration of the vote whereby the Standing Rules of the Assembly were this day adopted.

#### RESOLUTION.

By Mr. Transue:

Resolved, That the following named persons be and they are hereby appointed and employed for the positions, and at the per diem set opposite their respective names—said per diem to be paid out of the appropriations for the contingent expenses of the Assembly; said appointments to date from and include the 2d day of January, 1905, and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said following named persons for the said per diems, and the State Treasurer is hereby authorized and directed to pay the same.

A. T. Hatch .....	Assistant Journal Clerk .....	\$5 00
N. A. Watson .....	Assistant to Chief Clerk .....	6 00
J. E. Cuddy .....	Assistant Engrossing and Enrolling Clerk .....	5 00
E. E. Greeley .....	Assistant Minute Clerk .....	5 00
P. J. Hayselden .....	Assistant Minute Clerk .....	5 00
Charlotte M. Coyle .....	Stenographer .....	5 00
J. B. Kenny .....	Stenographer .....	5 00
G. Angle .....	Committee Clerk .....	4 00
J. T. Parkinson .....	Committee Clerk .....	4 00
Geo. Edwards .....	Committee Clerk .....	4 00
Mrs. D. Hanna .....	Committee Clerk .....	4 00
Miss Clara Hubbs .....	Committee Clerk .....	4 00
Dr. Geo. S. Case .....	Committee Clerk .....	4 00
J. C. Shearer .....	Committee Clerk .....	4 00
Mrs. E. P. Held .....	Committee Clerk .....	4 00
J. J. Campbell .....	Committee Clerk .....	4 00
John Miliken .....	Committee Clerk .....	4 00
Geo. E. Waddell .....	Committee Clerk .....	4 00
John R. Lenhart .....	Committee Clerk .....	4 00
S. C. Kutz .....	Committee Clerk .....	4 00
E. Nolan .....	Committee Clerk .....	4 00
O. C. Luelling .....	Assistant Sergeant-at-Arms .....	5 00
Albert Kerr .....	Sergeant-at-Arms to Committee .....	4 00
Thos. Smith .....	Sergeant-at-Arms to Committee .....	4 00
S. P. Walsh .....	Sergeant-at-Arms to Committee .....	4 00
J. S. Brown .....	Sergeant-at-Arms to Committee .....	4 00
Verne McKenney .....	Assistant to Committee Clerk .....	4 00
M. J. Halahan .....	Assistant Engrossing and Enrolling Clerk .....	5 00
Miss T. Burton .....	Assistant Postmistress .....	4 00
Cyrus Lindley .....	Gatekeeper .....	3 00
J. Toomey .....	Gatekeeper .....	3 00

Peter Crane	Gatekeeper	\$3 00
F. C. Young	Watchman	3 00
F. Smith	Watchman	3 00
Wesley Smith	Watchman	3 00
Rush Brunner	Doorkeeper	3 00
Wm. Halley	Porter	3 00
G. F. Gunn	Porter	3 00
Thos. Taniau	Porter	3 00
Leslie Burnett	Page	2 50
F. J. Neidlein	Page	2 50
William R. Saunders	Page	2 50
Al. Fish	Committee Clerk	4 00
Roy Hart	Gatekeeper	3 00
Frank Mathews	Committee Clerk	4 00
John Williams	Committee Clerk	4 00
Herb. Scott	Assistant Sergeant-at-Arms to Committee	3 00
Miss Elsie McDonald	Stenographer	5 00

Mr. Transue moved the adoption of the resolution.

The roll being called, the resolution was adopted by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffie, Pryor, Pyle, Severance, Slaven, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—70.

NOES—None.

#### ADJOURNMENT.

At twelve o'clock and thirty minutes P. M. the Speaker declared the Assembly adjourned.

### IN ASSEMBLY.

ASSEMBLY CHAMBER,

Friday, January 6, 1905. }

The Assembly met at eleven o'clock A. M., pursuant to adjournment.  
Speaker Prescott in the chair.

#### ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffie, Pryor, Pyle, Rolley, Severance, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—71

Quorum present.

#### LEAVE OF ABSENCE.

Leave of absence for the day was granted to Messrs. Barnes, Busick, Arnerich, Creighton, Weyand, Dorsey, Slaven, and Chandler.

#### PRAYER.

Prayer by the Rev. George C. King.

## READING OF THE JOURNAL.

On motion of Mr. King, the further reading of the Journal was dispensed with.

## REPORT OF SPECIAL COMMITTEE.

## ON CONTINGENT EXPENSES AND MILEAGE.

MR. SPEAKER: Your temporary Committee on Contingent Expenses and Mileage, to whom was referred the following resolution.

*Resolved*, That the Sergeant-at-Arms be and he is hereby instructed to rent fifteen typewriting machines for the use of the stenographers of the Assembly; and the Controller of State is hereby authorized to draw his warrant for the amount of the rentals and the Treasurer is directed to pay the same out of the fund for the contingent expenses of the Assembly.

Beg leave to report that we have had the same under consideration, and recommend that the same be forthwith adopted.

BURKE,  
WASTE,  
TRANSUE,  
Committee.

Report and resolution read.

Mr. Burke moved the adoption of the resolution.

Resolution adopted.

## REPORT OF SELECT COMMITTEE.

MR. SPEAKER: Your committee, appointed to confer with a like committee from the Senate regarding the preparation and printing of bills, beg leave to report that we have met with such Senate committee, and recommend that the resolutions before the Assembly relating to such subjects be not adopted.

F. A. CROMWELL,  
H. S. G. MCCARTNEY,  
FREDERICK W. HOUSER,  
Committee.

Report read, received, and committee discharged.

## WITHDRAWAL OF RESOLUTION.

Mr. McCartney moved that he be permitted to withdraw Assembly Concurrent Resolution No. 2.

Motion carried.

## RESOLUTIONS.

By Mr. Jones of San Francisco:

*Resolved*, That by reason of the services rendered the Assembly by Al Lewald, at the request of Sergeant-at-Arms in the organization of the Assembly, and for mileage, the Controller is hereby directed to draw his warrant in favor of Al Lewald for one hundred and two dollars (\$102 00), and the State Treasurer is hereby ordered to pay said warrant out of appropriations for the contingent expenses of the Assembly.

Resolution read.

Referred to Committee on Contingent Expenses and Mileage.

By Mr. Transue:

*Resolved*, That the following-named persons be and they are hereby appointed and employed for the positions, and at the per diem set opposite their respective names—said per diem to be paid out of the appropriations for the contingent expenses of the Assembly; said appointments to date from and include the 2d day of January, 1905, and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said following-named persons for the said per diems, and the State Treasurer is hereby authorized and directed to pay the same:

B. F. Hames, Assistant Engraving and Enrolling Clerk.....	\$5 00
Mrs W. Fisher, Committee Clerk.....	4 00
C Lefevre, Sergeant-at-Arms to Committee.....	4 00

Resolution read.

Mr. Transue moved the adoption of the resolution.

The roll being called, the resolution was adopted by the following vote:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaefle, Pryor, Pyle, Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—68

**NOES**—Mr. Espey—1.

By Mr. O'Brien:

*Resolved*, That Walter L. Williams be employed as electrician, to take charge of the electric lights of the Assembly Chamber, at \$4 per diem; that the Controller be and he is hereby directed to draw his warrant on the State Treasurer for the same, and the Treasurer is hereby authorized to pay the same out of the Contingent Fund of the Assembly.

Resolution read.

Referred to Committee on Attachés.

By Mr. Beardslee:

*Resolved*, That each Assemblyman be and he is hereby permitted to place the names of four (4) newspapers on the list and that the Press Mailing Clerks mail to such papers one copy each of all printed bills and resolutions.

Resolution read.

Referred to Committee on Printing.

#### WITHDRAWAL OF NOTICE OF RECONSIDERATION.

Mr. Treadwell announced that he would not call up his notice of motion to reconsider the vote whereby the Standing Rules of the Assembly were adopted.

#### ADJOURNMENT.

At eleven o'clock and fifty minutes A. M., on motion of Mr. McGowan, the Assembly adjourned until eleven o'clock and forty-five minutes A. M. of Monday, January 9, 1905.

#### IN ASSEMBLY.

#### ASSEMBLY CHAMBER,

Monday, January 9, 1905. }

The Assembly met at eleven o'clock and forty-five minutes A. M., pursuant to adjournment.

Speaker Prescott in the chair.

#### ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted,

Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—74.

Quorum present.

#### LEAVE OF ABSENCE.

Leave of absence for the day was granted to Messrs. Johnson, Slaven, King, and Dorsey; and to Mr. Barnes for two days.

#### PRAYER.

Prayer by the Rev. George C. King.

#### STANDING COMMITTEES.

The Speaker announced the appointment of the following standing committees of the Assembly for the thirty-sixth session of the Legislature of the State of California:

##### STANDING COMMITTEES OF THE ASSEMBLY, THIRTY-SIXTH SESSION.

Agriculture—Messrs. Strobridge (chairman), Johnson, Lynch, Perkins, Branstetter, Arnerich, Lumley.

Attaches and Employes—Messrs. Bliss (chairman), Bates, Transue, Lucey, Vogel.

Banks and Banking—Messrs. Perkins (chairman), Bates, Barnes, Bliss, Johnstone.

Building and Loan Associations—Messrs. Transue (chairman), Waste, Chandler, Devlin, Coghlan, Rolley, Jury.

Claims—Messrs. Severance (chairman), Dorsey, Anthony, Mitcheltree, Jarvis, Mindham, Slaven.

Commerce and Navigation—Messrs. Hartman (chairman), Barnes, Beckett, Branstetter, Cullen, Jones of San Francisco, McGowan, Pfaeffe, Wickersham.

Commissions and Public Expenditures—Messrs. Vogel (chairman), Amerige, Drew, Strohl, Atkinson, Treadwell, Jury.

Constitutional Amendments—Messrs. Houser (chairman), Estudillo, Burke, King, Held, Beardslee, McCartney.

Contested Elections—Messrs. John (chairman), Severance, Meinke, Walsh, Stanton, Pryor, Jones of Tuolumne.

Contingent Expenses and Accounts—Messrs. Cromwell (chairman), Anthony, Barnes, Burge, Duryea.

Corporations—Messrs. Walsh (chairman), McCartney, Busick, Jones of San Francisco, Manwell, Anthony, Houser, Pfaeffe, Jones of Tuolumne.

Counties and County Boundaries—Messrs. Pyle (chairman), Cleveland, Transue, Rolley, Hawkins.

County and Township Governments—Messrs. Burke (chairman), Houser, Burge, Johnson, Busick, Gans, Jarvis, McCartney, McKenney, Duryea, Gates, Tripp, Lumley.

Dairies and Dairy Products—Messrs. Cooper (chairman), Branstetter, Jury, John, Olmsted, Bliss, Moore, Held, Pryor.

Election Laws—Messrs. Rolley (chairman), Devlin, Held, Waste, Anthony, Coghlan, Pryor.

Education—Messrs. Slaven (chairman), Manwell, Devlin, Creighton, Estudillo, Strobridge, Thompson, Wickersham, Jones of Tuolumne.

Engrossment and Enrollment—Messrs. Devlin (chairman), Johnstone, Hartman, Mindham, Creighton, Lucey, Hawkins.

Fruit and Vine Interests—Messrs. Cleveland (chairman), Strobridge, Tripp, Arnerich, Chandler, Cromwell, Hawkins.

Fish and Game—Messrs. O'Brien (chairman), Wickersham, Johnson, Branstetter, Atkinson, Drew, Ellis, McNamara, Strohl, Boyle, Creighton.

Federal Relations—Messrs. Amerige (chairman), Johnson, Coghlan, Treadwell, Whiting.

Governor's Messages—Messrs. Pfaeffe (chairman), McKenney, McNamara, Mindham, Perkins.

Immigration—Messrs. Cullen (chairman), Meinke, Johnstone, John, Coyle, Tripp, Lucey, Whiting, Burge.

Insurance and Insurance Laws—Messrs. Bates (chairman), O'Brien, Jarvis, Stanton, Walsh, Atkinson, McNamara.

Irrigation—Messrs. Estudillo (chairman), Johnson, Amerige, Burge, Chandler, Weyand, Strobridge, Treadwell, Lumley.

Judiciary—Messrs. Duryea (chairman), Houser, Beardslee, Walsh, McCartney, Dorsey, Waste, King, Treadwell, Burke, Gans, Busick, Cleveland, Espey, Creighton, Manwell, Thompson, McGowan, O'Brien, Weyand, Pryor.

Labor and Capital—Messrs Mindham (chairman), Whiting, Cullen, Johnstone, Pyle, Manwell, Lynch, Amerige, Thompson

Levees and River Improvements—Messrs Olmsted (chairman), Weyand, Busick, Moore, Ellis, Vogel, Jones of San Francisco

Manufactures and Internal Improvements—Messrs. Ellis (chairman), Strohl, Beckett, Boyle, Hartman, McNamara, Lumley.

Mileage—Messrs. Beckett (chairman), Dorsey, Slaven, Tripp, Creighton

Military Affairs—Messrs. Gans (chairman), Anthony, Drew, Weyand, Cooper, Coyle, Hawkins.

Mines and Mining Interest—Messrs. Whiting (chairman), Creighton, Burge, Duryea, Ellis, Coyle, McKenney, Dorsey, Jones of Tuolumne.

Municipal Corporations—Messrs. Beardslee (chairman), Transue, Cromwell, Thompson, Hartman, Burke, Espey.

Oil Industry and Oil Mining Interests—Messrs. Dorsey (chairman), Chandler, Pyle, Ellis, John, Cleveland, Houser, Atkinson, Perkins.

Public Buildings and Grounds—Messrs Barnes (chairman), Dorsey, Rolley, Arnerich, Branstetter, Cooper, Vogel, Slaven, McNamara, Cullen, Lucey.

Public Charities and Corrections—Messrs Coghlan (chairman), Bates, Transue, Tripp, Strohl, Boyle, Mitcheltree.

Public Health and Quarantine—Messrs Gates (chairman), Cullen, Espey, Meincke, Pyle, Moore, Olmsted.

Public Lands and Forestry—Messrs. Mitcheltree (chairman), Cooper, Estudillo, Gans, Jury, Cleveland, Jones of Tuolumne.

Public Morals—Messrs Lucey (chairman), Walsh, Moore, Arnerich, Burke, Wickersham, Cooper, O'Brien, Jones of Tuolumne

Public Printing—Messrs. Jury (chairman), Boyle, Whiting, Olmsted, Severance, Gates, Pyle.

Public Works, State Capitol, and Parks—Messrs. Johnson (chairman), Moore, O'Brien, Strohl, Beckett, Bates, Jarvis.

Reform of the Civil Service—Messrs. Jones of San Francisco (chairman), Bliss, Coyle, McKenney, Stanton

Retrenchment and Reform—Messrs. King (chairman), Amerige, Branstetter, Duryea, Rolley, Pfaffle, Mindham

Revenue and Taxation—Messrs. Goodrich (chairman), Cooper, Perkins, Waste, Jones of San Francisco, Barnes, Stanton.

Revision and Reform of Laws—Messrs. Drew (chairman), Goodrich, Estudillo, Held, Espey, Coghlan, Beardslee, Manwell, McGowan

Roads and Highways—Messrs. Coyle (chairman), Lynch, Perkins, Gans, Olmsted, Thompson, Jarvis, Arnerich, Cleveland, Tripp, Chandler.

Rules and Regulations—Messrs. McCartney (chairman), Cromwell, Houser, McGowan, Mr. Speaker

State Hospitals and Asylums—Messrs. Held (chairman), Cromwell, Beardslee, King, Severance, Strobbridge, Mitcheltree, Gates, Meincke, Pfaffle, Pryor.

State Library—Messrs. Lynch (chairman), Gans, Slaven, Treadwell, Goodrich.

State Prisons and Reformatory Institutions—Messrs. McKenney (chairman), Lynch, Olmsted, Amerige, Ellis, Bliss, Boyle, Beckett, Wickersham.

Swamp and Overflowed Lands and Drainage—Messrs. Moore (chairman), Devlin, Lynch, Atkinson, Manwell, Cullen, Weyand, Vogel, Hawkins

Universities—Messrs. Waste (chairman), Mitcheltree, Goodrich, Johnstone, Espey, King, Weyand.

Ventilation and Acoustics—Messrs. Johnstone (chairman), Busick, Gates, Hartman, Meincke.

Ways and Means—Messrs. Stanton (chairman), Drew, Cromwell, Devlin, Busick, McCartney, Espey, Goodrich, Jones of San Francisco, McGowan, Rolley, Waste, John, Weyand, Lumley.

San Francisco Delegation—Mr McGowan (chairman).

#### READING OF THE JOURNAL.

On motion of Mr. Atkinson, the further reading of the Journal was dispensed with.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Cromwell:

*Resolved*, That upon reaching the order of Introduction of Bills on the first day upon which bills are introduced, the Clerk shall draw the names of the members from a hat, and as each member's name is drawn he shall introduce such bills as he desires.

Resolution read.

On motion of Mr. Cromwell, the resolution was adopted.



## RE-REFERENCE OF RESOLUTIONS.

Mr. Burke moved that the following resolutions be withdrawn from the temporary Committee on Contingent Expenses and Mileage, and re-referred to standing Committee on Contingent Expenses and Accounts:

By Mr. Jones of San Francisco:

*Resolved*, That by reason of the services rendered the Assembly by Al Lewald, at the request of Sergeant-at-Arms in the organization of the Assembly, and for mileage, the Controller is hereby directed to draw his warrant in favor of Al Lewald for one hundred and two dollars (\$102), and the State Treasurer is hereby ordered to pay said warrant out of appropriations for the contingent expenses of the Assembly.

By Mr. O'Brien:

*Resolved*, That Walter L. Williams be employed as electrician, to take charge of the electric lights of the Assembly Chamber, at \$4 per diem, that the Controller be and he is hereby directed to draw his warrant on the State Treasurer for the same, and the Treasurer is hereby authorized to pay the same out of the Contingent Fund of the Assembly.

So ordered.

## INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Goodrich: Assembly Bill No. 1—An Act to amend Section 1313 of the Civil Code, relating to devises.

Read first time, and referred to Committee on Judiciary.

By Mr. Jones of San Francisco: Assembly Bill No. 2—An Act to amend Section 558 of the Civil Code of the State of California, relating to the vesting of mortgage powers.

Read first time, and referred to Committee on Judiciary.

By Mr. Cromwell: Assembly Bill No. 3—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, relating to powers of Board of Trustees of cities of the fifth class.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 4—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 580 thereof, relating to banking corporations.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 5—An Act concerning and confirming the organization of corporations.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 6—An Act to amend Section 849 of the Code of Civil Procedure, relating to the service of summons issued out of justices' courts.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 7—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes, the acquisition of property thereby, the calling and conducting of elections in such districts, the assessment, levy, collection, custody, and disbursement of taxes therein, the issuance and disposal of the bonds thereof and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds," approved March 31, 1901.

Read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 8—An Act to amend Sections 1 and 7 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Read first time, and referred to Committee on Judiciary.

By Mr. Cooper: Assembly Bill No. 9—An Act to amend an Act to establish a Political Code, approved March 12, 1872, by amending Section 4080 relating to the planting and preservation of shade and ornamental trees.

Read first time, and referred to Committee on Roads and Highways.

By Mr. Stanton: Assembly Bill No. 10—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 11—An Act to abate the gopher and squirrel nuisance upon or adjacent to cultivated lands and for the protection of agriculture and horticulture from destruction by said gophers and squirrels and to provide for the enforcement of this Act.

Read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 12—An Act to amend Section 1416 of the Civil Code of the State of California relative to the time of commencing work on water appropriations and providing that in certain cases the time for commencing work may be extended.

Read first time, and referred to Committee on Irrigation.

By Mr. O'Brien: Assembly Bill No. 13—An Act to amend Section 3928 of the Political Code, relating to the boundary line between the counties of Sacramento and San Joaquin.

Read first time, and referred to Committee on Counties and County Boundaries.

By Mr. Rolley: Assembly Bill No. 14—An Act to amend Sections 626 and 626d, all relating to the protection and preservation of game.

Read first time, and referred to Committee on Fish and Game.

By Mr. Lumley: Assembly Bill No. 15—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof in relation to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Anthony: Assembly Bill No. 16—An Act to regulate appointments, transfers, promotions, and removals in the civil service of the State of California.

Read first time, and referred to Committee on Reform of the Civil Service.

By Mr. McCartney: Assembly Bill No. 17—An Act to repeal Chapter II of Title IV of Part III of the Code of Civil Procedure of the State of California, and to substitute therefor a new Chapter II, relating to liens of mechanics and others upon real property.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 18—An Act to amend Sections 276, 277, 279,

and 280 of the Code of Civil Procedure, relating to the admission to practice of attorneys and counselors.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 19—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 69 of said Civil Code, relating to marriage licenses.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 20—An Act to repeal two sections of the Code of Civil Procedure, each being numbered 1161, approved April 1, 1878, and to substitute therefor a new section, to be numbered 1161, relating to unlawful detainer.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 21—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 138 of said Civil Code, relating to orders respecting custody and maintenance of minor children of the marriage in actions for divorce.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 22—An Act to amend Section 585 of the Code of Civil Procedure, relating to the cases in which judgment may be had upon the failure of a defendant to answer.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 23—An Act to add a new section to the Civil Code of the State of California, to be known as Section 133, relating to the appointment of an attorney by the court in divorce actions to contest the action and inquire into the merits of the case and prevent collusion and fraud when defendant fails to appear or contest the proceeding, and providing for the fee of such attorney in such cases.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 24—An Act to add a new section to the Code of Civil Procedure, to be known as Section 637, relating to causes in the Superior Court in equity and at law, without a jury, in which testimony shall at request of a party be reduced to writing, and upon appeal be heard *de novo*.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 25—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 26—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 27—An Act to amend Section 147 of the Civil Code, relating to the power of the court to dispose of homestead and community property in divorce proceedings and creating presumption of ownership in the absence of such disposition.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 28—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 367 of said Code of Civil Procedure, relating to parties to civil actions.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 29—An Act to amend Section 647 of the

Penal Code of the State of California, relating to who are vagrants, and providing the punishment therefor.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 30—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissioners having the management and control of paid fire departments to grant the members thereof yearly vacations, approved March 26, 1895," which became a law March 4, 1899.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 31—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1672 of said Political Code, relating to sectarian books and teachings in public schools.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 32—An Act to amend an Act entitled "An Act to amend the Civil Code by adding a new section, to be designated Section 1313," approved March 18, 1874, by amending Section 1313, relative to charitable and benevolent bequests.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 33—An Act to amend an Act entitled "An Act to amend the Civil Code," approved March 30, 1874, by amending Section 194 of said Civil Code, relative to children born after entry and filing of interlocutory judgment in an action for divorce.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 34—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, by amending Section 3 of said Act, and an Act amendatory thereof, approved March 27, 1895.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 35—An Act to amend Section 159½ of the Penal Code, making it a misdemeanor to advertise, solicit, advise, or offer to obtain or procure a divorce or nullity of marriage by advertising.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 36—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county and township officers and providing for the appointment of certain deputy county officials.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 37—An Act to repeal an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

Read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 38—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1582 of the said Code of Civil Procedure, relating to the maintenance of civil actions by executors and administrators jointly with heirs or devisees.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 39—An Act to amend an Act entitled "An

Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 939 and 963 of said Code of Civil Procedure, relating to appeals.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 40—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 41—An Act to amend Section 1430 of the Penal Code of California, relating to trial by jury before a justice's court.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 42—An Act to amend an Act entitled "An Act to punish adultery," approved March 15, 1872.

Read first time, and referred to Committee on Public Morals.

Also: Assembly Bill No. 43—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 283 and 284 of said Penal Code, relating to the punishment of bigamy.

Read first time, and referred to Committee on Public Morals.

Also: Assembly Bill No. 44—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 94 of said Civil Code, relating to extreme cruelty as a cause of action for divorce.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 45—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of said officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorneys, their appointment and term of office.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 46—An Act to amend an Act entitled "An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 47—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 4285 of said Code, relative to the recording of instruments.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 48—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 49—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Read first time, and referred to Committee on Judiciary.

By Mr. Branstetter: Assembly Bill No. 50—An Act requiring the

marking of packages of butter containing less than six pounds and more than one-half pound so as to advise the purchaser or others as to the weight of butter contained in such package.

Read first time, and referred to Committee on Dairies and Dairy Products.

#### MOTIONS.

Mr. Waste moved that when the House adjourns it be until three o'clock P. M. of this day, and that the introduction of bills be the special order for that hour.

So ordered.

Mr. Treadwell moved that the hour of adjournment be continued to one o'clock P. M.

So ordered.

#### INTRODUCTION OF BILLS—(RESUMED).

By Mr. Branstetter: Assembly Bill No. 51—An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspections of dairy stock, dairies, factories for the production of dairy products and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent the deception in the sale of dairy products, and to appropriate money for enforcing its provisions.

Read first time, and referred to Committee on Dairies and Dairy Products.

By Mr. McGowan: Assembly Bill No. 52—An Act to provide for the purchase of a site for the erection, equipment, and furnishing of a building or buildings, and for the improvement of grounds, for the use of the State Normal School at San Francisco; and making an appropriation therefor.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 53—An Act to amend Section 97 of the Code of Civil Procedure of the State of California, relating to the salaries of Justices of the Peace in cities and counties.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Burke: Assembly Bill No. 54—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justice courts.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 55—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 56—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justice courts and justices.

Read first time, and referred to Committee on Judiciary.

By Mr. Gates: Assembly Bill No. 57—An Act to amend Section 1560 of the Political Code of the State of California, relating to the public schools.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 58—An Act to amend Section 611 of the Civil Code, relating to the issuance of bonds by cemetery corporations.

Read first time, and referred to Committee on Judiciary.

By Mr. Moore: Assembly Bill No. 59—An Act to amend Sections 1521, 1665, 1771, and 1775 of the Political Code of the State of California (all relating to public schools and education), by making provisions for the teaching, in the public schools in connection with nature study, the elements of agriculture.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 60—An Act providing for the appointment, by the county superintendent of schools, in counties so desiring, of a supervisor of nature study, agriculture and related subjects; indicating necessary qualifications and duties; and providing for the fixing of his salary and the payment thereof.

Read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 61—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1314, relating to wills.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 62—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1409, relating to succession.

Read first time, and referred to Committee on Judiciary.

By Mr. Mindham: Assembly Bill No. 63—An Act to provide for the construction and maintenance of a fire-boat for the protection of shipping and appropriating money therefor.

Read first time, and referred to Committee on Commerce and Navigation.

Also: Assembly Bill No. 64—An Act for the relief of Patrick Creighton.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 65—An Act to add an additional section to the Code of Civil Procedure, to be numbered 583, relating to the dismissal of actions.

Read first time, and referred to Committee on Judiciary.

By Mr. Jones of Tuolumne: Assembly Bill No. 66—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.

Read first time, and referred to Committee on Public Works, State Capitol, and Parks.

Also: Assembly Bill No. 67—An Act to appropriate the sum of \$20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon the Sonora and Mono road, a State highway.

Read first time, and referred to Committee on Roads and Highways.

By Mr. Arnerich: Assembly Bill No. 68—An Act making an appropriation of ten thousand (\$10,000) dollars for the establishing at the Lick Observatory of a light and power plant, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Waste: Assembly Bill No. 69—An Act to amend Section 200 of the Code of Civil Procedure of the State of California, relating to persons exempt from liability to act as a juror.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 70—An Act to amend Section 1277 of the Code of Civil Procedure of the State of California, relating to fixing

time for hearing applications for the change of name, and publication of notice therefor.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 71—An Act to amend Chapter IX of Title XI of Part III of the Code of Civil Procedure of the State of California, relating to the conveyance of real estate by executors and administrators in certain cases.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 72—An Act to amend Section 595 of the Civil Code, relating to the amount of real estate which may be held by certain corporations.

Read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 73—An Act making an appropriation of two hundred and fifty thousand (\$250,000) dollars for the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the use and accommodation of students of agriculture of the University, also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read first time, and referred to Committee on Universities.

Also: Assembly Bill No. 74—An Act making an appropriation of \$6,000 for the construction of cement sidewalks on the public streets of the town of Berkeley surrounding and adjacent to the grounds of the University of California, in Alameda County, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read first time, and referred to Committee on Universities.

Also: Assembly Bill No. 75—An Act to amend Title 16 of Part IV of Division I of the Civil Code of California, and each and every part and section of said title, and to substitute a new Title 16 to take the place thereof in said Code, relating to land and building corporation, also called mutual building and loan association, and to other similar corporations and associations.

Read first time, and referred to Committee on Building and Loan Associations.

Also: Assembly Bill No. 76—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Concurrent Resolution No. 3—Approving two amendments to the charter of the town of Berkeley, county of Alameda, State of California, submitted to be voted for and ratified by the qualified electors of said town of Berkeley, at an election held therein on the 13th day of April, 1903.

Referred to Committee on Municipal Corporations.

By Mr. Thompson: Assembly Bill No. 77—An Act entitled "An Act to annul Section 443 of Political Code of the State of California, relating to the State School Fund."

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 78—An Act entitled "An Act to provide for the insurance of school property."

Read first time, and referred to Committee on Insurance.

By Mr. Devlin: Assembly Bill No. 79—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12,



1872, by amending Section 3652, and by adding a new section to be numbered 3652½, relating to the time of completion of assessment roll, and the giving of notice by the Assessor of the amount of the assessment, and the date of meeting of boards of equalization.

Read first time, and referred to Committee on Judiciary.

By Mr. Estudillo: Assembly Bill No. 80—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and the best methods of preserving the forests thereof; and to make an appropriation for the expenses of such investigations.

Read first time, and referred to Committee on Federal Relations.

Also: Assembly Bill No. 81—An Act to appropriate \$410 to pay the claim of L. C. Waite against the State of California, upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Read first time, and referred to Committee on Claims.

By Mr. Drew: Assembly Bill No. 82—An Act to amend the Political Code by adding thereto a new section to be numbered 1097a, relating to registration of voters.

Read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 83—An Act directing the Regents and the President of the University of California to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 84—An Act to amend Section 1 of an Act to regulate the practice of veterinary medicine and surgery in the State of California.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 85—An Act to provide for the location and construction of a public highway from a point on the Kings River near the town of Centerville, in Fresno County, to Kings River Cañon, making an appropriation therefor, and providing for a commission to build, etc.

Read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 86—An Act to provide for the appointment of the California Cereal Improvement Commission, defining the purposes of said commission and providing for an appropriation to pay the expenses thereof.

Read first time, and referred to Committee on Agriculture.

By Mr. Wickersham: Assembly Bill No. 87—An Act making an appropriation of \$5,075 to repay the Regents of the University of California for moneys appropriated by them to repair, maintain, and erect necessary buildings for a forestry station at Santa Monica, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read first time, and referred to Committee on Universities.

Also: Assembly Bill No. 88—An Act to amend Section 1577 of the Political Code of the State of California, relating to the formation of new school districts.

Read first time, and referred to Committee on Education.

By Mr. Treadwell: Assembly Bill No. 89—An Act to amend Section 3804 of the Political Code of the State of California, relating to the

refunding of taxes illegally or erroneously collected, or paid more than once, and limiting the time therefor.

Read first time, and referred to Committee on Revenue and Taxation.

Also: Assembly Bill No. 90—An Act to amend Sections 771, 778, and 779 of the Political Code, relating to the publication of the opinions of the Supreme Court and of the District Courts of Appeal.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 91—An Act to amend Section 767 of the Political Code, relating to the appointment and term of office of the reporter and the assistant reporters of the decisions of the Supreme Court and of the District Courts of Appeal.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 92—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 93—An Act making an appropriation to pay the judgment of J. R. Hanify against the State of California for damage sustained by the breakage of Fremont-street wharf in the City and County of San Francisco.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 94—An Act to amend Section 1618 of the Code of Civil Procedure, relating to the compensation of executors and administrators, and to add a new section to said Code, to be known as Section 1619, relating to the compensation of executors and administrators.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 95—An Act to amend Section 890 of the Code of Civil Procedure, relating to proceedings in justices' courts.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 96—An Act adding a new section to the Civil Code to be known as Section 433, relating to corporations transacting business in insuring titles to real estate, and providing the terms and conditions of policies issued by such corporations.

Read first time, and referred to Committee on Insurance.

Also: Assembly Bill No. 97—An Act to amend Section 608 of the Code of Civil Procedure, relating to instructions to juries.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 98—An Act to amend Section 1310 of the Civil Code, relating to lapsed legacies.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 99—An Act to amend Section 1167 of the Code of Civil Procedure, relating to summons in summary proceedings for obtaining possession of real property.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 100—An Act to amend Section 2968 of the Civil Code, and to repeal Sections 2969 and 2970 of said Code, relating to the taking of mortgaged property under attachment and execution.

Read first time, and referred to Committee on Judiciary.

By Mr. Treadwell: Assembly Bill No. 101—An Act to amend Section 1489 of the Political Code, relating to State Normal Schools.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 102—An Act to appropriate the sum of \$1,000 to pay the claim of Sergeant-Major Eugene De Sparr.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 103—An Act to amend an Act entitled "An Act to amend Sections 3, 5, 6, and 8, of Article 2 of an Act entitled 'An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State hospitals for the insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties,' approved March 31, 1897," approved March 21, 1899, concerning the appointment of women physicians.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 104—An Act to appropriate \$3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 105—An Act to appropriate the sum of \$150 to pay the claim of I. E. Cohn against the State of California for money advanced.

Read first time, and referred to Committee on Claims.

Also: Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the right of suffrage.

Read first time, and referred to Committee on Elections.

By Mr. Houser: Assembly Bill No. 106—An Act to increase the number of judges of the Superior Court of the County of Los Angeles, State of California, and for the appointment of such additional judges.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 107—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1760, relating to giving special notice to relatives and wards during the administration of wards' estate.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 108—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1380, relating to giving special notices to heirs, devisees, legatees, and creditors during the administration of estates of decedents.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 109—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 437 thereof, relating to "grand larceny defined."

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 110—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 338 thereof, relating to "the time of commencing actions other than for the recovery of real property."

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 111—An Act to provide for the registration of bonds issued by common school, high school, or union high school districts.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 112—An Act to amend Section 424 of the Penal Code of the State of California, relative to embezzlement and falsification of accounts by public officers.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 113—An Act to repeal Article XVII, Chapter III, Title III, Part III, of the Political Code of the State of California, relating to "city boards of examination."

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 114—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 339 thereof, relating to "the time of commencing actions other than for the recovery of real property."

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 115—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 283 thereof, relating to the punishment for the crime of bigamy.

Read first time, and referred to Committee on Public Morals.

Also: Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State, amending Section 13 of Article XI, relating to powers not to be delegated to any special commission, private corporation, company, association, or individual.

Referred to Committee on Constitutional Amendments.

By Mr. Atkinson: Assembly Bill No. 116—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavits of registration.

Read first time, and referred to Committee on Elections and Election Laws.

Also: Assembly Bill No. 117—An Act to amend Section 1149 of the Political Code of the State of California, relating to the posting of precinct registers.

Read first time, and referred to Committee on Elections and Election Laws.

Also: Assembly Bill No. 118—An Act to amend Section 1264 of the Political Code of the State of California, relating to election returns.

Read first time, and referred to Committee on Elections and Election Laws.

Also: Assembly Bill No. 119—An Act to amend Section 1255 of the Political Code of the State of California, relating to ballots voted at elections.

Read first time, and referred to Committee on Elections and Election Laws.

Also: Assembly Bill No. 120—An Act to amend Section 1253 of the Political Code of the State of California, relating to elections.

Read first time, and referred to Committee on Elections and Election Laws.

Also: Assembly Bill No. 121—An Act to amend Section 3654 of the Political Code, relating to the disposition of assessment books, maps, etc.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 122—An Act to regulate the work and hours of employes engaged in selling retail drugs and medicines and compounding physicians' prescriptions, and providing a penalty therefor.

Read first time, and referred to Committee on Labor and Capital.

#### MOTION.

Mr. Olmsted moved that the hour of adjournment be continued to one o'clock and fifteen minutes p. m.

So ordered.

#### INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. Johnstone: Assembly Bill No. 123—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 124—An Act to amend Sections 16, 16c, and 20 of an Act entitled by its amended title as follows: "An Act to establish for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as the Whittier State School, approved March 11, 1889; amended March 23, 1893."

Read first time, and referred to Committee on Public Morals.

Also: Assembly Bill No. 125—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of State and County school funds.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 126—An Act to appropriate the sum of \$1,276 to pay the amount of a judgment against the Board of Trustees of Whittier State School and in favor of Lucy J. Harvey, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 127—An Act to provide for the proper naming of trees, seeds, plants, and vines, sold, offered, or exposed for sale, in this State, and providing a penalty for the violation of this Act.

Read first time, and referred to Committee on Fruit and Vine Interests.

By Mr. Bliss: Assembly Bill No. 128—An Act amending an Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a board of directors for the government thereof, and appropriating the sum of \$65,000 for the support of said home.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 129—An Act making an appropriation for the erection of a dormitory at the home of the "Industrial Home of Mechanical Trades for Adult Blind."

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 130—An Act making an appropriation for the erection of a workshop at the home of the Industrial Home of Mechanical Trades for the Adult Blind.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. McKenney: Assembly Bill No. 131—An Act to add a new section to be known as Section 1927 of the Code of Civil Procedure, relating to the admission in evidence of certain statements of facts contained in patents for mineral lands issued or granted by the United States of America.

Read first time, and referred to Committee on Mines and Mining.

Also: Assembly Bill No. 132—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a dam across Sutter Creek.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 133—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 134—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 135—An Act making an appropriation to pay the deficiency in the appropriation of the support fund, occasioned by the burning of the trades building at the Preston School of Industry.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 136—An Act appropriating money for building an assembly hall at Preston School of Industry.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 137—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of Preston School of Industry.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 138—An Act appropriating money for constructing a refrigerating plant at the Preston School of Industry.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Held: Assembly Bill No. 139—An Act to repeal an Act entitled "An Act to provide for the payment by the State or counties or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 140—An Act to amend Section 259 of the Code of Civil Procedure, relating to the duties and powers of court commissioners of Superior Courts.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 141—An Act to add a new section to the Penal Code to be numbered Section 420, relating to shipment of money or bullion on passenger coaches.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 142—An Act to amend Section 1388 of the--

Code of Civil Procedure, relating to the bonds of executors, administrators, and guardians.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 143—An Act to amend Sections 1365 and 1383 of the Code of Civil Procedure, relating to persons entitled to administer upon the estates of deceased persons.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 144—An Act to amend Section 1918 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the rate of interest that may be agreed upon by the parties to an agreement.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 145—An Act to provide for the payment by the State, or counties, or cities, or cities and counties, of the premium or charge on official bonds.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 146—An Act to amend Section 980 of the Code of Civil Procedure, relating to appeals from justices' courts.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 147—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section, to be known and numbered as Section 147, relating to the disposition of homestead on divorce being granted.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 148—An Act to amend Section 1243 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to abandonment of homesteads.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 149—An Act to amend Section 987 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the arraignment of a defendant in a criminal case and his right to counsel.

Read first time, and referred to Committee on Judiciary.

By Mr. Cleveland: Assembly Bill No. 150—An Act to amend Section 1 of an Act entitled "An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCIV of the Laws of 1891," approved March 26, 1903.

Read first time, and referred to Committee on Fruit and Vine Interests.

Also: Assembly Bill No. 151—An Act making an appropriation for searching for beneficial insects.

Read first time, and referred to Committee on Fruit and Vine Interests.

By Mr. Beardslee: Assembly Concurrent Resolution No. 4—Approving twenty-five certain amendments to the charter of the City of Stockton, in the County of San Joaquin, State of California, voted for and ratified by the qualified electors of said City of Stockton, at the general city election held therein on the 19th day of May, 1903.

Referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 152—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 153—An Act establishing a bureau of information for the purpose of disseminating knowledge of nature study, agriculture, and related subjects (applicable to conditions in California), to the public schools of the State, to be known as "The Central Bureau of Information"; indicating the method of disseminating such knowledge; fixing the location of said bureau; designating and naming the members of the board to control said bureau; indicating the powers of such board and the time for its first meeting, and appropriating the sum of \$10,000 to pay the expenses of said bureau for the fiscal years 1905 and 1906.

Read first time, and referred to Committee on Education.

By Mr. Olmsted: Assembly Bill No. 154—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of trustees of cities of the fifth class.

Read first time, and referred to Committee on Municipal Corporations

Also: Assembly Bill No. 155—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Read first time, and referred to Committee on Swamp and Overflowed Lands, and Drainage.

By Mr. Espey: Assembly Bill No. 156—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the inquiry into the aggravation or mitigation of punishment, the imposition or execution of sentence, and the suspending thereof by probation on plea or verdict of guilty.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 157—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1878, by amending Section 131 thereof, relating to powers and duties of the courts in providing for the creation and appointment and term of office of boards, to be known as "probation committees," providing for the creation and appointment of probation officers, prescribing their terms of office, duties, and powers, and fixing their salaries.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 158—An Act authorizing certain corporations to act as guardians of the persons of abandoned, dependent, and certain other children; with power as such guardians to consent to the adoption of such children; providing for their appointment as such guardians, with the notice to be given and fees remitted.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 159—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 224 thereof, relating to the consent to the adoption of children.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 160—An Act to amend an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of



courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903.

Read first time, and referred to Committee on Judiciary.

#### RECESS.

At one o'clock and fifteen minutes P. M. the Speaker declared a recess until three o'clock P. M.

#### REASSEMBLED.

The Assembly reconvened at three o'clock P. M.  
Speaker Prescott in the chair.

#### INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. Pryor: Assembly Bill No. 161—An Act to appropriate \$2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 162—An Act to appropriate \$590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 163—An Act to appropriate \$815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of the County of Sacramento.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 164—An Act to appropriate \$640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Read first time, and referred to Committee on Claims.

By Mr. Pyle: Assembly Bill No. 165—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 174 thereof.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Concurrent Resolution No. 5—Approving ten amendments to the charter of the City of Santa Barbara, a municipal corporation, in the County of Santa Barbara, State of California, which said ten amendments were submitted to vote of, and ratified by the qualified electors of said city, at a general municipal election at which

the same were duly submitted, and said election being held on December 1, 1903.

Referred to Committee on Municipal Corporations.

By Mr. Jury: Assembly Bill No. 166—An Act to amend Sections 773 and 871 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the assessment and collection of taxes in municipalities of the fifth and sixth classes.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Whiting: Assembly Bill No. 167—An Act to amend an Act entitled: "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 330 thereof, relating to illegal gaming.

Read first time, and referred to Committee on Public Morals.

By Mr. Jury: Assembly Bill No. 168—An Act amending Section 170 of the Code of Civil Procedure.

Read first time, and referred to Committee on Judiciary.

By Mr. Pfaeffe: Assembly Bill No. 169—An Act to create a department of music in the University of the State of California; to provide a professorship of music and to appropriate money therefor.

Read first time, and referred to Committee on Universities.

By Mr. Hawkins: Assembly Bill No. 170—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Cromwell: Assembly Bill No. 171—An Act to amend Section 617 of the Political Code, relating to boards of school trustees and city boards of education.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 172—An Act to amend Section 1634 of the Political Code, relating to school census marshal.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 173—An Act confirming the organization of school districts.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 174—An Act to regulate elections of school trustees voting on school bonds and school indebtedness.

Read first time, and referred to Committee on Education.

By Mr. Amerige: Assembly Bill No. 175—An Act fixing a limit of time within which a purchaser at tax sale shall apply for a tax deed.

Read first time, and referred to Committee on Revenue and Taxation.

Also: Assembly Bill No. 176—An Act to amend Section 3788 of the Political Code for the State of California, relating to redemption of lands from tax sales.

Read first time, and referred to Committee on Revenue and Taxation.

Also: Assembly Bill No. 177—An Act to provide for the classification of Supervisors in counties of the fifteenth class where they are not now classified, so that not all of them shall go out of office at the same time.

Read first time, and referred to Committee on County and Township Governments.

SENATE MESSAGE—(OUT OF ORDER).

Mr. Stanton moved that the Assembly do now consider Senate message.  
So ordered.

SENATE CHAMBER, SACRAMENTO, January 9, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 1—An Act making an appropriation to pay the expenses of Electors of President and Vice-President of the United States of America.

Also Senate Concurrent Resolution No. 3—Relative to Committee on Rules.

J. LEWIS A. HILBORN, Secretary of Senate.

By J. W. D. HARPER, Assistant Secretary.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Stanton:

*Resolved*, That Senate Bill No. 1 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read.

The roll being called, the resolution was adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Beardslee, Beckett, Boyle, Branstetter, Burke, Busick, Chandler, Coghlan, Cooper, Coyle, Creighton, Cronwell, Devlin, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, John, Jones of Tuolumne, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaeille, Pryor, Pyle, Severance, Stanton, Strobbridge, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—55.

NOES—None.

#### SECOND READING OF BILL.

Senate Bill No. 1—An Act making an appropriation to pay the expenses of Electors of President and Vice-President of the United States of America.

Read second time.

#### MOTION.

Mr. Stanton moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 1.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Senate Bill No. 1 was considered in Committee of the Whole.

#### IN ASSEMBLY.

Speaker Prescott in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, January 9, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 1—An Act making an appropriation to pay the expenses of the Electors of President and Vice-President of the United States of America—and do now report the same back and recommend that the same do pass.

PRESCOTT, Chairman.

Report adopted.

Assembly Bill No. 1—An Act making an appropriation to pay the expenses of Electors of President and Vice-President of the United States of America.

Read third time.

The question being on the final passage of bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Hawkins, Held, Houser, John, Jones of Tuolumne, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meineke, Moore, O'Brien, Olmsted, Perkins, Pfacille, Pryor, Fyle, Severance, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—60.

**NOES**—None.

Title read and approved.

Mr. Stanton moved that Senate Bill No. 1 be immediately transmitted to the Senate.

So ordered.

#### RESOLUTION.

By Mr. Duryea:

*Resolved*, That E. F. Duden be and he is hereby appointed Stenographer to Committee on Judiciary at the per diem allowed by law, payable out of the appropriation for the contingent expenses of the Assembly, and the State Controller is hereby directed to draw his warrant in favor of said E. F. Duden upon said appropriation and fund, and the State Treasurer is hereby directed to pay the same.

Resolution read.

Referred to Committee on Attachés and Employés.

#### REPORT OF COMMITTEE.

##### ON ATTACHÉS AND EMPLOYÉS.

*Resolved*, That the following-named persons be and they are hereby appointed and employed for the positions, and at the per diem set opposite their respective names—said per diem to be paid out of the appropriations for the contingent expenses of the Assembly; said appointments to date from and include the 2d day of January, 1905, and the State Controller is hereby authorized and directed to draw his warrant upon the said fund in favor of the said following-named persons for the said per diems, and the State Treasurer is hereby authorized and directed to pay the same.

The name of Herb. Brice shall be stricken from the roll as Watchman, \$4, and shall be made to read Herb. Brice, Clerk to Sergeant-at-Arms, \$5.

The name of Ed. Cammert shall be substituted in place of the said Herb. Price as Committee Clerk, \$4.

That the name of R. S. Holden be substituted as Gatekeeper in the place of and instead of the name of J. J. Walsh, \$3.

That the name of Geo. W. Edwards, heretofore appointed as a Committee Clerk at \$4, shall be stricken from the roll, and the said Geo. W. Edwards shall be appointed as assistant to the Chief Clerk, \$6.

That the name of Henry King, heretofore appointed as Committee Clerk at \$4, and the name of S. P. Walsh, heretofore appointed as Sergeant-at-Arms to Committee, be stricken from the rolls and the same be appointed as follows:

Henry King, Assistant Engrossing and Enrolling Clerk.....	\$5 00
S. P. Walsh, Assistant Engrossing and Enrolling Clerk.....	5 00
Henry A. Goudy, Doorkeeper.....	3 00
E. J. Dwyer, Clerk Judiciary Committee.....	6 00
Albert Snedden, Copy Clerk.....	4 00

That the name of J. M. Jones, on page 11 of Journal of January 4, 1905, heretofore appointed as Assistant Engrossing and Enrolling Clerk at \$6, be corrected to read J. M. Jones, Assistant Minute Clerk, \$6.

That the Journal of January 4, 1905, on page 12, be corrected; that the names of Wm. Haynes and Thos. Dolan, heretofore appointed as Bill Filers at per diem of \$4, be made to read: Wm. Haynes, Bill Clerk, \$4, Thos. Dolan, Bill Clerk, \$4.

That the name of J. B. Kenny, heretofore appointed as Stenographer at \$5, be stricken from the rolls and the name of R. G. Stitt, Assistant Journal Clerk at \$5, be substituted therefor.

Report and resolution read.

Mr. Transue moved the adoption of the resolution.

The roll being called, the resolution was adopted by the following vote:

**AYES**—Messrs. Anthony, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, John, Johnstone, Jones of Tuolumne, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfeifle, Pryor, Pyle, Severance, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Weyand, Whiting, Wickersham, and Mr. Speaker—59

**NOES**—Mr. Espey—1.

#### RESOLUTION.

By Mr. McGowan:

*Resolved*, That the Controller of State be, and he is hereby directed to draw his warrant on the State Treasurer in favor of Sergeant-at-Arms of the Assembly against the Contingent Fund of the Assembly in the sum of ninety-five dollars (\$95) for organization of House:

G. Kuchler, 4 days at \$3.00 .....	\$12 00
J. Castro, 4 days at \$3.00 .....	12 00
H. Castro, 4 days at \$3 00 .....	12 00
J. Kofod, 2 days at \$3 00 .....	6 00
J. Connell, 2 days at \$5.00 .....	10 00
J. Clever, 2 days at \$1.00 .....	8 00
T. Tannion, 4 days at \$3.00 .....	12 00
O. W. Haub, 2 days at \$5.00 .....	10 00
Roy Nichols, 2 days at \$2.50 .....	5 00
C. W. Curtis, 2 days at \$4.00 .....	8 00
	<hr/>
	\$95 00

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

By Mr. Houser:

*Resolved*, That all supplies of every kind or nature ordered by the Assembly be purchased by the Committee on Contingent Expenses and Accounts.

Resolution read, and referred to Committee on Ways and Means.

By Mr. Held:

*Resolved*, That the name of E. P. Held be stricken from the roll of employés as Committee Clerk and that of Joseph Stevens substituted therefor, as Committee Clerk.

Resolution read, and referred to Committee on Attachés and Employés.

By Mr. Lynch:

*Resolved*, That Arthur H. McCurdy be and he is hereby appointed and employed for the position of Stenographer to the Sergeant-at-Arms at the per diem of five dollars; said per diem to be paid out of the contingent expenses of the Assembly; said appointment to date from and include the 2d day of January, 1905, and the State Controller is hereby authorized and directed to draw his warrant upon the said fund in favor of the said Arthur H. McCurdy for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same.

Resolution read, and referred to Committee on Attachés and Employés.

#### ADJOURNMENT.

At four o'clock P. M., on motion of Mr. Duryea, the Assembly adjourned until eleven o'clock A. M., Tuesday, January 10, 1905.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,

Tuesday, January 10, 1905. }

The Assembly met at eleven o'clock A. M., pursuant to adjournment.  
Speaker Prescott in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitchell-tree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Slaven, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—78.

Quorum present.

## PRAYER.

Prayer by the Rev. George C. King.

## READING OF THE JOURNAL.

On motion of Mr. Atkinson, the further reading of the Journal was dispensed with.

## CORRECTIONS AND APPROVAL OF JOURNAL.

The Journals of January 2, 3, 4, and 6, 1905, were corrected, and, as corrected, approved.

## INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Bates: Assembly Bill No. 178—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of the boards of trustees of cities of the fifth class.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 179—An Act to amend Section 813 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the fire departments of cities of the fifth class.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 180—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160, Subdivision 6 thereof.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 181—An Act to create and regulate public warehouses.

Read first time, and referred to Committee on Corporations.

By Mr. Lumley: Assembly Bill No. 182—An Act to amend Section

1593 of the Political Code of the State of California, relating to the elections of school trustees.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 183—An Act to amend Section 1615 of the Political Code of the State of California, relating to the organization of a new school district.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 184—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 416½, relating to the carrying of concealed deadly weapons, and fixing the penalty therefor.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 185—An Act to provide for the destruction of gophers, squirrels, other wild animals, noxious weeds and insects.

Read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 186—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 187—An Act to amend an Act entitled "An Act relating to estrays, providing for taking up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force, relating to estrays," approved March 28, 1901, by amending the second section thereof.

Read first time, and referred to Committee on Judiciary.

By Mr. Creighton: Assembly Bill No. 188—An Act to amend an Act entitled "An Act to amend an Act entitled an Act to establish a uniform system of county and township governments," approved March 28, 1901, by amending Section 208 thereof, relating to counties of the fifty-first class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Chandler: Assembly Bill No. 189—An Act to further perpetuate the markings of the Government surveys.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 190—An Act amending Section 9 of an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution."

Read first time, and referred to Committee on Education.

By Mr. Dorsey: Assembly Bill No. 191—An Act to appropriate \$12,245 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 on the register of the Superior Court of the County of Sacramento.

Read first time, and referred to Committee on Ways and Means.

By Mr. Weyand: Assembly Bill No. 192—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

Also: Assembly Bill No. 193—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

Read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

Also: Assembly Bill No. 194—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts.

Read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

Also: Assembly Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

Read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

By Mr. Perkins: Assembly Bill No. 196—An Act to amend Section 2955 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 197—An Act to amend an Act entitled "An Act to amend an Act entitled an Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections and adding certain sections thereto, approved March 25, 1901.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 198—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, by amending certain sections thereof, repealing certain other sections and adding certain sections thereto by amending Section 34 of said Act.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Busick: Assembly Bill No. 199—An Act to amend Section 890 of the Code of Civil Procedure of the State of California, relating to judgments of dismissal without prejudice.

Read first time, and referred to Committee on Judiciary.

By Mr. O'Brien: Assembly Bill No. 200—An Act to pay the claim of James Touhey against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Claims.

By Mr. King: Assembly Bill No. 201—An Act authorizing the Directors of the Veterans' Home of California to purchase and take over, for the State of California, to be used and controlled by said board in the interests of the Veterans' Home of California, a certain piece of land adjoining the premises of the said Veterans' Home of California in the County of Napa, and appropriating the sum of \$3,000 to pay for the purchase of same.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Amerige: Assembly Bill No. 202—An Act to promote the drainage of wet, swamp, and overflowed lands, and to promote the public health in the communities in which they lie.

Read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.



Also: Assembly Bill No. 203—An Act to amend Section 637<sup>a</sup> of the Penal Code of the State of California, relating to the taking and killing of meadow larks and wild birds other than game birds.

Read first time, and referred to Committee on Fish and Game.

By Mr. Transue: Assembly Bill No. 204—An Act to amend Section 634 of the Political Code, relating to the registration of life insurance policies and deposit of security with Insurance Commissioner thereof.

Read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 205—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 206—An Act to amend Section 415 of the Act entitled "An Act to establish a Civil Code in the State of California," approved March 21, 1872, in relation to the holding, purchase, and conveyance of real estate by life insurance companies.

Read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 207—An Act entitled an Act to amend Section 1772 of the Political Code of the State of California, relating to certificates upon examination

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 208—An Act entitled an Act to amend Section 1861 of the Political Code of the State of California, relating to the use of the State School Fund.

Read first time, and referred to Committee on Education.

By Mr. Jury: Assembly Bill No. 209—An Act to amend Title V of Part 4 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by revising Sections 4458 and 4459 of said title and adding two new sections thereto, to be numbered 4460 and 4461, relating to and regulating publications of notices authorized or required to be given or made by public officers, or by law, providing that such publications or notices shall be given or made in newspapers of general circulation, defining what is a newspaper of general circulation, and providing a penalty for violation.

Read first time, and referred to Committee on Printing.

By Mr. Mitcheltree: Assembly Bill No. 210—An Act making an appropriation for repairs and improvements on buildings and grounds of the Woman's Relief Corps Home (located at Evergreen, Santa Clara County) for ex-army nurses, and indigent widows, wives, mothers, and dependent maiden daughters and sisters of Union veterans who served honorably in the War of the Rebellion.

Read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Severance: Assembly Bill No. 211—An Act to appropriate, out of the State School Book Fund of the State Treasury, the sum of \$4,119.71 to pay the claims of Bonestell, Richardson & Company for money due and owing said Bonestell, Richardson & Company from the State of California.

Read first time, and referred to Committee on Claims.

By Mr. McCartney: Assembly Bill No. 212—An Act to amend an Act entitled "An Act to amend an Act entitled an Act providing for the sale of railroad and other franchises in municipalities and relative to the granting of franchises," approved March 23, 1893.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 213—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 55 of said Act, and providing for the creation of the office of registrar of voters in the several counties of this State, and adding a new section to said Act to be known as Section 151½, prescribing the duties of such registrar of voters.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Cleveland: Assembly Bill No. 214—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Read first time, and referred to Committee on Judiciary.

By Mr. Drew: Assembly Bill No. 215—An Act to repeal Section 8 of the Civil Code, and to amend Section 9 thereof, relating to holidays.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 216—An Act to amend Sections 47 and 49 of the Civil Code, and to add four new sections thereto, to be numbered 51, 52, 53, and 54, all relating to personal rights.

Read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Waste: Assembly Bill No. 217—An Act to amend Section 1699 of the Code of Civil Procedure of the State of California, relating to payment of taxes and decrees of distribution of estates.

Read first time, and referred to Committee on Judiciary.

By Mr. Held: Assembly Bill No. 218—An Act to amend Section 2690 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings on approval of viewer's report in the matter of public highways.

Read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 219—An Act to repeal Sections 3824 and 3825 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Read first time, and referred to Committee on Revenue and Taxation.

Also: Assembly Bill No. 220—An Act to amend Section 853 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to complaints in the justices' courts.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 221—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat, and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 222—An Act to amend Section 896 of an

Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to costs in the justices' courts.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 223—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be known and numbered as Section 1408, relating to bonds of executors and administrators.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 224—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered and known as Section 1760, relating to bonds of guardians.

Read first time, and referred to Committee on Judiciary.

By Mr. Goodrich: Assembly Bill No. 225—An Act entitled an Act to amend Section 1701 of the Political Code of the State of California, relating to employment and payment of teachers.

Read first time, and referred to Committee on Education.

By Mr. Prescott: Assembly Bill No. 226—An Act to amend Paragraph 1 of Section 1874 of the Political Code of California, providing that pupils shall not be required to purchase supplemental books, and teachers and school authorities shall be punishable by expulsion from office, or a fine not exceeding \$50, for violation.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 227—An Act to amend Section 1 of an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, relating to the burial of soldiers who served in the war with Spain and in the Philippine insurrection.

Read first time, and referred to Committee on Military Affairs.

Also: Assembly Bill No. 228—An Act making an appropriation for the payment of Division and Brigade N. G. C. Headquarters allowances for the fifty-fifth and fifty-sixth fiscal years.

Read first time, and referred to Committee on Military Affairs.

Also: Assembly Concurrent Resolution No. 6—Relative to proposing an amendment to the State Constitution providing for free public school books.

Referred to Committee on Constitutional Amendments.

Also: Assembly Concurrent Resolution No. 7—Relative to an amendment of the Constitution amending Section 1, Article IV, providing for the enactment of certain laws by popular vote in State legislation.

Referred to Committee on Constitutional Amendments.

By Mr. Lynch: Assembly Bill No. 229—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 230—An Act authorizing the Regents of the University of California to hold Farmers' Institutes, and making appropriations therefor.

Read first time, and referred to Committee on Agriculture.

By Mr. Branstetter: Assembly Bill No. 231—An Act to amend Sec-

tions 628, 629, 632 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 232—An Act to amend an Act entitled "An Act to add a new section to the Penal Code, to be known and numbered as Section 381a," by adding thereto a section, to be known and numbered as Section 381b.

Read first time, and referred to Committee on Dairies and Dairy Products.

Also: Assembly Bill No. 233—An Act to prevent deception in the sale of renovated butter and to license manufacturers and dealers in the same.

Read first time, and referred to Committee on Dairies and Dairy Products.

By Mr. Barnes: Assembly Bill No. 234—An Act amending Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 235—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Read first time, and referred to Committee on Public Buildings and Grounds

Also: Assembly Bill No. 236—An Act to amend Section 792 of the Political Code of the State of California, relating to notary public.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 237—An Act to amend Section 1670 of the Political Code, relating to the establishment and maintenance of high schools.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 238—An Act to amend Section 1183 of the Civil Code of the State of California, relating to certificates of acknowledgment, and providing when such amendment shall take effect.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 239—An Act providing for the acquisition of the right to use certain of the tide waters of the State, and the lands adjacent thereto, for the purpose of utilizing the power of said water to propel machinery, and to permit the erection and maintenance of structures for the installation, maintenance, and operation of such machinery, and fixing the charge therefor.

Read first time, and referred to Committee of Commerce and Navigation.

Also: Assembly Bill No. 240—An Act to provide for the payment of the claims of John F. Forward, County Recorder, San Diego County, for recording tax deeds to the State of California, and making appropriations therefor.

Read first time, and referred to Committee on Claims.

By Mr. John: Assembly Bill No. 241—An Act making appropriation for the State Polytechnic School.

Read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 242—An Act to provide for certain improve-

ments at the California Polytechnic School and making an appropriation therefor.

Read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Treadwell: Assembly Bill No. 243—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend Section 6 of an Act entitled "An Act concerning the water-front of the City and County of San Francisco," approved March 15, 1878, and "to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880," approved March 19, 1889, conferring further powers upon the said board,' approved March 26, 1895," approved March 23, 1901.

Read first time, and referred to Committee on Commerce and Navigation.

By Mr. Olmsted: Assembly Bill No. 244—An Act to provide for the formation and government of mosquito exterminating districts, and for the levy, collection, custody, and disbursement of taxes therein.

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Transue: Assembly Bill No. 245—An Act making an appropriation to pay the claim of R. B. Young for materials, labor, and insurance premiums paid in the construction and erection of the Whittier State School.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 246—An Act to appropriate the sum of \$4,150 to pay the claim of the Citizens' National Bank of Los Angeles, for money due and owing the said Citizens' National Bank from the State of California.

Read first time, and referred to Committee on Claims.

#### RESOLUTIONS.

By Mr. Waste:

*Resolved*, That hereafter during the thirty-sixth session of the Legislature no attachés be employed by, or placed upon the pay-roll of, the Assembly, unless by affirmative vote of at least three fourths of all the members.

*Resolved further*, That this resolution be referred to the Committee on Rules, with instructions to report thereon on the next legislative day.

Read, and referred to Committee on Rules.

By Mr. Houser:

**WHEREAS**, The term of the Hon Thomas R. Bard, United States Senator in Congress from the State of California, will expire on the 4th day of March, 1905, and

**WHEREAS**, His successor, whose term shall commence on the said 4th day of March, 1905, must now be chosen: therefore, be it

*Resolved*, That the Assembly do now proceed to name, by *à la voce* vote, a person for Senator in Congress from the State of California for the term of six years, commencing March 4, 1905, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 5, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the statutes of the United States in force on the first day of December, 1873," approved January 22, 1874

Resolution read.

On motion of Mr. Houser, the resolution was adopted.

## ELECTION OF UNITED STATES SENATOR.

The Assembly, at twelve o'clock m., proceeded to the election of one United States Senator, in accordance with the following Act of Congress:

Title two, Chapter one, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States, entitled "An Act to revise and consolidate the Statutes of the United States in force on the 1st day of December, Anno Domini 1873," approved January 22, 1874

SECTION 14. The Legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each house shall openly, by a *vote* vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for who receives a majority of the whole number of votes cast in each house shall be entered on the Journal of that house by the Clerk or Secretary thereof, or if either of them fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock m. of the day following that on which proceedings are required to take place as aforesaid, the members of the two houses shall convene in Joint Assembly, and the Journal of each house shall then be read, and if the same person has received a majority of all the votes in each house, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of each house, or if either house has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose, by a *vote* vote of each member present, a person for Senator, and the person who receives the majority of all the votes of the Joint Assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock m. of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized and has notice of such vacancy.

SEC. 18. It shall be the duty of the Executive of the State from which any Senator has been chosen to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

The Speaker declared in order nominations for one United States Senator for the term commencing March 4, 1905, to succeed the Hon. Thomas R. Bard.

## NOMINATIONS FOR UNITED STATES SENATOR.

Mr. Rolley nominated the Hon. George A. Knight, of the City and County of San Francisco.

Mr. Perkins nominated the Hon. Thomas R. Bard, of Ventura County.

Mr. Houser nominated the Hon. Frank P. Flint, of Los Angeles County.

Mr. Hawkins nominated the Hon. Theodore A. Bell, of Napa County.

## EXTENSION OF TIME OF SESSION.

At twelve o'clock and twenty minutes p. m., Mr. Treadwell moved that the hour of recess be continued until one o'clock and thirty minutes p. m. of this day.

Carried.

## NOMINATIONS—(RESUMED).

Mr. Dorsey seconded the nomination of the Hon. Thomas R. Bard.

Mr. Jones nominated the Hon. Arthur G. Fisk, of the City and County of San Francisco.

Mr. Burke seconded the nomination of the Hon. Frank P. Flint.  
 Mr. Cromwell seconded the nomination of the Hon. Thomas R. Bard.  
 Mr. Thompson seconded the nomination of the Hon. Frank P. Flint.  
 Mr. Coghlan seconded the nomination of the Hon. George A. Knight.  
 Mr. Pryor seconded the nomination of the Hon. Theodore A. Bell.  
 Mr. Duryea seconded the nomination of the Hon. Arthur G. Fisk.  
 Mr. Johnstone seconded the nomination of the Hon. Thomas R. Bard.  
 Mr. Devlin seconded the nomination of the Hon. Frank P. Flint.  
 Mr. John nominated Benjamin Brooks of San Luis Obispo County.  
 Mr. Creighton seconded the nomination of the Hon. George A. Knight.

## FURTHER EXTENSION OF TIME.

At one o'clock and twenty minutes P. M., Mr. McCartney moved that the hour of recess be continued until two o'clock P. M.

Carried.

## NOMINATIONS CLOSED.

Mr. Atkinson moved that the nominations be now closed.

Carried.

The roll was thereupon called, with the following result:

*For Thomas R. Bard*—Messrs. Amerigo, Burge, Chandler, Cromwell, Dorsey, Drew, Ellis, Estudillo, Johnstone, Jury, King, Perkins, Pyle, Strobridge, and Weyand—15  
*For George A. Knight*—Messrs. Branstetter, Busick, Coghlan, Creighton, Held, Lynch, Maxwell, McGowan, Moore, O'Brien, Placette, Rolley, Treadwell, and Walsh—14  
*For Frank P. Flint*—Messrs. Anthony, Arnerich, Atkinson, Baines, Beardslee, Beckett, Bliss, Boyle, Burke, Cleveland, Cooper, Cullen, Devlin, Goodrich, Hartman, Houser, Johnson, McCartney, McKenney, Mencke, Mindham, Prescott, Severance, Slaven, Stanton, Strohl, Thompson, Fransue, Vogel, Waste, and Wickersham—31  
*For Arthur G. Fisk*—Messrs. Bates, Coyle, Duryea, Espey, Gans, Gates, Jarvis, Jones of San Francisco, Lucey, McNamara, Micheltree, Olmsted, Tripp, and Whiting—14.  
*For Theodore A. Bell*—Messrs. Hawkins, Jones of Tuolumne, Lumley, and Pryor—4.  
*For Benjamin Brooks*—Mr. John—1.

Whole number of votes cast .....	79
Necessary to a choice .....	40
Thomas R. Bard received .....	15 votes.
George A. Knight received .....	14 votes.
Frank P. Flint received .....	31 votes.
Arthur G. Fisk received .....	14 votes.
Theodore A. Bell received .....	4 votes.
Benjamin Brooks received .....	1 vote

The Speaker announced the result, and declared that the roll call disclosed no choice for United States Senator.

## RESOLUTION.

By Mr. Stanton:

That a message be sent to the Senate informing the Senate of the vote for United States Senator in this House taken this day, requesting the Senate to inform this House of the vote for United States Senator taken in the Senate, and informing the Senate that the Assembly will meet with the Senate in the Assembly Chamber to-morrow, Wednesday, January 11, 1905, at twelve o'clock noon, in joint assembly, for the purpose of electing or declaring the election of a United States Senator, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Resolution read, and, on motion of Mr. Stanton, adopted.

## ADJOURNMENT.

The hour to which the time of recess had been extended having arrived, the Speaker declared the Assembly adjourned until Wednesday, January 11, 1905, at nine o'clock and thirty minutes A. M.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,

Wednesday, January 11, 1905. }

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Prescott in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—75

Quorum present.

## PRAYER.

Prayer by the Rev. George C. King.

## READING OF THE JOURNAL.

On motion of Mr. Atkinson, the further reading of the Journal was dispensed with.

## RECESS.

At ten o'clock A. M. Mr. Duryea moved that a recess be taken until eleven o'clock and thirty minutes A. M. of this day.

Mr. McCartney moved to amend by making the hour of recess eleven o'clock A. M. of this day.

Question being on the amendment.

The amendment was then put, and declared carried.

The motion, as amended, was then put to vote, and declared carried.

Recess declared.

## RECONVENING OF THE ASSEMBLY.

At eleven o'clock A. M. the Assembly reconvened.

Speaker Prescott in the chair.

## CORRECTION AND APPROVAL OF THE JOURNAL.

Corrections were made in the Journal of January 9, 1905, and, as corrected, the Journal was approved.



## PETITION.

By Mr. Treadwell:

*To the Legislature of the State of California, Thirty-sixth Session.*

We, the undersigned, hereby respectfully request that your honorable body submit to the voters of the State, at the next election, an amendment to the State Constitution, giving to women equal political rights with men.

David Starr Jordan, Stanford University; Geo. C. Perkins, Oakland; Geo. A. Knight, San Francisco; Henry J. Crocker, San Francisco; Geo. C. Pardee, Sacramento; Lovell White, San Francisco; W. S. Goodfellow, Oakland, Cal. and San Francisco; Marshal B. Woodworth, San Francisco; T. C. Coogan, Oakland, J. G. Maguire, San Francisco; F. S. Stratton, Oakland; Carroll Cook, San Francisco, R. J. Murasky, San Francisco; F. W. Dohrmann, San Francisco; Frank McGowan, San Francisco.

On motion of Mr. Stanton, the petition was ordered printed in the Journal without reading.

## REPORTS OF STANDING COMMITTEES.

## ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, January 11, 1905.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the following resolutions:

*Resolved*, That the following-named persons be and they are hereby appointed and employed for the positions, and at the per diem set opposite their respective names, said per diem to be paid out of the appropriations for the contingent expenses of the Assembly; said appointments to date from and include the 2d day of January, 1905, and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said following-named persons for the said per diems, and the State Treasurer is hereby authorized and directed to pay the same.

That the names of J. H. Long, heretofore appointed as an Assistant Engrossing and Enrolling Clerk, at a per diem of \$5, and James Anderson, heretofore appointed as Gatekeeper, at a per diem of \$3, and T. Arnold, heretofore appointed as Committee Clerk, at a per diem of \$4, shall be stricken from the rolls and the following-named appointed:

James Anderson, Bookkeeper to Committee on Ways and Means .....	\$8 00
J. H. Long, Clerk to Committee on Ways and Means .....	6 00
Miss Sadie Hannum, Stenographer to Committee on Ways and Means .....	5 00
Dr. T. Arnold, Assistant Engrossing and Enrolling Clerk .....	5 00

Also: *Resolved*, That E. F. Duden be and he is hereby appointed Stenographer to Committee on Judiciary at the per diem allowed by law, payable out of the appropriation for the contingent expenses of the Assembly, and the State Controller is hereby directed to draw his warrant in favor of said E. F. Duden upon said appropriation and fund, and the State Treasurer is hereby directed to pay the same.

Also: *Resolved*, That the name of E. P. Hefeld be stricken from the roll of employés as Committee Clerk and that of Joseph Stevens substituted therefor, as Committee Clerk.

Also: *Resolved*, That Arthur H. McCurdy be and he is hereby appointed and employed for the position of Stenographer to the Sergeant-at-Arms at the per diem of \$5; said per diem to be paid out of the contingent expenses of the Assembly; said appointment to date from and include the 2d day of January, 1905, and the State Controller is hereby authorized and directed to draw his warrant upon the said fund in favor of the said Arthur H. McCurdy for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass

BLISS, Chairman.

Mr. Bliss moved the adoption of the report and resolutions as presented by the Committee on Attachés and Employés.

The roll was called, on the motion of Mr. Bliss, with the following result:

Ayrs—Messrs. Amerige, Anthony, Arnerich, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cullen, Devlin, Dorsey, Drew, Duryea, Estudillo, Gates, Goodrich, Hartman, Hawkins, Held, Jarvis, John, Jones of Tuolumne, Jury, King, Lucey, Lumley, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitchellree, Moore, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—67.

Nays—None.

The Speaker declared the report and resolutions adopted.

## ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 11, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred the following resolution:

*Resolved*, That the Chief Clerk of the Assembly be, and he hereby is authorized and directed to purchase for the use of the members of the Assembly, eighty-five copies of Deering's California Codes, and Deering's edition of the General Laws, latest publication, and Treadwell's edition of the Constitution of California, the same to be paid for out of the Contingent Fund of the Assembly. The Controller is directed to draw his warrant in payment of the same in favor of the Sergeant-at-Arms of the Assembly, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also: *Resolved*, That all supplies of every kind or nature ordered by the Assembly be purchased by the Committee on Contingent Expenses and Accounts.

Also: *Resolved*, That the Chief Clerk of the Assembly be, and he is hereby directed to purchase for the use of the members of the Assembly, eighty-five (85) copies of each of the following-named books, the cost of the same to be paid out of the Contingent Fund of the Assembly: Bancroft's Code of Civil Procedure, 1903, Bancroft's Civil Code, 1903; Bancroft's Political Code, 1903; Bancroft's General Laws, 1903; Fairall's Criminal Law and Procedure.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

STANTON, Chairman.

Mr. Stanton moved that the reports and resolutions as presented be adopted.

The roll was ordered called, with the following result:

AYES—Messrs. Anthony, Arnerich, Atkinson, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Jarvis, John, Jones of Tuolumne, Jury, King, Lucey, Lunley, Maxwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pacific, Pryor, Pyle, Rolley, Slaven, Stanton, Strobridge, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Winting, Wickersham, and Mr. Speaker—65.

NOES—None.

The Speaker declared the motion of Mr. Stanton carried.

## MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 10, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate this day passed the following resolution:

*Resolved*, That the Secretary forthwith inform the Assembly of the vote for United States Senator in this Senate, and that the Senate will meet with the Assembly in the Assembly Chamber to-morrow, Wednesday, January 11, 1905, at twelve o'clock meridian, in joint assembly, for the purpose of electing, or declaring the election of, a United States Senator, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1896, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the statutes of the United States in force on the first day of December, Anno Domini 1873," approved January 22, 1874.

And pursuant to the above resolution, I hereby certify that the Senate has this day voted for a person for United States Senator in Congress in California for the term of six years, commencing March 4, 1905, with the following result:

Whole number of votes cast.....	39
Necessary to a choice.....	20
Thomas R. Bard.....	7
Geo. A. Knight.....	6
Frank P. Flint.....	16
Arthur G. Fisk.....	5
Theodore Bell.....	4
John D. Daly.....	1

LEWIS A. HILBORN, Secretary of Senate.  
By FRED L. THOMAS, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, January 10, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this

day amended and passed Senate Joint Resolution No. 1—Relative to levying a tax on grape brandy

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

# SENATE JOINT RESOLUTION NO. 1.

Mr. Cromwell moved to take up Senate Joint Resolution No. 1 as amended, without reference to a committee, and that the same be adopted.

Resolution read.

## SENATE JOINT RESOLUTION NO. 1.

Relative to levying a tax on grape brandy.

WHEREAS, Commissioner Yerkes, of the Internal Revenue Service of the United States, in his annual report to the Congress of the United States, recommends the levying of a minimum tax upon the grape brandy now used in the fortification of sweet wines manufactured within the United States amounting to twenty-five cents per proof gallon, and

WHEREAS, Undeniable proof has been presented to this body that such tax is exorbitant, unjust, and that in effect it would absolutely destroy that part of the viticultural interests of this State; and

WHEREAS, California is the largest grape-growing State in the Union and the largest producer of sweet wines manufactured within the United States; and

WHEREAS, The viticultural interests, both growers and manufacturers, in all parts of the State have unanimously protested against any measure being enacted into law by the National Congress providing for such tax,

Therefore, be it resolved, That the Senate and the Assembly jointly requests the Senators of the State of California and hereby requests the Representatives of the State of California in the National Congress at Washington, to energetically and unalterably oppose the enactment into law of such an Act, or of any Act having any such tendency.

Be it resolved, That the Secretary of the Senate is hereby directed to telegraph the substance of these resolutions to each Senator and Representative of the State of California in Washington; and

Be it further resolved, That the Secretary of State is hereby directed to send by mail forthwith, certified copies of this resolution to each of our Senators and Representatives in Washington.

The roll was ordered called on Mr. Cromwell's motion to adopt Senate Joint Resolution No. 1, with the following result:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitchell, Moore, O'Brien, Olmsted, Perkins, Pfeiffer, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—72.

NOES—Mr. Goodrich—1.

The Speaker declared the motion carried.

## INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Lumley: Assembly Bill No. 247—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 25, 1901."

Read first time, and referred to Committee on County and Township Governments.

By Mr. Estudillo: Assembly Bill No. 248—An Act to re-cede and regrant unto the United States of America, the Yosemite Valley and the land embracing the Mariposa Big Tree Grove.

Read first time, and referred to Committee on Public Lands and Forestry.

By Mr. Slaven: Assembly Bill No. 249—An Act to amend Section 1621 of the Political Code, relating to boards of school trustees and city boards of education.

Read first time, and referred to Committee on Education.

By Mr. Cooper: Assembly Bill No. 250—An Act providing for the creation and management of the California Pine Park, making an appropriation therefor, and creating a board of three commissioners, with power to make, purchase, and to manage said California Pine Park.

Read first time, and referred to Committee on Public Lands and Forestry.

By Mr. Walsh: Assembly Bill No. 251—An Act to add a new section, to be numbered and designated as Section 321b, to an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to regulating the giving and use of proxies to vote corporative stock at any meeting of the stockholders of any corporation organized under the laws of this State.

Read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 252—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two new sections, to be numbered 1972 and 1973, relating to the rights of employés.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 253—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employés.

Read first time, and referred to Committee on Judiciary.

By Mr. Amerige: Assembly Bill No. 254—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof.

Read first time, and referred to Committee on Judiciary.

By Mr. Chandler: Assembly Bill No. 255—An Act to amend Subdivision 2 of Section 1543 of the Political Code, relating to the duties of county superintendents of schools.

Read first time, and referred to Committee on Education.

By Mr. Jones of Tuolumne: Assembly Bill No. 256—An Act to provide for the location and construction of a State highway from a point at or near the Merced Falls to the boundary line of the Yosemite National Park.

Read first time, and referred to Committee on Roads and Highways.

By Mr. Beardslee: Assembly Bill No. 257—An Act to provide for the levying a tax for promotion purposes in certain counties of the State.

Read first time, and referred to Committee on Revenue and Taxation.

Also: Assembly Bill No. 258—An Act to amend Section 731, Code of Civil Procedure of California, relating to the abatement of private and public nuisances.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 259—An Act to pay the claim of Mrs. A. McGinnes against the State, and making an appropriation therefor.

Read first time, and referred to Committee on Claims.

By Mr. Espey: Assembly Bill No. 260—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 337½, to prohibit betting or wagering by pool or otherwise upon the result of any trotting, pacing, or running race between horses, and providing the punishment therefor.

Read first time, and referred to Committee on Public Morals.

Also: Assembly Bill No. 261—An Act to amend Section 2924 of the Civil Code, relating to the distinction between mortgages and pledges. Read first time, and referred to Committee on Judiciary.

By Mr. Drew: Assembly Bill No. 262—An Act to amend Sections 94, 106, 136, 137, and 146, and to repeal Section 144 of the Civil Code, all relating to divorce.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 263—An Act to amend Sections 164 and 170 of the Civil Code, all relating to husband and wife.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 264—An Act to repeal Section 58 and to amend Sections 60, 68, 70, 79½, and 84 of the Civil Code, all relating to marriage.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 265—An Act to repeal Sections 242, 243, 244, 245, 247, 248, 249, and 258, and to amend Section 246 of the Civil Code, all relating to guardian and ward.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 266—An Act to amend Sections 224, 226, and 227 of the Civil Code, all relating to the adoption of children.

Read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. McGowan: Assembly Bill No. 267—An Act to amend Sections 1, 4, 5, 6, 7, and 8 of an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation."

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. McCartney: Assembly Bill No. 268—An Act directing the Commissioner of the Bureau of Labor Statistics to collect certain statistics, and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this Act.

Read first time, and referred to Committee on Labor and Capital.

By Mr. Dorsey: Assembly Bill No. 269—An Act regulating the employment and hours of labor of children, prohibiting the employment of minors, under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof.

Read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 270—An Act to amend Section 3617 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 271—An Act making an appropriation of \$650 to pay the claim of O. D. Fish.

Read first time, and referred to Committee on Claims.

By Mr. Transue: Assembly Bill No. 272—An Act entitled "An Act to amend Section 1670 of the Political Code of the State of California," relating to the establishment of high schools.

Read first time, and referred to Committee on Education.

By Mr. Thompson: Assembly Bill No. 273—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 3788½, relating to the time within which deeds must be executed for property sold for delinquent taxes to purchasers other than the State of California.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 274—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 172, relating to conveyances of real property by married men, and limiting the time in which to commence actions for the recovery of community property by wives.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 275—An Act to provide for the furnishing and using of air brakes on all street cars operated by electricity or steam power in all parts of the State of California.

Read first time, and referred to Committee on Corporations.

By Mr. Johnstone: Assembly Bill No. 276—An Act providing for the purchase of a university farm for the use of the college of agriculture of the University of the State of California, providing for the appointment of a commission to select and purchase said farm, providing for a school of agriculture and a system of instruction on said farm, and appropriating money therefor.

Read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 277—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Read first time, and referred to Committee on Education.

By Mr. Duryea: Assembly Bill No. 278—An Act to regulate and control the sale, rental, and distribution of appropriated water in this State other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the places of use.

Read first time, and referred to Committee on Irrigation.

Also: Assembly Bill No. 279—An Act to provide for the location, construction, and management of a State highway from a point on the Lake Tahoe State Wagon Road at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's, to Tahoe City, and making an appropriation therefor.

Read first time, and referred to Committee on Roads and Highways.

By Mr. Hawkins: Assembly Bill No. 280—An Act providing for the purchase of a university farm for the use of the college of agriculture of the University of California; providing for the appointment of a commission to select and purchase said farm; providing for a school of agriculture and a system of instruction on said farm, and appropriating money therefor.

Read first time, and referred to Committee on Education.

By Ways and Means Committee: Assembly Bill No. 281—An Act to amend the Political Code by adding thereto a new section, to be numbered 421.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 282—An Act making an appropriation to pay the salary of the Secretary of the State Text-Book Committee.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 283—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard, for the fifty-fifth fiscal year.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 284—An Act making an appropriation to pay a deficiency in the appropriation for the preservation, protection, and improvement of the Monterey Custom House property.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 285—An Act making an appropriation to pay a deficiency in the appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the fifty-fifth fiscal year.

Read first time, and referred to Committee on Ways and Means

Also: Assembly Bill No. 286—An Act making an appropriation to pay for bituminous pavement of the street in front of the Industrial Home of Mechanical Trades for the Adult Blind, Oakland, California.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 287—An Act providing for the payment of the claim of A. G. Knight for conveying the election returns of Presidential Electors to Sacramento, and making an appropriation therefor.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 288—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-fourth, fifty-fifth, and fifty-sixth fiscal years.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 289—An Act making an appropriation for transportation of prisoners for the fifty-fifth and fifty-sixth fiscal years.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 290—An Act making an appropriation to pay a deficiency in the appropriation for support of the Industrial Home of Mechanical Trades for the Adult Blind for the fifty-fifth and fifty-sixth fiscal years.

Read first time, and referred to Committee on Ways and Means.

## IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,

Wednesday, January 11, 1905. }

At the hour of twelve o'clock meridian, the Sergeant-at-Arms announced that the members of the Senate were at the bar of the House.

The Senate and Assembly then went into joint session for the purpose of electing a United States Senator, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, A. D. 1873," approved January 22, 1874.

Hon. Alden Anderson, President of the Senate, in conjunction with the Hon. Frank C. Prescott, Speaker of the Assembly, presiding.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll of the Senate was then called, and the following Senators answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muentner, Nelson, Pendleton, Rakston, Rambo, Rowell, Rush, Sanford, Savage, Selvaige, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—40.

Quorum present.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll of the Assembly was then called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitchellree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—79.

Quorum present.

The President of the Senate declared that a quorum of the Joint Assembly was present, and that the election of a United States Senator to succeed the Hon. Thomas R. Bard as such was now in order, and directed the Secretary of the Senate to read the Act of Congress requiring a Joint Assembly to be held this day.

The Secretary of the Senate, by direction of the President, then read the following Act of Congress:

Title II, Chapter I, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States, entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, Anno Domini 1873," approved January 22, 1874.

SECTION 14. The Legislature of each State, which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each House shall openly, by a *viva voce* vote by each member present, name one person for Senator in Congress from such State, and the name of the person so voted for who received a majority of the whole number of votes cast in each House, shall be entered on the Journal of that House by the Clerk or Secretary thereof, or if either of them fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock m. of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in Joint Assembly, and the Journal of each House shall then be read, and if the same person has received a majority of all the votes in each House, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of each House, or if either House has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose, by a *viva voce* vote of each member present a person for Senator, and the person who receives the majority of all the votes of the Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock m. of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the



and Tuesday after meeting and organization, to elect a person to fill such vacancy in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17 Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized and has notice of such vacancy.

SEC. 18 It shall be the duty of the Executive of the State from which any Senator has been chosen to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

The Secretary of the Senate, by direction of its President, then read from the Journal of the Senate of Tuesday, January 10, 1905 (which was the second Tuesday after the organization of the thirty-sixth session of the Legislature of the State of California), so much of the proceedings as related to the election of a Senator in Congress to succeed the Hon. Thomas R. Bard, a United States Senator from California, whose term of office is about to expire, whereby it appeared that thirty-nine Senators were present, each voting for his choice; that no person named had received a majority of all the votes cast, and that

Thomas R. Bard received .....	7 votes.
George A. Knight received .....	6 votes
Frank P. Flint received .....	16 votes.
Arthur G. Fisk received .....	5 votes.
Theodore Bell received .....	4 votes.
John D. Daly received .....	1 vote.

The Chief Clerk of the Assembly, by direction of the Speaker, then read from the Journal of the Assembly of Tuesday, January 10, 1905 (which was the second Tuesday after the organization of the thirty-sixth session of the Legislature of the State of California), so much of the proceedings as related to the election of a Senator in Congress to succeed the Hon. Thomas R. Bard, a United States Senator from California, whose term of office is about to expire, whereby it appeared that seventy-nine members of the Assembly were present and voted each for his choice; that no person named had received a majority of all the votes cast, and that

Thomas R. Bard received .....	15 votes
George A. Knight received .....	14 votes.
Frank P. Flint received .....	31 votes.
Arthur G. Fisk received .....	14 votes.
Theodore A. Bell received .....	4 votes.
Benjamin Brooks received .....	1 vote.

The President of the Senate announced that the roll calls of the Senate and Assembly disclosed the fact that no person named for a Senator in Congress had received a majority vote, and declared that there was no choice voted on yesterday, and that it now devolved upon the Joint Assembly to elect a Senator in Congress to succeed the Hon. Thomas R. Bard.

The President of the Senate thereupon declared nominations for United States Senator in order.

#### NOMINATIONS FOR UNITED STATES SENATOR.

Senator Leavitt placed in nomination the name of Hon. Frank P. Flint of Los Angeles County, and announced that the name of Hon. George A. Knight, presented in each House yesterday, would not be presented to the Joint Assembly.

Senator Belshaw seconded the nomination of Hon. Frank P. Flint, and announced that the name of Hon. Thomas R. Bard, presented in each House yesterday, would not be presented to the Joint Assembly.

Senator Wolfe seconded the nomination of Hon. Frank P. Flint, and announced that the name of Arthur G. Fisk, presented in both Houses yesterday, would not be presented to the Joint Assembly.

#### MOTION.

Senator Hahn moved that the Joint Assembly proceed to ballot for a United States Senator.

Motion carried.

#### VOTE FOR UNITED STATES SENATOR.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom would vote his choice for United States Senator as his name was called.

The roll was called, with the following result:

*For Frank P. Flint*—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lecke, Lukens, Lynch, Markey, Mattos, McKee, Muentner, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selva, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—36

*For Theodore Bell*—Senators Curtin, Diggs, Emmons, and Sanford—4.

The President of the Senate declared the vote of the Senate for United States Senator, as follows:

Whole number of votes cast .....	40
Necessary to a choice .....	21
Frank P. Flint received .....	36 votes
Theodore A. Bell received .....	4 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom would vote his choice for United States Senator as his name was called.

The roll was called, with the following result:

*For Frank P. Flint*—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Bransterter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Memcke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pinefle, Prescott, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transuc, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—75.

*For Theodore Bell*—Messrs. Hawkins, Jones of Tuolumne, Lumley, and Pryor—4.

The Speaker of the Assembly declared the vote of the Assembly for United States Senator, as follows:

Whole number of votes cast .....	79
Necessary to a choice .....	40
Frank P. Flint received .....	75 votes.
Theodore A. Bell received .....	4 votes

The President of the Senate, Hon. Alden Anderson, then declared as follows: "It appearing that Frank P. Flint has received a majority of all the votes of the Joint Assembly, a majority of the members of both Houses being present and voting, I declare Frank P. Flint duly elected United States Senator in Congress of the United States for the State of California for the term beginning March 4, 1905."

## MOTION.

Senator Hahn moved that the President appoint a committee of eight, consisting of four Senators and four Assemblymen, to escort the Hon. Frank P. Flint, Senator-elect, to this chamber.

Motion carried.

## APPOINTMENT OF COMMITTEE.

In accordance with the above motion, the President appointed Senators Hahn, Rowell, Selvage, and Wolfe, and Assemblymen Rolley, Perkins, Jones of San Francisco, and Houser as such committee.

The Hon. Frank P. Flint, Senator-elect, was escorted to this chamber and addressed the Joint Assembly.

## READING OF MINUTES OF JOINT ASSEMBLY.

The President of the Senate directed the Secretary to read the minutes of the Joint Assembly.

The minutes were read.

Mr. Weyand moved that the same be approved.

The question being on the motion to approve the minutes.

The President directed the Secretary to call the roll of Senators.

The roll was called, with the following result:

**AYES**—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Linkens, Lynch, Markey, Marras, McKee, Muentner, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—40

**NOES**—None.

The Speaker directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, with the following result:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitchellree, Moore, O'Brien, Olmsted, Perkins, Pfaffel, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—79

**NOES**—None

Whereupon, the President declared the minutes of the Joint Assembly approved.

## ADJOURNMENT.

At one o'clock and five minutes P. M., the President of the Senate declared the Joint Assembly adjourned *sine die*.

ALDEN ANDERSON,  
President of the Senate.  
LEWIS A. HILBORN,  
Secretary of the Senate.  
FRANK C. PRESCOTT,  
Speaker of the Assembly.  
CLIO LLOYD,  
Chief Clerk of the Assembly.

## IN ASSEMBLY.

## RECONVENED.

At one o'clock and seven minutes P. M. the Assembly reconvened.  
Speaker Prescott in the chair.

At one o'clock and eight minutes P. M. Mr. Atkinson moved that the Assembly adjourn until eleven o'clock A. M. of Thursday, January 12, 1905.

Carried.

## ADJOURNMENT.

At one o'clock and nine minutes P. M., the Speaker declared the Assembly adjourned.

## IN ASSEMBLY.

## ASSEMBLY CHAMBER,

Thursday, January 12, 1905. }

The Assembly met at eleven o'clock A. M., pursuant to adjournment.  
Speaker Prescott in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaellle, Prior, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—77.

Quorum present.

## LEAVE OF ABSENCE.

Leave of absence for the day was granted Messrs. Mitcheltree and Cullen.

## PRAYER.

Prayer by the Rev. George C. King.

## READING OF THE JOURNAL.

On motion of Mr. Espey, the further reading of the Journal was dispensed with.

## CORRECTION AND APPROVAL OF JOURNAL.

The Journal of January 10, 1905, was corrected, and, as corrected, approved.

## REPORTS OF STANDING COMMITTEES.

## ON PUBLIC PRINTING.

ASSEMBLY CHAMBER, SACRAMENTO, January 12, 1905

MR. SPEAKER: The undersigned, a majority of your Committee on Public Printing, to whom was referred a resolution by Mr. Beardslee, authorizing each Assemblyman to

place the names of four newspapers or persons on the list, etc.—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JURY, Chairman.

#### RESOLUTION—(OUT OF ORDER).

*Resolved.* That each Assemblyman be and he is hereby permitted to place the names of four (4) newspapers on the list and that the Press Mailing Clerk mail to such papers one copy each of all printed bills and resolutions.

Mr. Jury moved the adoption of the resolution.

Mr. Stanton moved to amend as follows:

Insert the words "or four individuals" after the words "newspapers."

The question being on the amendment.

The amendment was declared carried.

The question was then put on the resolution as amended, and was declared lost.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

##### ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 11, 1905.

MR. SPEAKER: The undersigned, a majority of your Committee on Rules and Regulations, to whom was referred the within resolution, have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

McCARTNEY, Chairman.

#### RESOLUTION—(OUT OF ORDER).

*Resolved.* That hereafter, during the thirty-sixth session of the Legislature, no attachés be employed by, or placed upon, the pay-roll of the Assembly unless by affirmative vote of at least three fourths of all the members.

*Resolved further.* That this resolution be referred to the Committee on Rules, with instructions to report thereon, on the next legislative day.

Mr. McCartney moved the adoption of the resolution.

The roll was called on the motion to adopt the resolution, with the following result:

AYES—Messrs. Anthony, Barnes, Beardslee, Chandler, Cooper, Cromwell, Devlin, Drew, Ellis, Estudillo, Gans, Goodrich, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, McCartney, Moore, Olmsted, Perkins, Pryor, Pyle, Strobridge, Thompson, Tripp, Waste, Weyand, Whiting, and Mr. Speaker—35.

NOES—Messrs. Arnerich, Atkinson, Bates, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Cleveland, Coghlan, Coyle, Creighton, Dorsey, Duryea, Espey, Hartman, Jarvis, Jones of San Francisco, Jury, Lucey, Maxwell, McGowan, McKenney, McNamara, Meincke, Mitcheltree, O'Brien, Pfaffle, Rolley, Severance, Slaven, Stanton, Strohl, Transue, Treadwell, Vogel, and Wickersham—39.

Resolution declared lost.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

##### ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 11, 1905.

MR. SPEAKER: The undersigned, your Committee on Rules and Regulations, to whom was referred Senate Concurrent Resolution No. 3—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

McCARTNEY, Chairman

#### SENATE CONCURRENT RESOLUTION No. 3.

*Resolved that the Senate, the Assembly concurring,* Direct the Committee on Rules of the Senate to meet with a like committee from the Assembly to prepare and present

joint rules for the government of the Senate and Assembly in all matters requiring joint action.

Mr. McCartney moved the adoption of the resolution.  
Carried.

#### REPORT OF SELECT COMMITTEE.

##### ON "DISTRIBUTION OF THE VARIOUS SUBJECTS OF THE GOVERNOR'S MESSAGE"

MR. SPEAKER: We, your special committee appointed for the purpose of distributing the various subjects of the Governor's Message to the various committees for consideration, beg leave to report as follows:

To the Committee on Ways and Means: That part of the Message under "The State Finances," found on pages 6 to 10, and also "Judgments Against the State," found on pages 42 to 43.

To the Committee on Judiciary: "Custody of State Funds," pages 10 and 11.

To the Committee on Revenue and Taxation: "Our System of Taxation," pages 12 to 19.

To the Committee on Education: "Public Education," pages 19 to 23.

To the Committee on Public Lands and Forestry: That part of the subject "Water and Forest Investigations," beginning on page 23 and ending on page 24, and the subhead "The Policy in Respect to Irrigation," also the subhead "Forestry Legislation," found on page 26.

To the Committee on Irrigation: That part of the subject "Water and Forestry Investigations," commencing on page 24, with subhead, "A Policy in Respect to Irrigation," to "Forestry Legislation," on page 26.

To the Committee on Universities: "The College of Agriculture," pages 27 and 28.

To the Committee on State Hospitals and Asylums: "The Hospitals for the Insane," pages 28 and 29.

To the Committee on Military Affairs: "The National Guard," pages 29 to 31.

To the Committee on State Prisons and Reformatory Institutions: "The Prisons and Their Needs," pages 31 to 39.

To the Committee on Public Health and Quarantine: "The Public Health," page 39.

To the Committee on Commerce and Navigation: "Public Policy in Respect to Water Fronts," pages 40 and 41.

To the Committee on Revision and Reform of Laws: "Pharmacy Board Investigation," pages 41 and 42.

To the Committee on Public Buildings and Grounds: "Insurance of State Property," and "The Capitol and the Archives," pages 44 and 45.

To the Committee on Public Charities and Corrections: "State Board of Charities," pages 44 and 45.

To the Committee on Labor and Capital: "Labor and Other Statistics," pages 45 and 46.

To the Committee on Fruit and Vine Interests: "Horticultural Interests," pages 46 and 47.

To the Committee on Mines: "Our Mining Interests," page 47.

To the Committee on Public Printing: "Printing State Reports," pages 47 and 48.

To the Committee on Rivers and River Improvements: "River Control and Reclamation," pages 48, 49, and 50.

Respectfully submitted.

A. M. DREW,  
LOUIS STROHL,  
C. V. JONES.

Committee.

On motion of Mr. Drew, the report was ordered printed in the Journal without reading.

#### INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Goodrich: Assembly Bill No. 291—An Act making an appropriation to pay the claim of John Burr.

Read first time, and referred to Committee on Claims.

By Mr. Goodrich: Assembly Bill No. 292—An Act to amend the Penal Code of California by adding a new section, to be numbered 773, to Chapter II of Title II of Part II thereof, providing for the summary removal from office of certain officers.

Read first time, and referred to Committee on Judiciary.

By Mr. Stanton: Assembly Bill No. 293—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session.

Read first time.

## URGENCY RESOLUTION.

By Mr. Stanton:

*Resolved*, That Assembly Bill No. 293 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Mr. Stanton moved the adoption of the resolution.

The roll call was ordered, with the following result:

AYES—Messrs. Amerige, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Coghlan, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, O'Brien, Olmsted, Perkins, Pfafille, Pryor, Pyle, Rolley, Slaven, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—68.

NOES—None.

## SECOND READING OF BILL.

Assembly Bill No. 293—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session.

Read second time.

## MOTION.

Mr. Stanton moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 293.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Assembly Bill No. 293 was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, January 12, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 293—An Act making an appropriation to pay the contingent expenses of the Assembly for the thirty-sixth session of the California Legislature—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

## ADOPTION OF REPORT OF COMMITTEE OF THE WHOLE.

Mr. Stanton moved the adoption of the report of the Committee of the Whole.

Motion carried.

## THIRD READING OF BILL.

Assembly Bill No. 293—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Coghlan, Cooper, Coyle,

8—AAJ

Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Jarvis, John, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Slaven, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—68.

VOICES—None.

Title read and approved.

MOTION TO TRANSMIT TO SENATE.

Mr. Stanton moved that Assembly Bill No. 293 be immediately transmitted to the Senate.

Motion carried.

INTRODUCTION AND REFERENCE OF BILLS, ETC.—(RESUMED).

By Mr. Stanton: Assembly Bill No. 294—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377c, making it a misdemeanor to refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health, concerning the pollution of ice used or intended for public consumption.

Read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employes of the Senate and Assembly.

Referred to Committee on Constitutional Amendments.

Also: Assembly Bill No. 295—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377b, making it a misdemeanor to refuse or neglect to conform to the rules, orders, or regulations of the State Board of Health concerning the pollution of water used or intended to be used for human or animal consumption.

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Bliss: Assembly Bill No. 296—An Act to authorize and empower the Board of State Harbor Commissioners to pay for advertising the San Francisco Seawall Act.

Read first time, and referred to Committee on Commerce and Navigation.

By Mr. Slaven: Assembly Bill No. 297—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of Public Instruction.

Read first time, and referred to Committee on Education.

By Mr. Espey: Assembly Bill No. 298—An Act to amend Chapter I of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, by adding a new section thereto, to be numbered Section 9, relating to the powers and duties of city



recorders and city clerks, respecting the registration of deaths and the issuance and registration of burial and disinterment permits.

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Beardslee: Assembly Bill No. 299—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Cromwell: Assembly Bill No. 300—An Act to amend Article I, Chapter II, Title VII of Part III of the Political Code of the State of California, by adding a new section thereto, to be numbered Section 2934, for the enforcement of the rules, orders, and regulations of the State Board of Health within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities and towns in relation to the State Board of Health.

Read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 301—An Act to amend Subdivision 20, of Section 25, of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to health officers and health regulations, and the powers of Boards of Supervisors in connection therewith.

Read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 302—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377a, making it a misdemeanor to violate, or refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health respecting the quarantine disinfection, or isolation of persons, animals, things, or places, or the prevention or abatement of contagious or infectious diseases.

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Tripp: Assembly Bill No. 303—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 304—An Act to provide for the completion of certain buildings at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 305—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 306—An Act to provide for the erection of an additional building at the California Home for the Care and Train-

ing of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 307—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 308—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 309—An Act to provide for the completion of the main building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. McGowan: Assembly Bill No. 310—An Act to regulate the licensing and powers of detectives within the boundaries of the State of California.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 311—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 312—An Act to amend Section 1714 of the Code of Civil Procedure, relating to new trials and appeals.

Read first time, and referred to Committee on Judiciary.

By Mr. Dorsey: Assembly Bill No. 313—An Act to add a new section, to be known as number 2168½, to the Civil Code of the State of California, relating to common carriers of oil.

Read first time, and referred to Committee on Oil Industries and Oil Mining Interests.

Also: Assembly Bill No. 314—An Act providing for the casing of wells drilled for the production of petroleum or any other substance in any of the petroleum-producing districts of the State of California, and also providing for the filling up of such wells when the same are abandoned or operations are ceased therein, for the purpose of preventing water from either the overlying or underlying strata from penetrating the petroleum-bearing sands; providing for the notification of at least five (5) owners of the oil lands nearest adjacent to the property upon which said well is being drilled of the intention of the operator to withdraw the casing or plug the well, or of abandonment of operations; also, providing for the filing of affidavits with the County Recorder and providing for the penalty for violations.

Read first time, and referred to Committee on Oil Industries and Oil Mining Interests.

Also: Assembly Bill No. 315—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to the issuance of

writs of attachment issued from justices' courts, and providing that several writs may be issued at the same time to the sheriffs or constables of counties other than the one in which said justices' court may be situated.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 316—An Act to provide for the erection of embankments or levees to care for the flood waters of the Kern River, in Kern County.

Read first time, and referred to Committee on Levees and River Improvements.

Also: Assembly Bill No. 317—An Act to amend Section 813 of "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 318—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 319—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 320—An Act to amend Section 3821 of the Political Code of the State of California, relating to the collection of taxes.

Read first time, and referred to Committee on Revenue and Taxation.

Also: Assembly Bill No. 321—An Act to compel corporations doing business in the State of California to file verified quarterly statements.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 322—An Act to pay the claim of Fred. E. Borton, and making an appropriation therefor.

Read first time, and referred to Committee on Claims.

By Mr. McCartney: Assembly Bill No. 323—An Act to amend an Act entitled "An Act to establish a system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131a, relating to the powers and duties of the County Recorder, respecting the registration of marriages, births, and deaths.

Read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Constitutional Amendment No. 4—A resolution to propose to the people of the State of California, amending Section 7 of Article I of said Constitution, relating to the number of jurors required to render a verdict in criminal cases.

Referred to Committee on Judiciary.

By Mr. Atkinson: Assembly Bill No. 324—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relative to the same and known as an Act to insure the

better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California, approved March 18, 1885, approved March 25, 1901, by amending Section 12, and repealing Section 13 thereof.

Read first time, and referred to Committee on Judiciary.

By Mr. King: Assembly Bill No. 325—An Act to amend Sections 2, 3, 5, 7, 10, and 13 and to repeal Section 14, of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Bates (by request): Assembly Bill No. 326—An Act to amend Section 10 of an Act entitled "An Act to establish a Political Code," approved March 12, 1875, relating to holidays.

Read first time, and referred to Committee on Judiciary.

By Mr. Olmsted: Assembly Bill No. 327—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, relating to advertising estrays and the costs and expenses of redeeming them.

Read first time, and referred to Committee on Judiciary.

By Mr. Jones of Tuolumne: Assembly Bill No. 328—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof," approved March 23, 1901, by amending Section 191 thereof.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Duryea: Assembly Bill No. 329—An Act to amend Sections 684 and 685 of the Political Code, relating to the State Board of Examiners, the appointment of an assistant to the secretary of said board, and for the appointment of four clerks of said board, and fixing their compensation.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 330—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 680, making it a misdemeanor for any person, or corporation, to negligently permit, suffer, or cause barbed wire to lie unrolled and loose upon the ground.

Read first time, and referred to Committee on Judiciary.

By Mr. Drew: Assembly Bill No. 331—An Act to amend Sections 299, 302, 304, 309, 310, 311, 312, 314, and 315 of the Civil Code, all relating to corporations.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 332—An Act to repeal Title IV of Part III

of Division I, of the Civil Code, and each and every section of said title, and to substitute a new Title IV to take the place thereof in said Code, relating to masters and apprentices.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 333—An Act to amend Sections 320, 323, and 325 of the Civil Code, relating to stockholders in corporations.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 334—An Act to amend Sections 388, 391, 392, and 393 of the Civil Code, all relating to the sale of franchises under execution.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 335—An Act to repeal Section 399 and to amend Sections 400 and 401 of the Civil Code, relating to the dissolution and extension of the term of existence of corporations.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 336—An Act to repeal Section 403 of the Civil Code, and to add a chapter to Title I of Part IV of Division One of the Civil Code, all relating to general provisions affecting corporations.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 337—An Act to add a chapter to Title I of Part IV of Division One of the Civil Code, relating to foreign corporations.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 338—An Act to amend Section 515 of the Political Code, and to provide for the appointment of a statistician, a clerk and stenographer, and a text-book clerk for the Superintendent of Public Instruction, and to fix their compensation.

Read first time, and referred to Committee on Ways and Means.

By Mr. Waste: Assembly Bill No. 339—An Act to amend Sections 2978, 2979, and 2982, and to repeal Section 2983 of the Political Code of the State of California, relating to the State Board of Health.

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Houser: Assembly Bill No. 340—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 857, relating to the purposes for which express trusts may be created.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 341—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 290½, relating to the names, powers of corporations, and the purposes for which certain corporations may be formed.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 342—An Act making an appropriation of \$250 to pay the bounty claim of Daniel Dougherty.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 343—An Act to amend an Act entitled

"An Act to establish a Penal Code," approved February 14, 1872, by amending Section 283 thereof, relating to the punishment for the crime of bigamy.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 344—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 339 thereof, relating to the time of commencing actions other than for the recovery of real property.

Read first time, and referred to Committee on Judiciary.

By Mr. McGowan: Assembly Bill No. 345—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Read first time, and referred to Committee on Judiciary.

By Mr. Gates: Assembly Bill No. 346—An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act.

Read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 347—An Act to amend Sections 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082 and 3083, and to repeal Section 3084 of the Political Code of the State of California, relating to the State Board of Health and the registration of births, marriages, and deaths, and providing for the compensation of a State statistician and assistants.

Read first time, and referred to Committee on Public Health and Quarantine.

#### RESOLUTIONS.

By Mr. Goodrich:

*Resolved*, That the Chief Clerk and Sergeant-at-Arms be requested to cooperate in establishing rules governing the employment of Assembly stenographers, and the distributing of writing machines, so that some designated attaché shall remain at some certain place in the Assembly, with an account showing where each machine is located, whether in use or not, by whom being used, also showing what stenographers and what machines are available at any time for the performance of public business.

Referred to Committee on Attachés and Employés.

By Mr. Estudillo:

*Resolved*, That for and by reason of services rendered the Assembly by A. A. Wood from January 2, 1905, to January 12, 1905, both days inclusive, as assistant to the Chief Clerk of the Assembly in effecting the organization of the Assembly, the Controller is hereby directed to draw his warrant in favor of said A. A. Wood in the sum of \$80, and the State Treasurer is hereby directed to pay the said warrant immediately out of the appropriation for the contingent expenses of the Assembly.

Referred to Committee on Contingent Expenses and Accounts.

By Mr. Atkinson:

*Resolved*, That for and by reason of services rendered the Assembly by Ed. J. Smith from January 2d to January 11th, both days inclusive, as an Assistant Clerk at the desk, at the request of the Chief Clerk, the Controller of State is hereby directed to draw his warrant in favor of said Ed. J. Smith for the sum of sixty (\$60) dollars for said services, said sum being at the same rate per diem as is paid the other assistant clerks at the desk, and the State Treasurer is hereby directed to pay said warrant out of the appropriation for the contingent expenses of the Assembly.

Referred to Committee on Contingent Expenses and Accounts.

By Mr. Stanton:

*Resolved*, That each committee be allowed stationery to the amount of \$10, except the Committee on Ways and Means and the Committee on Judiciary, which said committees shall be allowed the amount of \$25, the amount for each committee to be drawn only on the requisition of the chairman thereof

Referred to Committee on Contingent Expenses and Accounts.

By Mr. Jury:

*Resolved*, That the State Printer be instructed to print one thousand (1,000) copies of all Assembly bills, files, Histories, Journals, constitutional amendments, and joint resolutions, beginning with January 2d, for the use of the Assembly.

Mr. Jury moved the adoption of the resolution.

Motion carried.

By Mr. Coghlan:

*Resolved*, That the following named persons be and they are hereby appointed and employed for the positions, and at the per diem set opposite their respective names, said per diem to be paid out of the appropriations for the contingent expenses of the Assembly, said appointments to date from and include the 12th day of January, 1905, and the State Controller is hereby authorized and directed to draw his warrant upon the said fund in favor of the said following-named persons for the said per diems, and the State Treasurer is hereby authorized and directed to pay the same:

Gus Baker, Committee Clerk.....	\$4 00
Paul Edwards, Clerk.....	4 00
Mrs. A. J. Porter, Stenographer.....	5 00
P. J. Kennedy, Porter.....	3 00
Louis Hoin, Committee Clerk.....	4 00
Ed Osborn, Gatekeeper.....	3 00

Referred to Committee on Contingent Expenses and Accounts.

By Mr. Waste:

*Resolved*, That the State Controller is hereby authorized to draw his warrant in favor of the following-named clerks and attachés, employed by the Chief Clerk to assist in the organization of the Assembly: James Connell, Assistant Sergeant-at-Arms, two days; C. Cleaver, Assistant Sergeant-at-Arms, two days; F. J. Neidham and Willie Saunders, Pages, three days each; Neil Wells, Messenger, three days; and E. Nolan, assistant to Minute Clerk, three days, at the per diem usually allowed such employés, and the Treasurer is hereby directed to pay the same

Mr. Waste moved the adoption of the resolution.

The roll was called, with the following result:

AYES—Messrs. Amerigo, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Jones, of Tuolumne, Jury, Lucev, Lumley, Lynch, Manwell, McCartney, McGowan, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfeiffer, Pryor, Pyle, Slaven, Stanton, Strobridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—65.

NOES—None.

The resolution was declared adopted.

By Mr. Cromwell:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, for the sum of \$210.75, the sum being for one half of the expenses attending the Electoral College ceremonies in the Assembly Chamber on the 9th day of January, 1905.

Mr. Cromwell moved the adoption of the resolution without reference to a committee.

Motion carried.

The roll was ordered called on the resolution, with the following result:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Slaven, Stanton, Strobridge, Thompson, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—66.

**NOES**—None.

Resolution adopted.

#### EXTENSION OF TIME.

At twelve o'clock and twenty-five minutes P. M. Mr. Rolley moved that the hour for adjournment be extended this day to one o'clock P. M.  
Motion carried.

#### RESOLUTIONS—(RESUMED).

*Resolved*, That the name of Bert Holmes be and the same is hereby substituted in lieu of the name of Ed. Gill, as an Assistant Minute Clerk of the Assembly, and the name of Ed. Gill is hereby dropped from the list of attachés of the Assembly.

Referred to Committee on Attachés and Employés.

#### ADJOURNMENT.

At twelve o'clock and thirty-five minutes P. M. Mr. Anthony moved that the Assembly do now adjourn until to-morrow (Friday) at eleven o'clock A. M.

Motion carried.

At twelve o'clock and thirty-seven minutes P. M. the Speaker declared the Assembly adjourned until Friday, January 13, 1905, at eleven o'clock A. M.

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER,

Friday, January 13, 1905. }

The Assembly met at eleven o'clock A. M., pursuant to adjournment.  
Speaker Prescott in the chair.

#### ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—72.

Quorum present.



## LEAVES OF ABSENCE.

Leave of absence for the day was granted Messrs. Cullen, Lucey, Severance, Bliss, Walsh, Jury, and Barnes.

## PRAYER.

Prayer by the Rev. George C. King.

## READING OF THE JOURNAL.

On motion of Mr. Olmsted, the further reading of the Journal was dispensed with.

## CORRECTION AND APPROVAL OF JOURNAL.

The Journal of January 11, 1905, was corrected, and, as corrected, approved.

## REPORTS OF STANDING COMMITTEES.

## ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1905.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred a resolution relating to payment of \$80 to A. A. Wood for services as assistant to Chief Clerk—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CROMWELL, Chairman.

## RESOLUTION.

By Mr. Estudillo:

*Resolved* That for and by reason of services rendered the Assembly by A. A. Wood from January 2, 1905, to January 12, 1905, both inclusive, as assistant to the Chief Clerk of the Assembly in effecting the organization of the Assembly, the Controller is hereby directed to draw his warrant in favor of said A. A. Wood in the sum of \$80, and the State Treasurer is hereby directed to pay the said warrant immediately out of the appropriation for the contingent expenses of the Assembly.

Mr. Cromwell moved the adoption of the report.

Motion carried.

Mr. Treadwell moved the adoption of the resolution offered by Mr. Estudillo, and favorably reported by the committee.

The roll was ordered called on the motion to adopt the resolution, with the following result:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bares, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Lumley, Manwell, McCartney, Mettowan, McKenney, McNamara, Mencke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaeille, Pryor, Rolley, Slaven, Stanton, Strobridge, Strohl, Thompson, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—62.

NOES—None.

Resolution declared adopted.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1905.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred a resolution referring to appointment of attachés—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CROMWELL, Chairman.

## RESOLUTION.

By Mr. Coghlan.

*Resolved*, That the following-named persons be and they are hereby appointed and employed for the positions, and at the per diem set opposite their respective names,

said per diem to be paid out of the appropriations for the contingent expenses of the Assembly, said appointments to date from and include the 12th day of January, 1905, and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said following-named persons for the said per diems and the State Treasurer is hereby authorized and directed to pay the same:

Gus Baker, Committee Clerk.....	\$4 00
Paul Edwards, Clerk.....	4 00
Mrs. A. J. Porter, Stenographer.....	5 00
P. J. Kennedy, Porter.....	3 00
Louis Horn, Committee Clerk.....	4 00
Ed. Osborn, Gatekeeper.....	3 00

Mr. Cromwell moved the adoption of the report of the committee.

Motion carried.

Mr. Cromwell moved the adoption of the resolution offered by Mr. Coghlan, as recommended by the committee.

The roll was ordered called on the motion to adopt the resolution, with the following result:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beard-lee, Beckett, Boyle, Branstetter, Burge, Burke, Chandler, Cooper, Coyle, Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gates, Hawkins, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, O'Brien, Perkins, Pfaeffe, Pryor, Pyle, Slaven, Stanton, Strobridge, Strohl, Thompson, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—55.

NOES—None.

The resolution was declared adopted.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 13, 1905.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred a resolution relating to the payment of \$60 to Ed. J. Smith for services as Assistant Clerk—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CROMWELL, Chairman.

RESOLUTION.

By Mr. Atkinson:

*Resolved*, That for and by reason of services rendered the Assembly by Ed. J. Smith from January 2d to January 11th, both days inclusive, as an Assistant Clerk at the desk, at the request of the Chief Clerk, the Controller of State is hereby directed to draw his warrant in favor of said Ed. J. Smith for the sum of sixty (\$60) dollars for said services, said sum being at the same rate per diem as is paid the other committee clerks at the desk, and the State Treasurer is hereby directed to pay said warrant out of the appropriation for the contingent expenses of the Assembly.

Mr. Cromwell moved the adoption of the report of the committee.

Motion carried.

Mr. Duryea moved the adoption of the resolution offered by Mr. Atkinson as recommended by the committee.

The roll was ordered called on Mr. Duryea's motion, with the following result:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Beckett, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gates, Goodrich, Hawkins, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Slaven, Stanton, Strobridge, Strohl, Thompson, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—61.

NOES—None.

Resolution adopted.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 13, 1905.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred a resolution relating to employment of Walter L. Williams to take charge of

electric lights of Assembly Chamber—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CROMWELL, Chairman.

#### RESOLUTION.

By Mr. O'Brien:

*Resolved*, That Walter L. Williams be employed as electrician, to take charge of the electric lights of the Assembly Chamber, at \$4 per diem; that the Controller be and he is hereby directed to draw his warrant on the State Treasurer for the same, and the Treasurer is hereby authorized to pay the same out of the Contingent Fund of the Assembly.

Mr. Cromwell moved the adoption of the report of the committee.

Motion carried.

Mr. O'Brien moved the adoption of the resolution as recommended by the committee, for the employment of Walter L. Williams as electrician.

The roll was ordered called on the motion to adopt the resolution, with the following result:

AYES—Messrs. Amerige, Arnerich, Atkinson, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Chandler, Cleveland, Cooper, Coyle, Cromwell, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gates, Hawkins, Held, John, Johnson, Jones of San Francisco, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strohl, Thompson, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—54

NOES—None.

The resolution was declared adopted.

#### PRIVILEGES OF THE FLOOR.

Mr. McKenney moved that the privileges of the floor be extended to Hon. C. O. Dunbar, an ex-member of the Assembly.

Motion carried.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

##### ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1905.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred a resolution by Mr. McGowan, have considered the same and recommend the adoption of the resolution, amended to read as follows:

G. Kuchler, 5 days at \$3	\$15 00
J. Castro, 5 days at \$3	15 00
H. Castro, 5 days at \$3	15 00
J. Kofod, 2 days at \$3	6 00
J. Connell, 2 days at \$5	10 00
J. Clever, 2 days at \$4	8 00
T. Tannon, 4 days at \$3	12 00
C. W. Haub, 2 days at \$5	10 00
Roy Nichols, 2 days at \$2 50	5 00
C. W. Curtis, 2 days at \$4	8 00
	<hr/>
	\$104 00

CROMWELL, Chairman.

Mr. Cromwell moved the adoption of the report of the committee.

Motion carried.

Mr. McGowan moved the adoption of the resolution as amended and recommended by the committee.

The roll was ordered called on the motion of Mr. McGowan to adopt the recommendation and amendment by the committee, with the following result:

AYES—Messrs. Amerige, Atkinson, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Devlin, Dorsey,

Drew, Duryea, Estudillo, Gates, Goodrich, Hartman, Hawkins, Held, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Slaven, Stanton, Strohl, Thompson, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—59.

The resolution was declared adopted.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1905.

MR. SPEAKER Your Committee on Contingent Expenses and Accounts, to whom was referred a resolution by Mr. Jones of San Francisco, relating to the payment of \$102 to Al Lewald for services rendered Sergeant-at-Arms in organization of Assembly, and for mileage—have had the same under consideration, and recommend that inasmuch as said Lewald worked six (6) days, he be allowed \$30 for services and \$5 for railroad fare, and that the Controller be directed to draw his warrant for \$35 in favor of said Lewald and that the Treasurer be directed to pay the same.

CROMWELL, Chairman.

Mr. Cromwell moved the adoption of the report of the committee.

Motion carried.

Mr. Jones of San Francisco moved that the resolution offered by him as to the sum to be paid to Al Lewald for services rendered the Sergeant-at-Arms in the organization of the Assembly be amended to read as recommended by the committee, to wit: For the sum of \$35, in place of \$102.

The roll was ordered called on the motion of Mr. Jones, on his resolution as amended and recommended by the committee, with the following result:

AYES—Messrs Amerige, Atkinson, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Coghlan, Cooper, Coyle, Cromwell, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gates, Goodrich, Hartman, Hawkins, Held, John, Johnson, Jones of San Francisco, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Slaven, Stanton, Strobridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—59.

NOES—None.

The resolution as amended and recommended by the committee was adopted.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1905.

MR. SPEAKER Your Committee on Contingent Expenses and Accounts, to whom was referred a resolution by Mr. Stanton, relating to stationery for committees—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CROMWELL, Chairman.

#### RESOLUTION

By Mr. Stanton:

*Resolved*, That each committee be allowed stationery to the amount of \$10, except the Committee on Ways and Means and the Committee on Judiciary, which said committees shall be allowed the amount of \$25, the amount for each committee to be drawn only on the requisition of the chairman thereof.

Mr. Cromwell moved the adoption of the report of the committee.

Motion carried.

Mr. Duryea moved the adoption of the resolution offered by Mr. Stanton and favorably recommended by the committee.

The roll was ordered called on the motion to adopt Mr. Stanton's resolution, with the following result:

AYES—Messrs Amerige, Anthony, Atkinson, Bates, Beardslee, Beckett, Boyle, Branstetter, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gates, Goodrich, Hartman, Haw-

kins, Hield, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, King, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Slaven, Stanton, Strobridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—63.

NOES—None.

The resolution was declared adopted.

#### REPORT OF COMMITTEE ON ATTACHÉS AND EMPLOYÉS.

Mr. Waste submitted the following on behalf of the chairman of the Committee on Attachés and Employés:

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1905.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the following resolution:

*Resolved*, That the name of Bert Holmes be and the same is hereby substituted in lieu of the name of Ed. Gill, as an Assistant Minute Clerk of the Assembly, and the name of Ed. Gill is hereby dropped from the list of attachés of the Assembly.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BLISS, Chairman.

Mr. Bates moved the adoption of the report of the committee.

Motion carried.

Mr. Anthony moved the adoption of the resolution as recommended by the committee.

The roll was called on the resolution, with the following result:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Boyle, Brantetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cronwell, Devlin, Drew, Durycu, Ellis, Estudillo, Gans, Goodrich, Hartman, Hawkins, Hield, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, King, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Slaven, Stanton, Strohl, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—58.

NOES—None.

The resolution was declared adopted.

#### SPEAKER PRO TEM. IN THE CHAIR.

The Speaker pro tem., Hon. T. E. Atkinson, was called to the chair.

#### REPORT OF SPECIAL COMMITTEE ON STATE PRISON REFORM.

Mr. McKenney, on behalf of the Special Committee on State Prison Reform, submitted the following report:

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1905.

MR. SPEAKER: Your Committee on State Prison Reform, appointed by the Speaker at the close of the last session of the Legislature, in accordance with a resolution passed by the Assembly, organized by the selection of Hon. Frank C. Prescott as chairman and J. F. Carrere as secretary.

The secretary was instructed to gather what information he could about the penal institutions in the other States of the Union and foreign countries, and to examine the data he might collect for any suggestions or information that it might contain that would be of service to the committee in its work. Accordingly he wrote some seven hundred letters and got reports and information about all the penal institutions in every State and Territory in the Union, including Hawaii, except Delaware, the Governor of that commonwealth declining to furnish any information. He also secured reports from Norway, Sweden, Germany, Austria, Hungary, Bohemia, Italy, Greece, France, Great Britain, Ireland, Belgium, Holland, Spain, and Portugal, in Europe, and Japan and all the provinces of India in Asia, Cape Colony in Africa, the several commonwealths of Australia, the Provinces of Canada, Mexico, Brazil, Chile, Argentine Republic, Uruguay, and the reports of a number of international conferences and meetings furnished the committee by the Federal Government through the Secretary of State.

From the American data were compiled a mass of valuable statistics, which are attached hereto, marked Exhibit "A," and made a part hereof.

A careful examination of the reports was made and correspondence was carried on with those institutions that seemed the best managed and conducted, both at home and abroad. The committee also visited the State prisons and carefully studied their needs and requirements. As a result of all this study and investigation, your committee would recommend and report as follows:

"With the exception of some prisons in the South, the prisons and the prison system in California seems to be as defective as any in the country. The accommodation for the prisoners is entirely inadequate and unsuited to the purposes for which it is intended, and, while the officials are apparently doing the best they can with the means at their disposal to manage the prisons as they should be, it is impossible to expect any satisfactory results under existing circumstances.

"In the first place, there is no possibility at either San Quentin or Folsom of giving each prisoner a separate cell. The result is that the young and inexperienced criminals are frequently placed in direct contact with experienced and hardened convicts, with the inevitable result that the novices learn many tricks and details of crime with which they were not before acquainted, learn to look upon vice and crime as excusable, and not disgraceful and to be condemned; and, above all, are in many cases taught the filthiest and most revolting vices, so that they leave the prisons not only unimproved by their incarceration, but many times worse and more hardened and degraded. To prevent vice in prisons is only possible with the greatest care and by keeping the prisoners completely separate, and that is simply impossible in our prisons as they are now built and conducted. No amount of punishment, no amount of vigilance, will overcome vice. The only way to prevent it is to make its commission impossible.

"In the best prisons in the country the prisoners have each a separate cell, and never under any circumstances are young criminals placed with older ones. To give some idea of the difficulties that confront the Wardens in cases of this kind, it may be mentioned that two boys convicted of violation of the Federal statutes were sent to San Quentin and the Warden was forced to keep them in the hospital to save them from the fate that would have befallen them had they been sent to the cells with the other convicts.

"In this connection, we beg to call the attention of the Legislature to the provisions of our State laws, which provide that in the cases of boys or girls sent to the two Reform or State schools, the county from which they are sent shall pay a monthly stipend for their support to the State. The result of this law has been bad in many respects, but in none more conspicuously than in leading judges in many cases to send boys to the State prisons instead of the schools, simply to save the county the cost of paying a few dollars monthly for the support of the young offenders. In that way a blot has been put upon the boy's name for all time to come; he has been confirmed in vice, as we have explained above, and he has very likely—we had almost said unavoidably—been taught the filthiest vices. Aside from the question of morality and decency, such a system as that is to be condemned from economic grounds; for, while the direct expense to the county is saved, the expense that a confirmed and desperate and degraded criminal will cost the community is far in excess of what any county would have to pay for a child in a State school for a few months or years; but, as it seems impossible to hope that humanity and high moral ideas will control when it is a question of saving money, we recommend that the law providing for monthly payments to the State from counties for youthful offenders be abolished, and that the State schools be supported exactly as the State prisons—by the general taxes of the State. So far as the taxpayer is concerned, the result would be the same, and, as far as the reformation of the prisoner is concerned, it would be infinitely better.

"It should never be forgotten that reformation, even more than punishment and confinement, should be the object of our State prisons, and unless that is the first object held continually in view the prisons are failures. Reformation, however, is impossible when the prisoners are not separated and segregated and kept as far as possible in classes by themselves. To send desperadoes and boys to congregate together for years and expect satisfactory results is so absurd that we do not deem it necessary to give the matter any lengthy discussion. We have, however, given the subject careful consideration and we make the following suggestion and recommendations: that the several penal institutions, that is to say, the two State schools and the two State prisons, should be placed in one system and under the direction of one board, with power to change the inmates as necessity arises.

"Under that idea, we would convert the State School at Whittier into a truant school, similar to those in Massachusetts and some other States. To that school would be sent wayward boys or girls, children who ran away from home, who would not go to school, who had committed misdemeanors, whose home life was bad, etc. In fact, the school would be in many respects a State orphan asylum. We think that it would be best to have the institution of this character at Whittier, because the place is very near a large city, is surrounded by a thickly populated neighborhood, and is not suited to a place of confinement for more desperate characters.

"At the Preston School of Industry at Ione we would have an establishment like the Elmira Reformatory in New York State, where first offenders and those who show a tendency to reform can be sent. We have selected the Preston school for that purpose, because it has ample grounds, is far removed from the center of population, and has a good water power that can be utilized in running machinery.

"To San Quentin we would send the criminals who are of a milder type, who are not likely to be desperate, and who can be more easily restrained. We have selected San Quentin for this purpose, because it is near San Francisco and is, therefore, not as isolated and as easy to guard as Folsom.

"At Folsom we would place the desperate characters—those commonly known as 'red shirt men', the men who are desperate and who require continual watching of the most careful character. No boys would be sent to either Folsom or San Quentin under this plan, but if they had committed serious crimes and had long terms to serve, they would go to Lone.

"With the prisoners segregated as we outline above, and separate cells provided in the prisons and at Lone (dormitories would do for the truant school), the next necessity would be to devise some method of keeping the men all employed, and employed at some profitable labor, all the time during working hours. We noticed that many of the prisoners had nothing to do apparently at both San Quentin and Folsom, and it must be self-evident that such a condition is strongly to be condemned. At Whittier and Lone, too, the industrial departments are ridiculously inadequate for the purposes for which they are intended. There should be facilities at both schools to put every boy and girl at work so that no inmate would ever leave either institution without having acquired the knowledge of a trade which would enable him to make an honest living when he left the place. Ample machinery should be provided and of the most modern character and the teaching should be at once technical and practical.

"In this connection, we would earnestly recommend that the girls' department at Whittier be either abolished, as suggested by His Excellency the Governor, in his message, and the inmates committed to benevolent institutions provided for that purpose; choice to be made in the discretion of the court, the expense to be borne by the State and county as now, such institutions to be subjected to State and judicial inspection; or, if that is deemed unwise by the Legislature, then that the girls' department be removed to some separate place not in any way connected with the existing schools or penal institutions. The very fact that a boy and a girl have been inmates of Whittier, even though they never saw each other, creates a fraternal feeling between them, and many instances could be mentioned where it has resulted disastrously to both when they have met in the outside world and ascertained the fact that they were both from Whittier.

"The question of employing convicts is a very serious one, as free labor naturally objects to their competition, but, after looking over the plans from different States, we recommend that the Legislature carefully consider and adopt that of New York, where the men are employed in manufacturing supplies for the public institutions of the State, such, for instance, as furniture for public buildings and schools, etc. Of course we do not suggest that the present system of making grain bags or working in the rock piles should be discontinued at San Quentin and Folsom, but those occupations do not give employment to all and it is that all may be employed that we suggest the New York system and its adoption in California.

"In several States there is a system in vogue that seems to have much to commend it, and we call the attention of the members of the Legislature to it, that is, the paying for work that is done by convicts, the money to go to their families if they have any, or to be laid up for them when they leave in other cases. It seems unjust that the innocent should suffer for the guilty and that a man should be able to throw the support of his family on the public by turning thief. In many cases the thief in the State prison is better off, though he is supposed to be punished for his crime, than are his wife and children outside whom he has left behind.

"The improvement that we recommend in the buildings of the State prisons is so radical that before it is commenced a thorough study of systems in other prisons should be made. Looking over the plans given in the reports of the prisons of this country and Europe we notice that, in many of them, the yards for recreation are so arranged that there is no connection between the different classes of prisoners. They live in separate sections of the building, come in and go out by different doors, in some cases eat in different dining-rooms, all connected with one kitchen, and when they go to recreation, they have different yards for that purpose. Such a system as in use now to a large extent in the insane asylums of the State should be adopted in the State prisons. At Whittier and Lone any further additions to the present accommodations should be in the shape of cottages, so that the inmates can be segregated. The cost will not be as great as with large buildings and the results will be most satisfactory.

"If our suggestion for a classification of the prisons is adopted, of course the present system of allowing convicts to say to which of the penitentiaries they would prefer to go will be discontinued, as it should be, but, if things are allowed to go on as they are at present, then some method, if possible, should be devised to do away with this plan, which is a very bad one from many standpoints and which reflects far more credit on the kindheartedness of the judges than on their discretion and good judgment.

"It need hardly be said that, even if the suggestions made in this report so far were all carried out, they would be of but little use unless they are accompanied by a corresponding improvement in the system under which appointments are made to the various positions in the State prisons and reformatories. Politics should be completely eliminated. Criminology and penology are as well-defined sciences as law or medicine, and it requires experience to handle criminals as well as to cure diseases. Appointments should be made only to the lower grades after careful examination of applicants as to their physical and moral characters and their fitness for the places they seek.

Salaries and wages should be on a scale that will permit long and faithful service to be rewarded and promotion for conspicuous bravery to be given. The State should pension at least all of its prison employes injured in the discharge of their duties. It is never a waste of money to encourage bravery, honesty, and attention to duties. Certainly it is not unreasonable to ask that a man wounded and disabled while doing State work should be cared for the rest of his days if the disability is permanent and unfits him for work and making a living for himself and family, and certainly no one would object to caring for those he left behind if he should be killed in the discharge of his duty. That is only common justice.

"In a number of the most progressive States in the Union, this pensioning is a law and works most satisfactorily.

"If the Bertillon system of measuring and identifying criminals was adopted in this State, not only for the State prisons but for the county and municipal jails as well, and the records of all condemned criminals were exchanged between the several jails and the State prisons, it would be of immense benefit in detecting criminals and identifying them. We were informed by the authorities in many States that it was their desire to have the Bertillon system adopted all over the country and Europe and other parts of the world; and the measurements, etc. exchanged so that at least every State prison would eventually have the records of the criminals of the world. If such a policy had been adopted years ago, one correspondent pointed out, many of the criminals whom this country is receiving from abroad would never be allowed to land, and as the statistics which we have collected will show, the percentage of crime in the United States would be very materially decreased. We recommend the enactment of some laws on this subject by the Legislature.

"The question of the punishment of criminals has engaged our very careful consideration and we have examined the system in vogue in other States and countries with much care. We cannot find that the straitjacket as used in this State is employed in many places; on the contrary, solitary confinement, a bread-and-water diet, deprivation of special privileges, and, in England, the treadmill are employed.

"In some of the best prisons the convicts are divided into classes and each class is designated by a certain costume or colored shirt. A man when he enters goes in, say Grade 3; if he behaves, he is advanced to Grade 2, and, if he continues good, to Grade 1. Each grade has more privileges and pleasures connected with it than the lower one.

"If, on the contrary, he misbehaves he is put in Grade 4, or 5, or 6, each being more rigorously watched, each having fewer privileges, poorer food, etc.

"It was our idea that this system would be followed in the grading of the schools and prisons if placed under one system. A boy who was found unfit for the truant school would be sent to Jone and the reformatory there. A boy who misbehaved continually, at Jone would go to San Quentin, and an incorrigible at San Quentin would be sent to Folsom. Of course, these changes could be reversed if deemed wise and each institution would have its grades as well.

"In comparing the bills of fare in the California and other institutions we are of the opinion that the State feeds its convicts probably better than any State in the Union, and that means also than any foreign country, for no foreign reports show anything like such pleasant surroundings as our American prisons. To the average foreign prisoner an American penitentiary in any of the Eastern and Central States must seem a palace. While we believe in good wholesome food and plenty of it, prison fare should be of the plainest, and the pleasures of prison life should be reduced to a minimum if there is to be much reformation. The number of persons who go back to prison, even from the meager information contained in the reports, and who go back to the same prisons, show that prison life is not without its attractions to many criminals and that, while they may grumble about the food and comfort offered them while behind the walls, they really do not find them as bad as they pretend.

"The question of indeterminate sentences is also a matter to which we gave our consideration, and we believe that it is a wise provision. Prisoners should not be turned loose on the community when every one knows that they have not reformed and will only return to their evil ways at the first opportunity. On the other hand, when a man has thoroughly reformed, and would become a good citizen if on the outside of the prison, the best interests of the State are served by turning him loose. Of course this can only be determined by those in charge of him and, if men of experience and knowledge in penology are placed in charge of our institutions, the wisest course to be employed in each individual case can be determined. Of course mistakes will be made, they are made to-day in other institutions. People are discharged from hospitals before they should be, patients leave insane asylums and go insane again, and no doubt some criminals would return to their old methods and ways, but that fact should no more be urged against paroles and indeterminate sentences in criminal cases than the mistakes made in the other directions referred to above are urged as reasons for changing the system under which our hospitals are managed. At least every sentence should have a maximum and minimum and should be so arranged that the good prisoner could be rewarded and the bad punished.

"It seems to be the custom in some States not to discharge a prisoner finally until he has gone out and proved himself worthy of a discharge. In other words, he is paroled and must report monthly and is under surveillance for a time. If his record is good at the end of a year he gets his discharge. If his record is poor he must return to prison. The English system of 'ticket of leave' is practically along those lines and works well, it is said, wherever it has been tried. It enables the prisoner to pick up gradually and



to know that all the time he is under restraint and must, therefore, be careful of himself and he acquires the habit finally of being respectable.

"The enormous number of young criminals in the United States and in California is so great that the need of reformatory measures is very evident. Undoubtedly they could be reformed in many instances if there was a proper place to reform them, but, if they are too old to go to Lone or Whittier, the penitentiary is their only place and, for most criminals, that means a life of crime for the rest of their days.

"Another matter to which the committee has given special attention is the care of insane criminals. At present those who are mildly insane are kept in the prisons, but, when they become violent, they are sent to one or other of the State hospitals for the insane, causing endless inconvenience and much unnecessary annoyance which could be avoided if there was a place especially prepared for them. Besides, the friends and relatives of the patients in the State hospitals naturally object to having the members of their families associated with desperate and hardened criminals, and naturally the hospitals are not prepared to properly watch and care for that class of patients. In New York there is a special hospital for the criminal insane. We do not think it would be necessary to have a separate institution of that character in California, but we would recommend that an insane ward for criminal patients be erected at one of the State prisons, to occupy a separate building and separated distinctly from the prison proper. The management should be along the lines of the management of the State hospitals, and should be under the direction of the State Lunacy Commission, acting in accord with the State Prison Directors."

Your committee has caused to be prepared bills covering the various points in this report which it will submit to the Legislature for its action.

All of which is respectfully submitted with accompanying documents.

FRANK C. PRESCOTT, Chairman.  
C. H. McKENNEY.  
CHAS. O. DUNBAR.

#### EXHIBIT A.

##### CRIME AND CRIMINALS IN THE UNITED STATES.

##### (Part of Report of Committee on State Prison Reform.)

The last session of the California Legislature appointed a committee to study and investigate the prison system of this and foreign countries, with a view of improving the penal methods in this State. As a preliminary to this work the committee has, after much labor, collected reports of nearly all the penitentiaries, reformatories, and similar institutions in the United States, and it is from these reports, numbering some sixty-two pamphlets, that the statistics and data in this article are drawn.

Unfortunately, there is absolutely no uniformity in the methods of compiling the reports, even when they come from different institutions in the same State. Thus, in some States the race of the convicts, whether black or white, is not given; in others, there is no mention of their sex. Ohio makes no mention of their nationality; North Carolina gives no details of their crimes, while in still other States, and indeed I might say in a majority, the statistics are based on one number of prisoners for one class of information, and on another number for another; thus, the age of the prisoners will be given for all those in the prison on a certain date, but the data for nationality or crime are based on the number of inmates received during the previous year or two years. Crimes, too, are classified and divided differently in nearly every State; and the technicalities used are in some cases difficult to understand, even by lawyers, while for laymen they are simply incomprehensible. Thus, we have "assault to murder" and "assault to kill" put down as different crimes in the same report, and in another, "assault to rape" and "assault to ravish" are distinguished from each other. In some States the convicts include prisoners sent up for crimes unknown in other States as, for instance, "violating the prohibition law" in North Dakota. In those States which have no reform schools, the convicts include children as young as nine years of age, while in others we have reformatories with inmates over sixty. Statistics as to cost of maintenance are of little value, because the systems under which the prisoners are handled differ so widely. In the South the convicts are almost invariably leased out; in some of the Northern States they are paid in part for their labor, while in other sections of the country they are maintained entirely by the State, and get nothing for what labor they perform. Again, in the South it appears to be the system, very largely, to send only the weak and infirm to the State prison, keeping the strong and healthy in the county jails, so as to utilize them on road work. In this connection, the warden of the North Carolina State prison says in his report:

"The population of the prison is gradually diminishing. In 1894, the average number of convicts was 1,234; in 1896, 1,198; in 1898, 1,091; in 1900, 860, during the present year 819. The reason of this is easily understood. Many of the large counties are now engaged in road building, and use their convicts upon this work. Not only is this true, but the strong and robust convicts from neighboring counties, by order of the presiding judge, are usually sent to reinforce these county chain gangs, while the female and the weak, feeble and maimed are sent here to become a burden on the resources of our prison. I am an advocate of good roads and road building, but think this policy is unfair and unjust in the prison management. Every county that wishes to do so, should be permitted to use its own criminals, but it should retain them all,

except those who are sentenced for life or for a long term of years. Convicts from those counties that do not maintain a chain gang should be sent to the prison so long as the Constitution requires the prison to be as nearly self-supporting as possible, and the public expects it to be entirely so. I can see no difference in permitting a county to demand and receive the convicts of a neighboring county, and permitting it to demand of the prison, without cause, all the convicts it may need—either the one should be prohibited or the other allowed—and if the latter is permitted the logical and inevitable result will be the maintenance of the prison by State appropriation.

"There is still another injustice in the present plan; the retention of the strong and robust convicts in the counties and the sending of the weak, sick, and enfeebled to the prison necessarily increases the death rate; consequently a comparison of this institution with similar institutions in other States creates a wrong impression and reflects upon the management."

The statistics of temperance and intemperance; the use of tobacco; church membership; the habits of parents, etc., are equally unreliable, unless we are to believe that criminals are largely total abstainers, that church-goers furnish most of the murders and rape in the country; and that thieves, burglars, and highwaymen are largely the children of respectable, law-abiding people. If the convicts' statements of their home surroundings and family associations are correct, there is absolutely nothing in all the theories of heredity and environment, and the best blood under the best circumstances produces the worst result. In the penitentiary at Anamosa, Iowa, for instance, the character of the homes of 387 convicts was "good" in 362 cases, and "poor" in 25. Their fathers were "good" in 368 instances, and their mothers the same in 395 cases. Only 25 had intemperate fathers, and only 8 intemperate mothers; while there were 40 per cent of the convicts who did not use liquor at all. In Kentucky, out of 609 convicts, 397 were temperate, and only 212 intemperate. In Pennsylvania, 36 per cent of the convicts at the Eastern penitentiary are described as "intemperate" and 3 per cent as "occasionally intemperate," while 60 per cent are either total abstainers or moderate drinkers.

The statistics of church membership are equally extraordinary, and apparently very few convicts are not devoted church members, as out of 13,000 prisoners in the various penitentiaries 9,500 claim to belong to some denomination. Probably the figures on the subject are most reliable in the Tennessee report which, out of 1,451 convicts, puts down 1,160 as of "no religion," although three of its convicts are said to be "ministers of the gospel." Its neighbor, Kentucky, reports 312 prisoners who have attended Sunday school and 297 who have not; Missouri has 1,314 church attendants out of 1,674 prisoners. Any one who knows anything of criminals, however, will readily understand that they (not unlike their more honest brethren) endeavor to represent in the most favorable light possible, even if the result is incongruous. At nearly all the penitentiaries there is at least one chaplain, and usually two, a Protestant and Catholic, though the resident chaplain in all cases seems to be Protestant.

In dividing the prisoners by races other peculiarities arise. At Folsom prison, California, we are told in the summary of races that there are 25 "Mongolians," while the detailed list gives 23 Chinamen and 5 Japanese. As the summary names only Caucasians, negroes, and Indians, besides the Mongolians, it is evident that some of the Japanese must be included under those heads. In Texas and Arizona, Mexicans are given as a distinct race, while elsewhere they are included with the Caucasians, although probably by reason of their mixed blood and characteristics it would be more correct to call them Indians, after their mothers, just as the other mixed races, the mulatto, with negro mothers, are denominated negroes in the reports. In New Mexico, Italians are given as a race by themselves.

The data of length of terms for which the commitment were made are of little value, as they vary for the same crime, in different States and depend, besides, largely on the circumstances under which the crime was committed, the penalty prescribed for a given crime by the statutes of the State, and the inclination of the sentencing judge.

It will be seen, therefore, that the greatest care has been necessary to correctly analyze the numerous reports, and compile the statistics they give; and it has only been found possible to arrive at any degree of accuracy by collecting separately each class of information sought, and excluding those convicts from the tables concerning whom the particular information desired was not given. Thus, Ohio is not included in the data given concerning the nationality of convicts; nor North Carolina in the details of crime, because, as I have said above, the Ohio reports lack statistics of nationality, and that of North Carolina those of crime. In all statistics for 50,790 convicts have been examined; the inmates of reformatories exclusively for juveniles of either sex. Work-houses, and city or county jails are not included in the count; nor reports from the Hawaiian Islands or other island possessions of the United States. Alaska is not included, nor the States of Wyoming and Delaware. Wyoming publishes no report, and Delaware has no State prison, and its officials absolutely refuse to give any information about their penal system, and were the only persons corresponded with either in this country or abroad from whom courteous replies to inquiries were not received. No statistics for Indian Territory can be given, and the data for Oklahoma are included in that of Kansas, prisoners of the latter Territory being cared for in the Lansing, Kansas, penitentiary.

The South has by far the largest number of criminals in proportion to its population, due to its immense number of negro convicts. Texas, for instance, with a population of 3,048,710, has 3,865 convicts, while Ohio, with 4,157,545, has only 1,939, and Pennsylvania,

with 6,302,115 population, only 2,369. Georgia has 2,313 convicts, Iowa, with a slightly larger population, only 820. Mississippi and Minnesota 1,035 and 692 respectively; Louisiana has 1,142, Nebraska 286, and so on through the whole list. But of Texas' convicts, 2,192 are negroes, of Georgia's, 2,058; of Mississippi's, 928; and of Louisiana's, 983. Fourteen Southern States, including Missouri and Maryland, have 13,480 colored and 4,704 white convicts, and of those States, Missouri is the only one with more white convicts than black.

In the whole country, out of 40,563 convicts whose color is given, 22,117 were white, 18,050 were black, 119 were Chinese or Japanese, and 270 were Indians, though the latter number would be very largely increased if it were made to include the so-called Mexicans or Indian half-breeds. It may be interesting to add that while the negroes compose only 12.5 per cent of the population of the United States, excluding Alaska and the Islands and States not included in these statistics, they furnish 44.4 per cent of the criminals. The yellow race furnishes 0.1 per cent of the population and 0.3 per cent of the criminals, and the Indians 0.2 per cent of the population and 0.6 per cent of the criminals.

Comparing the number of convicts in the East and the West, the showing is most unfavorable to the Pacific Coast, but the region between the Mississippi and the Rockies has a very small percentage of criminals. California, however, has nearly three times as many convicts as Massachusetts; Oregon has 300 to 187 in Rhode Island, though the population of both States is nearly the same; and if Washington be compared with Maine, the Western State has more than twice as many inmates in its penitentiaries as are reported from the Eastern State, though the latter State has the larger population. Vermont, with twice the population of Idaho, has only 33 more convicts than the Panhandle State, and Arizona has only 25 convicts less than New Hampshire and Vermont combined, while Montana and Connecticut have about the same number. New York of course has the largest criminal population, and Nevada naturally the smallest, although Nebraska has the smallest number of prisoners in proportion to its population, and she is the only State which does not report a single convict received in her State prison for two years for murder.

Out of 39,650 convicts whose nationality is given in the reports, 5,009 were foreign born. Of the 20,731 white convicts whose nationality is given, 4,851 are foreign born, or 23.4 per cent. In the States from which they come they constitute only 11.5 per cent of the population. The principal nationalities were represented among the 5,009 as follows: Austrian Empire, 180; Australia, 37; Canada, 632; China, 104; Denmark, 50; England, 440; France, 74; Germany, 849; Ireland, 613; Italy, 502; Japan, 15; Mexico, 505; Norway, 77; Poland, 58; Portugal, 11; Russia, 253; Scotland, 114; Sweden, 146; Switzerland, 47; Wales, 24.

In the South, as a rule, the number of foreigners is very small; thus, North Carolina reports only 5, Virginia only 1, and Texas only 9, while in New York there are 1,037, in Illinois, 354, and in California, 637. Deducting the negroes, Mongolians, Indians, and foreigners from the criminal population of the States giving statistics for all of those races, you have 15,880 white Americans to 23,217 of the other classes named, or 40 per cent.

In the matter of crime, there were 9,580 convicted of murder or attempt at murder, 3,138 for rape or crimes against decency, and 22,543 for robbery in some form, out of 49,974 convicts, the balance being for various other crimes, such as arson, selling liquor to Indians etc. Some of the crimes charged are peculiar. Thus, Iowa has a convict charged with "boot-legging," and another charged with being a "safe-keeper." In Kentucky, strange as it may seem, considering her political sympathies, there are 32 convicts guilty of "confederating," and mule stealing is carefully segregated from purloining horses or other live stock. In Louisiana, one convict got in the penitentiary for an offense "not stated," while in Tennessee "Klu-Kluxing" is one of the crimes mentioned, and "white-capping" another, and 108 prisoners were sent up for "violating the revenue law." In Vermont they have very wisely shut up in the penitentiary a man because he was "unsafe to be at large," an idea, however, if it were to become general over the country, would undoubtedly add enormously to our convict population.

In the matter of age, the prisoners range from 9 years of age to over 90. The largest number is between 20 and 30. Out of 39,627 convicts whose ages are given, 6,903 are under 20; 18,805 were between 20 and 30, and 13,241 were between 30 and 60. Only 558 were over the last mentioned age.

In some of the States where there are no reform schools, the youth of some of the convicts is phenomenal; thus, Nevada has an Indian boy nine years of age, and his brother thirteen years of age, sent to the penitentiary for two years for "assault with intent to kill and grand larceny." Arkansas has three convicts under twelve years of age and Florida one of eleven. Georgia has four under twelve and fifteen under fourteen years of age, but Illinois leads the record with thirty-two commitments for life under twenty years of age, two of the youths being only fifteen years old. Illinois includes among her life convicts one seventy-four, and the other seventy-five years of age. Massachusetts has a child under fifteen in the reform school for drunkenness, it may be noted in passing, and Pennsylvania has a boy of fifteen convicted of murder in the second degree. Virginia has two convicts under ten, one eleven, two twelve, and one thirteen years of age. It would seem as though the penitentiary is not the place for children, whatever their crimes, and certainly it is not the place to reform them, and reformation, especially in young convicts, should be more the object of imprisonment even than punishment. Many of the reports call attention to this very matter, and it is a subject that the National Conference of Corrections and Charities should take up and

endeavor to remedy. Certainly it is not a condition of affairs creditable to American civilization that children of ten or twelve years of age have to be confined in prisons with adults. The moral results are simply horrible to contemplate; and in one penitentiary the warden wisely kept two young boy convicts in his hospital to save them from the fate that would have been theirs had they been sent where they could associate with the adult prisoners.

Ten thousand three hundred and ninety-five prisoners have been married, and 14,684 were single; while 26,460 had some education, and 10,646 had none.

Forty-two thousand two hundred and ninety-five were males and only 1,569 were females.

In occupation, every profession, trade or calling is represented, from ministers of the gospel to prostitutes, gamblers, and tramps. The vast majority, 6,733, are put down as "laborers." The "honest farmers" number 2,651, the bankers 9; the doctors 21, the lawyers 26, the clergymen 39, of whom Georgia has 16, newspapermen 15, and teachers 33. Cooking seems to be an occupation prolific of crime, for there are 770 cooks in the list, and teamsters also have a large representation, 534; waiters number 466; the printers 98, while there are 348 carpenters and 112 bricklayers.

The reports from nearly every Southern State condemn in the severest terms the system of dealing with the criminal population. Thus, the Alabama report (evidently written by humane men and careful students of penology) has a description of the treatment of county prisoners by President of the Board of Convict Inspectors, J. M. Carmichael, who writes:

"Three fifths, at the least calculation, of county convicts, hired outside of the counties in which they are convicted, are only guilty of misdemeanors, not involving moral turpitude, such as assaults and battery, gaming, violating prohibition laws, carrying concealed weapons, using obscene language and the like. When these people are placed in the mines—white or black—they are worked 'cheek by jowl' with the worst type of thieves, robbers, rapists, and murderers, many of whom would not hesitate if opportunity presented itself, to kill a man for two dollars. Thus, notwithstanding the law forbids it, two boys fight together, willingly, in a public place, and thereby become guilty of an affray. They are tried in some inferior court, having jurisdiction, and fined twenty-five dollars, each. One of them is the son of a man of means and secures the fine and cost, and goes at liberty. The other is the son of a widow woman, and he her only child. She is without means, and he cannot secure the fine and cost, and therefore goes to hard labor for the county in some mining establishment, where, as has already been suggested, he is liable to associate with the worst class of criminals, and possibly loses his life from sickness, accident, or the violence of some desperate outlaw, or becomes a bad criminal."

And the Physician Inspector, Dr. Shirley, says:

"The death rate among convicts must ever remain high, in my opinion, without a radical change in the administration of justice, and the temporary confinement of those awaiting trial in the various jails of the State. The condition of many of the jails in Alabama beggars description; prisoners are herded in them like sheep, with no ventilation, no sanitation, no bathing facilities, and no change of clothing (although they may be confined for months), reeking with filth and covered with vermin, this with food of the roughest and poorest character not only invites but produces disease. This is a mild picture of existing conditions in many of the jails of the State. Those suffering from constitutional and contagious diseases are placed in the same room and cells with the healthy, and I have known strong and able-bodied prisoners placed in jail come out both physical and mental wrecks, in fact, it is no uncommon occurrence to receive a prisoner in the penitentiary who literally brings his death certificate from the jail, and it is further known that prisoners have had executive clemency extended to them because death would have claimed them before they could reach the penitentiary."

The Georgia report discusses at great length and most intelligently the best methods of employing convict labor, especially that employed in chain gangs by private individuals, which the report says is worked "in most cases contrary to the provisions of the law." In Georgia, Louisiana, and Mississippi there has been a great improvement in prison methods lately, and no doubt in a few years the prison systems of the country will be models in that respect both North and South, for, as a rule, bad methods are due to the fact that the public and the authorities have given penal methods no thought or intelligent study, and not to a desire to treat convicts inhumanly or brutally. In many States, prisoners are paroled instead of being pardoned, which seems to be a wise provision, since it continues the restraining influence of the prison on the convict even after he has left its walls.

Another excellent plan seems to be the scheme of paying convicts for what they do in excess of their cost of maintenance, the surplus going to the support of their families, if they have any; if not, it is laid aside until they are released.

The confusion in the character of the reports which makes it impossible to gather full and satisfactory data on almost any desired point, might be avoided if the Federal Census Bureau which has now become a permanent branch of the Government were to prepare forms of reports that could be used by all wardens and other prison officials in making their reports. Penology and criminology are now studies of recognized value and importance, and it should be, and no doubt would be, the pleasure of every one engaged in prison management to furnish all the data possible upon which to base conclusions.

It is very evident in reading the reports that their authors as a rule pay but little

attention to what their neighbors are doing in the same line of work. From some of the most progressive States come the poorest reports; from some of the least progressive, the best, though that does not apply to Pennsylvania, which has, not even excepting New York, the best, most thorough and most scientific reports issued by any State. Undoubtedly there is great room for prison improvement, but there is evidently a desire and a determination all over the Union to progress as rapidly as possible. The figures and data given may perhaps point out some of the directions reforms should take, especially the need of stopping, if possible, the alarming prevalence of crime among the young.

## ORDERED PRINTED IN JOURNAL.

Mr. McKenney moved that the report be printed in full in the Journal.

Motion carried.

## REPORT MADE SPECIAL ORDER.

Mr. Stanton moved that the report of the Special Committee on State Prison Reform be made the special order for next Tuesday immediately after the reading of the Journal.

Motion carried.

## RESOLUTION TO PRINT COMMITTEE REPORT.

By Mr. McKenney:

*Resolved*, That the State Printer be and he is hereby directed to print 1,000 copies of the report of the Special Committee on Prison Reform, with appendix, and to deliver the same to the chairman of said committee for distribution.

Mr. McKenney moved the adoption of the resolution.

The motion, on being put to vote, was declared carried.

## MOTION.

Mr. Cromwell moved that Assembly Bill No. 6 be sent back to the printer for correction as to committee reference. As now printed it was referred to Committee on State Prisons and Reformatories. The bill had been referred to the Committee on Revision and Reform of Laws, and it is moved that it be so reprinted.

Motion carried.

## MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 11, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No 7—Relative to the death of Senators James D. Byrnes, Orrin Z. Hubbell, and Geo. H. Williams.

LEWIS A. HILBORN, Secretary of Senate.  
By FRED L. THOMAS, Assistant Secretary

## SENATE CONCURRENT RESOLUTION NO 7

*Resolved by the Senate of the State of California, the Assembly concurring*, That a committee of six, consisting of three Senators and three Assemblymen, be appointed by the President of the Senate and the Speaker of the Assembly, respectively, to prepare and present to the Senate and Assembly for adoption, resolutions of respect to the memory of the late State Senators James T. Byrnes, Orrin Z. Hubbell, and George H. Williams, members of the thirty-fifth session of the California legislature.

Resolution read.

## MOTION TO AMEND.

Mr. Stanton moved to amend Senate Concurrent Resolution No. 7, as follows:

Insert after the name "George H. Williams" the words "and member of the Assembly, F. D. Soward."

The question being on the motion to amend.

The same was declared carried.

Mr. Stanton moved that Senate Concurrent Resolution No. 7 as amended be adopted.

Motion carried.

#### SENATE MESSAGES—(RESUMED).

SENATE CHAMBER, SACRAMENTO, January 13, 1905.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Concurrent Resolution No. 8—Relative to repairing the State Capitol building

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

#### SENATE CONCURRENT RESOLUTION No. 8.

*Resolved by the Senate, the Assembly concurring.* That a committee consisting of the chairman of the Finance Committee of the Senate and the chairman of the Ways and Means Committee of the Assembly be, and it is hereby authorized and empowered, to secure expert advice concerning the necessary repairs to the Capitol building, and also as to necessary addition thereto. The same to be done at a cost not to exceed \$500, one half of the above amount to be paid from the Contingent Fund of the Senate, and one half from the Contingent Fund of the Assembly.

Senate Concurrent Resolution No. 8 read.

Mr. McCartney moved the adoption of the resolution.

The roll was called on the motion to adopt Senate Concurrent Resolution No. 8, with the following result:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cogan, Cooper, Coyle, Creighton, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, King, Lynch, Manwell, McCartney, McGowan, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfamle, Pryor, Pyle, Rolley, Slaven, Stanton, Strohl, Thompson, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—64

NOES—None.

The resolution was declared adopted.

Also:

SENATE CHAMBER, SACRAMENTO, January 13, 1905.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as a case of urgency, Assembly Bill No. 293—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Mr. Stanton moved that Assembly Bill No. 293 be ordered to enrollment.

So ordered.

#### RESOLUTIONS.

By Mr. Anthony:

*Resolved*, That at such times as the Assembly is not in session two Pages only be in attendance in the Assembly Chamber until five o'clock P. M.

Referred to Committee on Attachés and Employés

By Mr. Houser:

#### ASSEMBLY JOINT RESOLUTION No. 2

Relating to certified copy of proceedings on election of United States Senator.

*Resolved, by the Assembly and Senate of the State of California, jointly.* That the Secretary of the Senate and the Chief Clerk of the Assembly be and they are hereby directed to prepare and transmit forthwith to the Governor of the State of California a copy of the joint assembly of date January 11, 1905, pertaining to the election and declaring

the election of a person to the United States Senate in Congress from California for the term of six years, beginning March 4, 1905, in accordance with an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and that said copy be attested by the President and Secretary of the Senate and the Speaker and Chief Clerk of the Assembly.

Mr. Houser moved the adoption of the resolution.

Motion carried.

#### INTRODUCTION AND REFERENCE OF BILLS, ETC.

By Mr. O'Brien: Assembly Bill No. 348—An Act to authorize suits against the State in certain instances, and regulating the procedure therein.

Read first time, and referred to Committee on Judiciary.

By Mr. Jones of San Francisco: Assembly Constitutional Amendment No. 5—Proposed amendment to Article IX of the Constitution, relative to the exemption from taxation of the property now or hereafter belonging to the Cogswell Polytechnical College.

Referred to Committee on Constitutional Amendments.

By Mr. Dorsey: Assembly Bill No. 349—An Act to create and maintain a public highway between the counties of Los Angeles and Kern.

Read first time, and referred to Committee on Roads and Highways.

By Mr. Strobridge: Assembly Bill No. 350—An Act to prevent the payment of municipal officers out of the funds of the county.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 351—An Act to amend Section 637 of the Penal Code of the State of California, relating to the taking and killing of meadow larks and wild birds other than game birds.

Read first time, and referred to Committee on Fish and Game.

By Mr. Amerige: Assembly Bill No. 352—An Act to amend Section 1185 of the Code of Civil Procedure, relating to mechanics' liens

Read first time, and referred to Committee on Judiciary.

By Mr. Creighton: Assembly Bill No. 353—An Act to amend Section 6 of an Act entitled "An Act to provide for compiling, electrotyping, printing, binding, copyrighting, and distributing a State series of school text-books, and appropriating money therefor," approved March 15, 1887.

Read first time, and referred to Committee on Education.

By Mr. Coghlan: Assembly Bill No. 354—An Act making it a misdemeanor to sell or exchange property under the representation, advertisement, notice, or inducement that an unidentified, unknown, unselected, or chance prize, premium or premium-gift, or that a stamp, trading-stamp, coupon, or other like device entitling the holder to receive such a prize, premium, or premium-gift, or that the redemption of such a stamp, trading-stamp, coupon, or other like device so given is to be part of the transaction, and providing a penalty therefor.

Read first time, and referred to Committee on Judiciary.

By Mr. Burke: Assembly Bill No. 355—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 1408, to Title XI of Part III, Chapter III, Article VI, relating to the payment of premiums on surety bonds.

Read first time, and referred to Committee on Judiciary.

By Mr. Pyle (by request): Assembly Bill No. 356—An Act to pre-

vent vaccination being made a condition precedent to admission to public schools of the State of California.

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Stanton: Assembly Bill No. 357—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Johnstone: Assembly Bill No. 358—An Act to provide for the protection and management of forest land within the State of California.

Read first time, and referred to Committee on Public Lands and Forestry.

By Mr. Pfaeffe: Assembly Bill No. 359—An Act to amend Section 3839 of the Political Code, relating to poll-tax.

Read first time, and referred to Committee on Judiciary.

By Mr. McKenney (for the Committee on State Prison Reform): Assembly Bill No. 360—An Act regulating the grading of prisoners in the State prison at San Quentin, in the State prison at Folsom and the Preston School of Industry at Ione.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also (for the Committee on State Prison Reform): Assembly Bill No. 361—An Act regulating the commitment of criminals to the State prison at San Quentin and the State prison at Folsom.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also (for the Committee on State Prison Reform): Assembly Bill No. 362—An Act to add a new section to the Penal Code of the State of California, under Title XVI thereof, to be numbered 679, prohibiting the use of cruel and unusual punishments in State prisons and reformatory institutions.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also (for the Committee on State Prison Reform): Assembly Bill No. 363—An Act amending an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also (for the Committee on State Prison Reform): Assembly Bill No. 364—An Act giving to superior judges the right to impose indeterminate sentences and prescribing the method of imposing the same.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also (for the Committee on State Prison Reform): Assembly Bill No. 365—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a State Reform School for Juvenile Offenders and to make an appropriation therefor,' approved March 11, 1889, by amending the title to said Act and by amending Sections 1, 4, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by add-



ing three new sections thereto, to be numbered, respectively, Sections 16a, 16b, and 16c, relating to a change in the name of the institution, and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State school located and established under the aforesaid Act and now maintained by the State of California at Whittier, in the County of Los Angeles therein," approved March 23, 1893.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also (for the Committee on State Prison Reform): Assembly Bill No. 366—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and the Preston School of Industry, fixing the authority to examine and commit to such schools with the superior judges of counties, and fixing the responsibilities for which commitments are made to the State for the maintenance of the persons committed therefrom, providing for the manner of payment therefor, and fixing the responsibility of parents to the counties for which their children are committed," approved March 26, 1895.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also (for the Committee on State Prison Reform): Assembly Bill No. 367—An Act directing the use of the Bertillion signaletic system for the identification of criminals in the State prisons, Preston School of Industry, county jails of the State of California; providing for the keeping of a record of the same, and for the exchanging of such records with other States and Territories of the United States and foreign countries.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Cleveland: Assembly Bill No. 368—An Act to regulate the practice of running or operating motor vehicles.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 369—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered 404.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 370—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered 403.

Read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 371—An Act to amend the Penal Code of California by adding a new section, to be numbered 345, relating to the manufacture, sale, or giving away of baneful or injurious food adulterants.

Read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 372—An Act to amend Section 382 of the Penal Code, relating to adulteration of foods and liquids

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Cooper: Assembly Bill No. 373—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey

County, for costs in foreclosing delinquent purchasers of State school lands and making an appropriation therefor.

Read first time, and referred to Committee on Claims.

By Mr. Thompson: Assembly Bill No. 374—An Act to amend Section 1430, Penal Code of California, relating to trials by jury before justices' and police courts.

Read first time, and referred to Committee on Judiciary.

#### EXTENSION OF TIME FOR ADJOURNMENT.

Mr. Espey, at twelve o'clock and twenty-one minutes P. M., moved that the hour for adjournment be extended to one o'clock and forty-five minutes P. M.

Motion carried.

#### INTRODUCTION AND REFERENCE OF BILLS, ETC.—(RESUMED).

By Mr. Thompson: Assembly Bill No. 375—An Act to amend Section 1536 of the Penal Code of California, relating to search warrants.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 376—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 1624, prescribing what contracts must be in writing.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 377—An Act to amend Section 1524 of the Penal Code of California, relating to search warrants.

Read first time, and referred to Committee on Judiciary.

By Mr. Held: Assembly Bill No. 378—An Act to provide for the fencing and improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Anthony: Assembly Bill No. 379—An Act appropriating the sum of \$10,000 for the relief of Lawrence J. Dunnigan.

Read first time, and referred to Committee on Claims.

By Mr. Coyle: Assembly Bill No. 380—An Act authorizing the United States Government to lower the water levels of any or all of the following lakes: Lower (or Little Klamath) Lake, Tule (or Rhett) Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the reclamation service of the United States; also ceding to the United States all right, title, interest, or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State.

Read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

By Mr. Arnerich: Assembly Bill No. 381—An Act to provide for the manner of establishing heirship in cases where property is granted to the heirs of a deceased person without naming them.

Read first time, and referred to Committee on Judiciary.

By Mr. Johnson: Assembly Bill No. 382—An Act making an appropriation of \$915.94, to pay the claim of George H. Shaw against the State of California.

Read first time, and referred to Committee on Claims.

By Mr. Drew: Assembly Bill No. 383—An Act to amend Sections 360 and 362 and to repeal Sections 361 and 363 of the Civil Code, all relating to the powers of corporations.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 384—An Act to amend Sections 414, 415, 417, and 418 of the Civil Code, to add a new section thereto, to be numbered 421, and to repeal Section 427, all relating to insurance corporations.

Read first time, and referred to Committee on Reform and Revision of Laws.

Also: Assembly Bill No. 385—An Act to amend Section 478 of the Civil Code, relating to fire and marine insurance corporations.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 386—An Act to amend Sections 437, 447, 449 and 450, and to repeal Sections 431, 444, and 448 of the Civil Code, and to add a new section thereto, to be numbered 452, all relating to life health, and accident insurance corporations.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 387—An Act to add a Chapter IV to Title II, of Part IV, of Division One of the Civil Code, relating to mutual benefit and life associations.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 388—An Act to add a Chapter V to Title II, of Part IV, of Division One of the Civil Code, relating to corporations to discover fire and save property and human life from destruction thereby.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 389—An Act to add a Chapter VI to Title II of Part II of Division One of the Civil Code, relating to life, health, accident, and annuity, or endowment insurance on the assessment plan.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 390—An Act to amend Sections 463, 481, and 489 of the Civil Code, and to add two new sections thereto, to be numbered 465a and 473a, all relating to railroad corporations.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 391—An Act to amend Section 493 of the Civil Code, relating to franchises for the construction of elevated and underground railroad tracks.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 392—An Act to repeal Section 494 of the Civil Code, approved March 22, 1899, relating to the sale by any railroad company, owning any railroad in this State, of its property and franchises, or any part thereof, to any other railroad company, either organized under the laws of this State, or of any other State or Territory, or under any Act of Congress, and prescribing the conditions

and penalties under which such property and franchises so sold, may thereafter be operated and used.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 393—An Act to amend Sections 498, 504, and 507 of the Civil Code, all relating to street railway operations.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 394—An Act to amend Sections 513, 514, 517, 518, and 522 of the Civil Code, all relating to wagon road corporations.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 395—An Act to add a new section to the Civil Code, to be numbered 524, relating to franchises for the construction of paths and roads for the use of horseless vehicles.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 396—An Act to amend Sections 528, 529, and 530 of the Civil Code, all relating to bridge, ferry, wharf, chute, and pier corporations.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 397—An Act to repeal Chapter VII of Title IV of Division One of the Civil Code, and each and every section of such chapter, and to substitute a new Chapter VII, to take the place thereof in said Code, relating to telegraph and telephone corporations.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 398—An Act to amend Sections 549 and 551, and to repeal Section 550 of the Civil Code, all relating to water and canal corporations.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 399—An Act to add a new section to the Civil Code, to be numbered 583b, and to repeal an Act entitled "An Act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1893, both relating to statements to be made and notices to be given by depositaries of money.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 400—An Act to amend the Political Code by adding a new section, to be numbered 642a, relating to the powers and authorities of the Fish Commissioners and their assistants.

Read first time, and referred to Committee on Fish and Game.

By Mr. Chandler: Assembly Bill No. 401—An Act to amend Section 6 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations."

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Treadwell: Assembly Bill No. 402—An Act to appropriate the sum of \$520 to pay the claim of William Saunders against the State of California.

Read first time, and referred to Committee on Claims.

By Mr. Dorsey: Assembly Bill No. 403—An Act making an appropriation of \$750 to pay the claim of W. W. Kaye.

Read first time, and referred to Committee on Claims.

By Mr. McCartney: Assembly Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 61 of said Act, relating to county officers

Read first time, and referred to Committee on County and Township Governments.

#### RESOLUTION.

By Mr. McCartney:

*Resolved*, That the State Printer be and he is hereby instructed to print in pamphlet form 100 copies of the Rules and Regulations of this House immediately, for the use of the members thereof.

Referred to Committee on Printing.

#### REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

Mr. McKenney submitted the following report on behalf of the special Committee on State Prison Reform:

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1905.

MR. SPEAKER: Your Special Committee on State Prison Reform, appointed at the last session of the Legislature to consider and devise means for the improvement of the State prison system of the State of California, beg leave to report that they have submitted their report with accompanying bills and documents, and that they have incurred in the discharge of their duty the following expenses.

Frank C. Prescott.....	\$150 80
Charles O. Dunbar.....	175 60
C. H. McKenney.....	114 40
Clerk.....	240 00
Stamps.....	20 50
Stenographer.....	19 40
	<hr/> \$720 80

And your committee respectfully recommend the adoption of the following resolution:

*Resolved*, That the State Controller be and he is hereby directed to draw his warrant in honor of Frank C. Prescott for the sum of \$720 80, out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

All of which is respectfully submitted

FRANK C. PRESCOTT, Chairman.

Referred to Committee on Contingent Expenses and Accounts.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Goodrich:

ASSEMBLY CONCURRENT RESOLUTION NO. 8.

*Resolved*, That a need, in the judgment of the Legislature, exists for a revision of the State Constitution by a convention to be called for the purpose, and recommending to the electors of the State that the subject be voted upon by them at the next ensuing general election.

Referred to Committee on Constitutional Amendments.

By Mr. Gates:

*Resolved*, That Mrs. L. Hanley be and she is hereby appointed a stenographer of the Assembly at the same per diem as is paid the other stenographers of the Assembly,

said per diem being payable out of the appropriation for the contingent expenses of the Assembly.

Referred to Committee on Attachés and Employés.

#### RE-REFERENCE OF BILL.

Mr. Johnstone moved that Assembly Bill No. 124 be withdrawn from the Committee on Public Morals and referred to the Committee on State Prisons and Reformatory Institutions.

Motion carried.

#### RESOLUTION—(OUT OF ORDER).

By, Mr. Cleveland:

*Resolved*, That the Chief Clerk be and he hereby is instructed to purchase a letter file for each member of the Assembly, and the Controller is authorized to draw his warrant for the amount of the purchase, and the Treasurer is directed to pay the same out of the Contingent Fund of the Assembly.

Referred to Committee on Contingent Expenses and Accounts.

#### ADJOURNMENT.

Mr. Treadwell, at twelve o'clock and forty-five minutes P. M. moved to adjourn to Monday, January 16, 1905, at eleven o'clock and thirty minutes A. M.

Motion carried.

At twelve o'clock and forty-two minutes P. M. the Speaker pro tem., Hon. Thos. E. Atkinson, declared the Assembly adjourned to Monday, January 16, 1905, at eleven o'clock and thirty minutes A. M.

#### IN ASSEMBLY.

##### ASSEMBLY CHAMBER,

Monday, January 16, 1905. }

The Assembly met at eleven o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Prescott in the chair.

#### ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lumley, Lynch, Maxwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, O'Brien, Olmsted, Perkins, Pfaefle, Pryor, Pyle, Rollev, Severance, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—68.

Quorum present.

#### LEAVE OF ABSENCE.

Leave of absence for the day was granted Messrs. Stanton, Lucey, Amerige, Jarvis, John, and Chandler.

## PRAYER.

Prayer by the Rev. George C. King.

## READING OF THE JOURNAL.

On motion of Mr. King, the further reading of the Journal was dispensed with.

## CORRECTION AND APPROVAL OF JOURNALS.

The Journals of January 12 and 13, 1905, were corrected, and, as corrected, approved.

## PETITION AND MEMORIAL FROM BAR ASSOCIATION OF LOS ANGELES COUNTY.

Mr. McCartney presented a petition on behalf of the Bar Association of Los Angeles County, relative to the appointment of a committee of five members of the House to investigate certain charges against Superior Court Judge E. S. Torrance of San Diego County.

Mr. McCartney also presented a memorial on behalf of the Bar Association of Los Angeles County relative to and containing specific charges of misconduct on the part of E. S. Torrance as Superior Court Judge of San Diego County.

## REFERRED TO SPECIAL COMMITTEE.

Mr. McCartney moved that the petition and memorial presented by him from the Bar Association of Los Angeles County be not read or printed in the Journal, but that the same be referred to a special committee of five to be appointed by the Speaker.

Motion carried.

## PETITION RELATIVE TO STATUES OF DECEASED ILLUSTRIOUS CITIZENS OF CALIFORNIA.

THE ASSOCIATION PIONEER WOMEN OF CALIFORNIA,  
GOLDEN GATE HALL, SAN FRANCISCO, October 7, 1904. }

*To the Honorable Speaker of the Assembly of California, Sacramento, California.*

SIR: The following petition is handed to you in the confidence that it will be brought immediately to the attention of the Assembly and receive its favorable action:

*Petition to the Assembly of the State of California, Gentlemen:*

WHEREAS, By Section 1814 of the Revised Statutes of the United States the President is authorized to invite all the States of the Union to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem worthy of this national commemoration; and when so furnished, the same shall be placed in the National Statuary Hall in the Capitol of the United States;

AND WHEREAS, The great and glorious State of California, now in its fifty-fifth year, is not represented in this respect, though there are many Californians whose services during life have given them national renown, it is fitting and proper that California, the extreme west of the national domain, be so represented;

NOW, THEREFORE, we, the undersigned, The Association of Pioneer Women of California and other residents of the State of California, most earnestly petition the Honorable Legislature of 1905 to make an appropriation at this session adequate for the placing of such statues, in pursuance of said law, Section 1814 of the Revised Statutes of the United States.

Respectfully,

ANNA E. MCINTYRE,  
Chairman Committee of National Statuary Resolutions.

AGNES M. McDONALD, President.  
JULIA RANDLE BROWN, Secretary.  
And others.

Referred to Committee on Public Buildings and Grounds.

## REPORT OF STANDING COMMITTEE.

## ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1905.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred a resolution by Mr. McKenney relating to expenses of Special Committee on State Prison Reform, recommend that C. O. Dunbar be allowed \$176.00 instead of \$175.60, C. H. McKenney be allowed \$112.40 instead of \$114.40, errors in addition appearing in the accounts of said parties as submitted to your committee, all other items appearing correct—hence we respectfully report the same back, and recommend that it do pass as amended.

CROMWELL, Chairman.

## REPORT OF SPECIAL COMMITTEE.

## ON STATE PRISON REFORM.

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1905.

MR. SPEAKER Your Special Committee on State Prison Reform, appointed at the last session of the Legislature to consider and devise means for the improvement of the State prison system of the State of California, beg leave to report that they have submitted their report with accompanying bills and documents, and that they have incurred in the discharge of their duty the following expenses:

Frank C. Prescott.....	\$150 80
Charles O. Dunbar .....	175 60
C. H. McKenney .....	114 40
Clerk .....	240 00
Stamps .....	20 60
Stenographer.....	19 40
	<hr/>
	\$720 80

And your committee respectfully recommend the adoption of the following resolution:  
*Resolved*, That the State Controller be and he is hereby directed to draw his warrant in honor of Frank C. Prescott for the sum of \$720 80, out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

All of which is respectfully submitted.

PRESCOTT, Chairman.

Mr. McKenney, on behalf of the Special Committee on State Prison Reform, accepted the amendments to the resolution presented by the Committee on Contingent Expenses and Accounts.

Mr. Cromwell moved the adoption of the report and resolution as amended.

## SPEAKER PRO TEM. CALLED TO THE CHAIR.

At eleven o'clock and forty-five minutes A. M. the Speaker called Hon. T. E. Atkinson, Speaker pro tem., to the chair.

## RESOLUTION ADOPTED.

The roll was then ordered called on the report and resolution as amended by the Committee on Contingent Expenses and Accounts, with the following result:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Cleveland, Coghlan, Coyle, Creighton, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Strobridge, Strohl, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—67.

NOES—None.

## SPEAKER RESUMES CHAIR.

At eleven o'clock and fifty minutes A. M. Speaker Prescott resumed the chair.



## REPORTS OF STANDING COMMITTEES.

## ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1905.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred a resolution by Mr. Cleveland, relating to purchase of letter files for members of Assembly—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, provision having been made for files.

CROMWELL, Chairman.

Mr. Cromwell moved the adoption of the report of the committee.

Motion carried.

## ON COUNTIES AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1905.

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 13—An Act to amend Section 3923 of the Political Code, relating to the boundary line between the counties of Sacramento and San Joaquin—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PYLE, Chairman.

Assembly Bill No. 13 was ordered on second-reading file.

## INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Bliss: Assembly Bill No. 405—An Act making an additional appropriation to pay the expenses of maintaining an exhibit of the products of the State of California at the Lewis and Clark Exposition, to be held in the City of Portland, Oregon, in 1905.

Read first time, and referred to Committee on Ways and Means.

## MOTION TO RE-REFER ASSEMBLY BILL.

Mr. McGowan moved to withdraw Assembly Bill No. 53 from the Committee on County and Township Governments, and that the same be referred to the Committee on Judiciary.

Motion carried.

## INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. McGowan: Assembly Bill No. 406—An Act to amend Section 2 of an Act entitled "An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California located on the water-front at San Francisco, California," approved March 25, 1901.

Read first time, and referred to Committee on Commerce and Navigation.

By Mr. Lumley: Assembly Bill No. 407—An Act to amend Section 78 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Read first time, and referred to Committee on Irrigation.

By Mr. Johnstone: Assembly Bill No. 408—An Act to amend an Act entitled "An Act to repeal Chapter II, of Title VI, Part III, of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, and each and every section of

said Chapter II, and to enact a new Chapter II, of Title VI, of Part III, of said Code, and substitute the same in place of said repealed Chapter II in said Code, relating to roads and highways," approved February 28, 1883.

Read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 409—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 38 of said Section 25, relating to a special road-fund tax.

Read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 410—An Act to amend Section 2653 of the Political Code, relating to highways.

Read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 411—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered 2370, relating to the duties of factors.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 412—An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by county boards of education.

Read first time, and referred to Committee on Education.

By Mr. King: Assembly Bill No. 413—An Act to amend Section 1 of an Act entitled "An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7, 1883,' providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita," approved March 12, 1901, by providing for a fixed annual appropriation of \$65,000, in the place and stead of \$75,000 per annum, for each and every aged and indigent United States ex-soldier, sailor, or marine admitted to or residing in said home.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Manwell: Assembly Bill No. 414—An Act to amend Section 1593 of the Political Code of the State of California, in regard to the selection of school trustees.

Read first time, and referred to Committee on Education.

By Mr. Pyle: Assembly Bill No. 415—An Act to repeal Section 26, entitled "An Act to establish a Political Code, relating to road polls."

Read first time, and referred to Committee on Revenue and Taxation.

By Mr. Busick: Assembly Bill No. 416—An Act to amend the Penal Code of the State of California by amending Section 1246 thereof, relating to the duty of clerks upon appeal.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 417—An Act to amend the Penal Code of the State of California, by adding thereto a new section, to be numbered 1177, relating to the settlement and engrossment of bills of exception in criminal proceedings and actions.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 418—An Act to pay the claim of H. N. Sitton and to make an appropriation therefor, for the sum of one thousand eight hundred and fifty-six dollars and seventy-eight cents (\$1856.78), on bond of the State of California, numbered 592, issued July 9, 1858.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 419—An Act to amend the Code of Civil Procedure of the State of California, by amending Section 859 thereof, relating to amendment of pleadings.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 420—An Act to amend the Code of Civil Procedure of the State of California, by amending Section 851 thereof, relating to form of pleadings.

Read first time, and referred to Committee on Judiciary.

By Mr. Burge: Assembly Bill No. 421—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relating to salaries and fees of county officers in counties of the thirty-ninth class.

Read first time, and referred to Committee on County and Township Governments

By Mr. Rolley: Assembly Bill No. 422—An Act to provide for the appointment of a board of trustees, to be known as the "Trustees of Fort Humboldt," for the acquisition of the Fort Humboldt property, and provide for an appropriation for the purchase thereof by the State, and for the preservation, protection, and improvement of the said property.

Read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Strohl: Assembly Bill No. 423—An Act making an appropriation of the sum of \$10,000 for the acquisition or construction of a police patrol boat for the harbor-front of the City and County of San Francisco, and for the bay of San Francisco.

Read first time, and referred to Committee on Commerce and Navigation.

Also: Assembly Bill No. 424—An Act to pay the claim of E. A. Dulip, as administrator of the estate of John P. Dulip, deceased, against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Claims.

By Mr. Branstetter: Assembly Bill No. 425—An Act to amend Sections 626, 626c, 626d, 626f, 626g, 626i, 626j, 626k, 627a, 627b, 631, and 631a, of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631c, all relating to the protection and reservation of game

Read first time, and referred to Committee on Fish and Game.

By Mr. Jury: Assembly Bill No. 426—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamation.

Read first time, and referred to Committee on Public Printing.

By Mr. McCartney: Assembly Bill No. 427—An Act to amend Section 74 of the Civil Code, relating to the authentication of marriages.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 428—An Act relative to the appointment

or election of the members or trustees of school boards in towns, cities, cities and counties, and counties.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 429—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 689 of said Penal Code, relative to a jury trial in criminal cases not amounting to a felony.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 430—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1042 of said Penal Code, relating to trial by jury in criminal cases not amounting to felony.

Read first time, and referred to Committee on Judiciary.

By Mr. Held: Assembly Bill No. 431—An Act to amend Section 55 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the officers of a county.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 432—An Act to amend Section 1543 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the county superintendents of schools.

Read first time, and referred to Committee on Education.

By Mr. Cromwell: Assembly Bill No. 433—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, relating to compensation of officers in cities of the fifth class.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 434—An Act to repeal all Acts or parts of Acts prohibiting or imposing penalties for the killing of wild game upon enclosed land by the owner or lawful occupant thereof.

Read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 435—An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 436—An Act making an appropriation to pay the claim of Richard Price Morgan.

Read first time, and referred to Committee on Claims.

By Mr. Beardsley: Assembly Bill No. 437—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Read first time, and referred to Committee on Judiciary.

By Mr. O'Brien: Assembly Bill No. 438—An Act making an appropriation to pay the claim of W. F. Gormley for the funeral and burial of W. L. Cotter.

Read first time, and referred to Committee on Claims.

By Mr. McGowan: Assembly Bill No. 439—An Act to provide for the disposition of the funds which may hereafter be collected by the State of California from the United States in payment of the claims arising out of the War of the Rebellion.

Read first time, and referred to Committee on Public Lands and Forestry.

By Mr. Hawkins: Assembly Bill No. 440—An Act to amend Section 10 of an Act entitled "An Act creating a State commission on voting or balloting machines; defining their powers, and providing for the use, at the option of indicated local authorities, of voting or balloting machines for receiving or registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result of such elections, and providing for the punishment of all violations of the provisions of this Act relating to voting machines."

Read first time, and referred to Committee on Election Laws.

By Mr. Prescott: Assembly Constitutional Amendment No. 6—To propose to the people of the State of California an amendment to the Constitution of the State amending Section 1 of Article IV, providing for the enactment of certain laws by popular vote in State legislation.

Referred to Committee on Constitutional Amendments.

#### WITHDRAWAL OF ASSEMBLY CONCURRENT RESOLUTION.

Mr. Prescott, by consent, was granted leave to withdraw Assembly Concurrent Resolution No. 7.

#### INTRODUCTION AND REFERENCE OF BILLS, ETC.—(RESUMED).

By Mr. Goodrich: Assembly Joint Resolution No. 3—Relative to President Roosevelt's recommendation of increased power for the Interstate Commerce Commission.

Referred to Committee on Federal Relations.

By Mr. Houser: Assembly Concurrent Resolution No. 9—Approving six certain amendments to the charter of Los Angeles in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein for that purpose on the 5th day of December, 1904.

Referred to Committee on Municipal Corporations.

#### RESOLUTION TO APPOINT STENOGRAPHER.

By Mr. Dorsey:

*Resolved*, That Miss Ada Robesky be, and she is hereby appointed, a stenographer of the Assembly, at the same per diem as is paid the other stenographers of the Assembly, said per diem to be paid out of the appropriation for the contingent expenses of the Assembly.

Referred to Committee on Attachés and Employés.

#### RESOLUTION TO SUBSTITUTE NAME OF CLERK.

By Mr. Arnerich:

*Resolved*, That the name of W. T. James be stricken from the list of committee clerks, and that the name of Ameil Danielson be and is hereby substituted, and that all warrants drawn in favor of W. T. James be transferred to Ameil Danielson.

Mr. Transue moved the adoption of the resolution.

Motion carried, and resolution declared adopted.

#### RESOLUTION TO SUBSTITUTE CLERK.

By Mr. Bliss:

*Resolved*, That the name of G. M. Cuddy be and the same is hereby substituted in lieu of the name of J. E. Cuddy, as an Assistant Enrolling and Engrossing Clerk of the

Assembly, and the name of J. E. Cuddy is hereby dropped from the list of attachés of the Assembly.

Referred to Committee on Attachés and Employés.

#### INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Mr. Coghlan: Assembly Bill No. 441—An Act making it a misdemeanor to sell or exchange property under the representation, advertisement, notice or inducement that an unidentified, unknown, unselected, or chance prize, premium, or premium-gift, or that a stamp, trading-stamp, coupon, or other like device entitling the holder to receive such a prize, premium, or premium-gift, or that the redemption of such stamp, trading-stamp, coupon, or other like device so given is to be part of the transaction, or to sell or exchange any trading-stamp, stamp, coupon, or other like device to aid such sale or exchange, as aforesaid, and providing a penalty therefor.

Read first time, and referred to Committee on Public Morals.

#### RESOLUTION TO APPOINT ATTACHÉS.

By Mr. Espey:

*Resolved*, That the following-named persons be and they are hereby appointed and employed for the positions, and at the per diem set opposite their respective names, said per diem to be paid out of the appropriations for the contingent expenses of the Assembly, said appointments to date from and include the 16th day of January, 1905, and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the following-named persons for the said per diems, and the State Treasurer is hereby authorized and directed to pay the same:

Miss B. Maynlan, assistant committee clerk, at.....	\$3 00
E. W. Jones, committee clerk, at.....	4 00
James Dolan, porter, at.....	3 00
A. C. McGowan, committee clerk, at.....	4 00
Lee Murphy, assistant committee clerk, at.....	3 00
Jos. J. Noll, committee clerk, at.....	4 00

Referred to Committee on Attachés and Employés.

#### INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Houser: Assembly Bill No. 442—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation of property may be imposed upon and performed by county and State officers; and making county officers in certain cases ex officio officers of the State.

Read first time, and referred to Committee on Revenue and Taxation.

Also: Assembly Bill No. 443—An Act to provide for the location and acquirement of mining claims on salt marsh and tide lands, owned by the State of California.

Read first time, and referred to Committee on Mines and Mining.

#### APPOINTMENT OF SPECIAL COMMITTEE.

The Speaker announced the appointment of the following-named, to wit: Messrs. Weyand, Devlin, Barnes, McGowan, and O'Brien, as the special committee to whom were referred the petition and memorial of the Bar Association of Los Angeles County, this day presented.

## ADJOURNMENT.

Mr. Anthony moved that the Assembly do now adjourn until to-morrow at eleven o'clock A. M.

Motion carried.

At twelve o'clock and twenty-five minutes P. M. the Speaker declared the Assembly adjourned until January 17, 1905, at eleven o'clock A. M.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,

Tuesday, January 17, 1905. }

The Assembly met at eleven o'clock A. M., pursuant to adjournment.

Speaker Prescott in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lunley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfieffe, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—76.

Quorum present.

## PRAYER.

Prayer by the Rev. George C. King.

## READING OF THE JOURNAL.

On motion of Mr. Pfieffe, the further reading of the Journal was dispensed with.

## ASSEMBLY JOINT RESOLUTION—(OUT OF ORDER).

By Mr. Olmsted: Assembly Joint Resolution No. 4—Relative to memorializing Congress to appoint at its present session a board of two engineers of the United States Army and one naval officer to report regarding river improvement in California.

## ADOPTION OF RESOLUTION.

Mr. Olmsted moved the adoption of Joint Resolution No. 4 without reference to a committee.

Motion carried, and resolution declared adopted.

Mr. Olmsted moved that Assembly Joint Resolution No. 4 be immediately transmitted to the Senate.

Motion carried.

## SPEAKER PRO TEM. CALLED TO THE CHAIR.

At eleven o'clock and fifteen minutes A. M. the Speaker called Hon. T. E. Atkinson, Speaker pro tem., to the chair.

## SPECIAL ORDER—REPORT OF SPECIAL COMMITTEE ON STATE PRISON REFORM.

The report of the Special Committee on State Prison Reform, the special order for this day immediately after the reading of the Journal, was taken up.

Mr. Prescott moved the adoption of the report of the committee.  
Motion carried.

## RESOLUTION—(OUT OF ORDER).

By Mr. Goodrich:

(To deliver to State Librarian reports and documents presented by Special Committee on State Prison Reform.)

*Resolved*, That the Chief Clerk is hereby directed to turn over to the State Librarian all reports and printed documents accompanying the report of the Special Committee on State Prison Reform; and the State Librarian is hereby directed to have the same bound, marked as the report of said committee, and placed on file in the State Library in the department especially devoted to criminology and penology.

Mr. Goodrich moved the adoption of the resolution.  
On being put to vote, the motion was declared carried.

## SPEAKER RESUMES THE CHAIR.

At eleven o'clock and twenty-two minutes A. M. Speaker Prescott resumed the chair.

## REPORTS OF STANDING COMMITTEES.

By Committee on Attachés and Employés, as to substitution of G. M. Cuddy as Assistant Enrolling Clerk:

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1905.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the following resolution:

*Resolved*, That the name of G. M. Cuddy be and the same is hereby substituted in lieu of the name of J. E. Cuddy, as an Assistant Enrolling and Engrossing Clerk of the Assembly, and the name of J. E. Cuddy is hereby dropped from the list of attachés of the Assembly.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BLISS, Chairman.

## REPORT ADOPTED.

Mr. Bliss moved the adoption of the report and resolution as presented by the committee.

Motion carried.

By Committee on Attachés and Employés, relative to appointment of a stenographer:

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1905.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the following resolution:

*Resolved*, That Miss Ada Robesky be and she is hereby appointed a stenographer of the Assembly, at the same per diem as is paid the other stenographers of the Assembly, said per diem to be paid out of the appropriation for the contingent expenses of the Assembly.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BLISS, Chairman.

## RESOLUTION ADOPTED.

Mr. Dorsey moved the adoption of the resolution, as recommended by the committee.



The roll was ordered called on the motion to adopt the resolution, with the following result:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Burge, Burke, Coghlan, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Ellis, Espey, Gans, Gates, Goodrich, Hartman, Hawkins, Jarvis, Johnson, Jones of San Francisco, Jury, King, Lucey, Lumley, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, O'Brien, Perkins, Pryor, Pyle, Rolley, Severance, Slaven, Strohl, Thompson, Transue, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—56.

NOES—Messrs. Cleveland, Devlin, and Held—3.

The resolution was declared adopted.

#### NOTICE OF RECONSIDERATION.

Mr. Anthony gave notice that on the next legislative day he would move a reconsideration of the vote whereby the motion to adopt the resolution by Mr. Dorsey was carried.

By Committee on Attachés and Employés as to appointment of certain attachés:

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1905.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the following resolution:

*Resolved*, That the following-named persons be and they are hereby appointed and employed for the positions, and at the per diem set opposite their respective names, said per diem to be paid out of the appropriations for the contingent expenses of the Assembly, said appointments to date from and include the 16th day of January, 1905, and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the following-named persons for the said per diems, and the State Treasurer is hereby authorized and directed to pay the same:

Miss B. Maynian, assistant committee clerk, at .....	\$3 00
E. W. Jones, committee clerk, at .....	4 00
James Dolan, porter, at .....	3 00
A. C. McGowan, committee clerk, at .....	4 00
Lee Murphy, assistant committee clerk, at .....	3 00
Jos. J. Noll, committee clerk, at .....	4 00

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BLISS, Chairman.

#### ADOPTION OF RESOLUTION.

Mr. McGowan moved the adoption of the report and resolution as presented by the committee.

The roll was ordered called on Mr. McGowan's motion, with the following result:

AYES—Messrs. Anthony, Arnerich, Atkinson, Bates, Beckett, Bliss, Boyle, Branstetter, Burke, Coghlan, Cooper, Coyle, Creighton, Cullen, Dorsey, Duryea, Ellis, Espey, Gans, Gates, Goodrich, Hartman, Hawkins, Jarvis, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, O'Brien, Perkins, Pfaeffle, Pyle, Rolley, Severance, Slaven, Strobridge, Strohl, Transue, Treadwell, Tripp, Vogel, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—56.

NOES—Messrs. Cleveland, Devlin, Held, and Thompson—4.

The resolution was declared adopted.

#### NOTICE OF RECONSIDERATION.

Mr. Anthony gave notice that on the next legislative day he would move to reconsider the vote whereby the resolution offered by Mr. McGowan and recommended by the committee was declared adopted.

## ASSIGNMENT OF COMMITTEE CLERKS.

## REPORT OF COMMITTEE ON ATTACHÉS AND EMPLOYÉS.

The following assignments of committee clerks were announced:

Committee	Chairman	Clerk.
Agriculture .....	Strobridge .....	M. R. Tellers.
Attachés and Employés .....	Bliss .....	H. Baker.
Banks and Banking .....	Perkins .....	George P. Dennis.
Building and Loan Associations .....	Transue .....	S. C. Balch.
Claims .....	Severance .....	W. Moreno.
Commerce and Navigation .....	Hartman .....	E. Mero.
Commissions and Public Expenditures .....	Vogel .....	Miss Lena Jackson.
Constitutional Amendments .....	Houser .....	F. N. Whittaker.
Contested Elections .....	John .....	E. W. Lawrence.
Contingent Expenses and Accounts .....	Cromwell .....	Louis Hoin.
Corporations .....	Walsh .....	E. Nolan.
Counties and County Boundaries .....	Pyle .....	Al Fish.
County and Township Governments .....	Burke .....	J. Coughlin.
Dairies and Dairy Products .....	Cooper .....	Gus Baker.
Election Laws .....	Rolley .....	Charles A. Tuttle.
Education .....	Slaven .....	Reno Young.
Engrossment and Enrollment .....	Devlin .....	Geo. S. Case, Assistant.
Fruit and Vine Interests .....	Cleveland .....	Miss C. Hubbs.
Fish and Game .....	O'Brien .....	A. Snedden.
Federal Relations .....	Amerige .....	C. O'Brien.
Governor's Messages .....	Pfaefle .....	G. W. Angle.
Immigration .....	Cullen .....	J. Bailey.
Insurance and Insurance Laws .....	Bates .....	E. S. Havens.
Irrigation .....	Estudillo .....	E. Cammert.
Judiciary .....	Duryea .....	Geo. W. Bates, Assistant.
Labor and Capital .....	Mindham .....	John Kersey.
Levees and River Improvements .....	Olmsted .....	Ed Dwyer.
Manufactures and Internal Improve- ments .....	Ells .....	L. Duryea.
Mileage .....	Beckett .....	M. M. Miller.
Military Affairs .....	Gans .....	J. R. Lenhart.
Mines and Mining Interests .....	Whiting .....	Frank Mathews.
Municipal Corporations .....	Beardslee .....	Miss E. Burnett.
Oil Industries and Oil Mining Interests .....	Dorsey .....	John Milliken.
Public Buildings and Grounds .....	Barnes .....	W. Williams.
Public Charities and Corrections .....	Coghlan .....	O. G. Whiting, Asst.
Public Health and Quarantine .....	Gates .....	E. H. Beardslee.
Public Lands and Forestry .....	Mitcheltree .....	M. E. Dorsey.
Public Morals .....	Lucey .....	R. Bain.
Public Printing .....	Jury .....	M. Beahn.
Public Works, State Capitol, and Parks .....	Johnson .....	Linda Spurlock.
Reform of the Civil Service .....	Jones .....	Thos. W. Green.
Retrenchment and Reform .....	King .....	Ralph McCormish.
Revenue and Taxation .....	Goodrich .....	John Marney.
Revision and Reform of Laws .....	Drew .....	Amell Danielson.
Roads and Highways .....	Coyle .....	Miss B. McGee.
Rules and Regulations .....	McCartney .....	Henry Wesa.
State Hospitals and Asylums .....	Held .....	L. King.
State Library .....	Lynch .....	J. C. Sheaver.
State Prisons and Reformatory Institu- tions .....	McKenney .....	J. B. Best.
Swamp and Overflowed Lands and Drainage .....	Moore .....	B. J. Blaisdell.
Universities .....	Waste .....	P. J. Kennedy.
Ventilation and Acoustics .....	Johnstone .....	J. Stevens.
Ways and Means .....	Stanton .....	J. H. Long.
San Francisco Delegation .....	McGowan .....	Paul Edwards.

BLISS, Chairman.

ORDERED PRINTED IN JOURNAL.

Mr. Bliss moved that the report on the assignment of committee clerks, as reported by the Committee on Attachés and Employés, be printed in the Journal.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 16, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 6—An Act to provide three (3) additional Judges of the Superior Court of the County of Los Angeles, State of California, for the manner of their appointment, and for their compensation.

LEWIS A. HILBORN, Secretary of the Senate.  
By FRED L. THOMAS, Assistant Secretary.

## REFERENCE OF SENATE BILL.

Senate Bill No. 6—An Act to provide three (3) additional Judges of the Superior Court of the County of Los Angeles, State of California, for the manner of their appointment, and for their compensation.

Read first time, and referred to Committee on Judiciary.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

## ON JUDICIARY.

ROOMS OF THE JUDICIARY COMMITTEE OF THE ASSEMBLY, }  
SACRAMENTO, January 17, 1905. }

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 1—An Act to amend Section 1313 of the Civil Code, relating to devises—reports the bill back, with four amendments, and recommends that it do pass by a majority vote. Also: Assembly Bill No. 32—An Act to amend an Act entitled "An Act to amend the Civil Code by adding a new section, to be designated Section 1313," approved March 18, 1874, by amending Section 1313, relative to charitable and benevolent bequests—and reports the same back, with the recommendation that it do not pass.

DURYEA, Chairman.

Assembly Bill No. 1 ordered on second-reading file.

Assembly Bill No. 32 ordered on second-reading file.

## INTRODUCTION AND REFERENCE OF BILLS, ETC.

By Mr. Bates: Assembly Bill No. 444—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 445—An Act to amend Section 806 of Article VI of Chapter VI of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883; with amendments to March 1, 1903, relating to the recorder's court.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Manwell: Assembly Bill No. 446—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 2955 of said Code, in regard to chattel mortgages, designating what property may be mortgaged.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 447—An Act to amend Section 443 of the Political Code of the State of California, relating to the amount of money to be raised for each census child by State tax.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 448—An Act to amend Section 1670 of the Political Code of the State of California, in regard to the minimum population to establish city or district high schools, and the manner of establishing and maintaining the same.

Read first time, and referred to Committee on Education.

By Mr. Perkins: Assembly Bill No. 449—An Act to amend Section 2175 of the Civil Code, relating to contracts limiting the liability of common carriers.

Read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 450—An Act to validate the organization and incorporation of municipal corporations.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Creighton: Assembly Bill No. 451—An Act to amend Section 1770 of the Political Code, relating to county boards of education.

Read first time, and referred to Committee on Education.

By Mr. Beckett: Assembly Bill No. 452—An Act to promote the better education of practitioners of nursing the sick in the State of California; to create a State board of examiners of registered nurses and to prescribe its powers and duties; to provide for the issuance of certificates of registration as a registered nurse to qualified applicants, and to provide penalties for the violation thereof.

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Cleveland: Assembly Bill No. 453—An Act to appropriate \$20,000 for the improvement of the Big Basin Park.

Read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 454—An Act to appropriate \$25,000 to advertise the products of the State of California.

Read first time, and referred to Committee on Ways and Means.

By Mr. Strohl: Assembly Bill No. 455—An Act to amend Section 828 of the Penal Code of the State of California, relating to a closed season for fish.

Read first time, and referred to Committee on Fish and Game.

By Mr. Ells: Assembly Bill No. 456—An Act to amend Section 21 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and referred to Committee on County and Township Governments.

By Mr. McCartney: Assembly Bill No. 457—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expense of actions, alimony, and actions for maintenance and support.

Read first time, and referred to Committee on Judiciary.

By Mr. Pyle: Assembly Bill No. 458—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California; providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901," by amending Section 14, and repealing Section 11.

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. McGowan: Assembly Bill No. 459—An Act to add a new section to the Political Code, to be numbered 4247, to enable County Recorders to return or destroy certain papers on file in their office.

Read first time, and referred to Committee on Judiciary.

By Mr. Dorsey: Assembly Bill No. 460—An Act to amend Section 1918 of the Civil Code, relating to the rate of interest to be charged on loans and to add a new section to the Civil Code, to be known and numbered 1921, relating to the recovery of overpaid interest, and to add a new section to the Civil Code, to be known as and numbered 1922, relating to the collection of interest upon interest, and to repeal Section 1919 of said Civil Code.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 461—An Act to establish a California State Dairy School and Experiment Farm, and to appropriate money therefor.

Read first time, and referred to Committee on Dairies and Dairy Products.

By Mr. Treadwell: Assembly Bill No. 462—An Act to amend Sections 1917 and 1920 of the Civil Code, relating to legal interest.

Read first time, and referred to Committee on Judiciary.

By Mr. Goodrich: Assembly Bill No. 463—An Act to amend Section 3805a of the Political Code of the State of California, relating to clearing title upon lands upon which assessments have been improperly made, and providing the procedure whereby title to such lands may be cleared.

Read first time, and referred to Committee on Public Lands and Forestry.

By Mr. Thompson: Assembly Bill No. 464—An Act to pay the claim of D. D. McLaren against the State of California.

Read first time, and referred to Committee on Claims.

By Mr. O'Brien: Assembly Bill No. 465—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building for the fiftieth fiscal year.

Read first time, and referred to Committee on Public Works, State Capitol, and Parks.

By Mr. McKenney: Assembly Bill No. 466—An Act making an appropriation to pay the claim of T. K. Norman.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 467—An Act making an appropriation to pay the claim of J. W. Sibole.

Read first time, and referred to Committee on Claims.

By Mr. Burke: Assembly Bill No. 468—An Act to amend Section 626m of the Penal Code of the State of California, relating to hunting at night-time.

Read first time, and referred to Committee on Fish and Game.

By Mr. Espey: Assembly Bill No. 469—An Act to amend Section 1021 of the Code of Civil Procedure, relating to compensation of attorneys and costs in civil actions.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 470—An Act to amend Section 924 of the Code of Civil Procedure, relating to costs in actions in justices' courts.

Read first time, and referred to Committee on Judiciary.

By Mr. Waste: Assembly Bill No. 471—An Act to establish and maintain a State hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health; providing for the appointment of a director thereof and assistants; making an appropri-

tion therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto.

Read first time, and referred to Committee on Public Health and Quarantine.

#### RESOLUTIONS.

By Mr. Bliss:

(To draw warrant in favor of Chief Clerk.)

*Resolved*, That the State Controller be and he is hereby directed to draw his warrant in favor of the Chief Clerk, and the Treasurer is hereby directed to pay the same, for \$60, for expressage, telegraphing, and other incidental expenses incurred.

Mr. Bliss moved the consideration of the resolution without reference to a committee.

Motion carried.

Mr. Bliss moved the adoption of the resolution.

The roll was ordered called on the adoption of the resolution, with the following result:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Cleveland, Coghlan, Cooper, Creighton, Cullen, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Rollev, Slaven, Stanton, Strobridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—65.

**NOES**—None.

The resolution was declared adopted.

By Mr. Weyand:

(For purchase of files.)

*Resolved*, That the Sergeant-at-Arms be and he is hereby directed to procure for use of committees 250 Crocker files.

Referred to Committee on Contingent Expenses and Accounts.

By McKenney:

(Authorizing Committee on State Prisons and Reformatories to visit certain institutions.)

*Resolved*, That the Committee on State Prisons and Reformatories is hereby granted permission to visit the two State Prisons and the Whittier State School, and the Preston School of Industry, for the purpose of investigating their needs and the condition of their inmates, and the members of the committee are hereby granted leave of absence for said purpose, as follows: Messrs. Lynch, Olmsted, Amerige, Ells, Bliss, Boyle, Beckett, Wickersham, and McKenney.

Referred to Committee on Contingent Expenses and Accounts.

By Mr. Burke:

(Relative to a warrant being drawn in favor of the Sergeant-at-Arms for payment of certain bills.)

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of two thousand five hundred and sixty-two and ninety one-hundredths dollars (\$2,562 90), in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

W. F. Purnell .....	\$122 00
F. R. Pulford .....	118 50
Siller Bros. ....	10 00
Capital Manufacturing Company .....	20 00
A. J. Johnston Company .....	29 00
John Breuner Co .....	462 30
Kane & Trainor Ice Co .....	21 00
Capital Artesian Water Company .....	30 00
Capital Manufacturing Company .....	114 50

John Breuner Co.....	\$153 45
A. S. Baker .....	42 00
Locke & Lavenson .....	77 80
Wasserman, Kaufman & Co.....	85 95
B. Wilson & Co.....	15 00
Post Office.....	5 20
News Publishing Company .....	705 00
A. J. Johnston Company .....	551 20
Total .....	\$2,562 90

Referred to Committee on Contingent Expenses and Accounts.  
By Mr. Dorsey:

(To purchase copies of Fairall's Criminal Law.)

*Resolved*, That the Chief Clerk of the Assembly be and he hereby is instructed to purchase for the use of the members of the Assembly eighty-five (85) copies of Fairall's Criminal Law and Procedure, the cost of the same to be paid for out of the Contingent Fund of the Assembly. The Controller of State is hereby directed to draw his warrant in favor of the Chief Clerk for the same and the State Treasurer is directed to pay said warrant.

Referred to Committee on Contingent Expenses and Accounts.

#### SECOND-READING FILE.

Assembly Bill No. 13—An Act to amend Section 3928 of the Political Code, relating to the boundary line between the counties of Sacramento and San Joaquin.

Read second time, ordered to engrossment and third reading.

#### LEAVES OF ABSENCE GRANTED—(OUT OF ORDER).

On motion of Mr. Duryea, leave of absence was granted for this day to Mr. John.

On motion of Mr. Drew, leave of absence was granted for this day to Mr. Chandler.

#### REFERENCE OF RESOLUTION TO COMMITTEE WITHDRAWN.

Mr. McKenney moved that the resolution granting leave of absence to the Committee on State Prisons and Reformatory Institutions be withdrawn from the Committee on Contingent Expenses and Accounts.  
Motion carried.

#### RESOLUTION ADOPTED GRANTING LEAVE OF ABSENCE TO COMMITTEE.

Mr. McKenney moved that the resolution offered by him, granting leave of absence to the Committee on State Prisons and Reformatory Institutions, be adopted.

The roll was ordered called on the motion to adopt the resolution, with the following result:

**AYES**—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Hartman, Hawkins, Held, Jarvis, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lynch, Maxwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mintham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rollev, Severance, Slaven, Strobbridge, Strohl, Transue, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—66

**NOES**—Messrs. Houser, Johnstone, and Thompson—3.

## INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Walsh: Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Read first time, and referred to Committee on Corporations.

By Mr. Busick: Assembly Bill No. 473—An Act abolishing the office of Highway Commissioner, and providing that the duties of said office shall be performed by the Commissioner of Public Works.

Read first time, and referred to Committee on Public Works, State Capitol, and Parks.

## RESOLUTION—(OUT OF ORDER).

By Mr. O'Brien:

(For appointment of Assistant Bookkeeper.)

*Resolved*, That R. L. Valentine be appointed Assistant Bookkeeper to the Sergeant-at-Arms at a per diem of \$4 00, and the Controller is hereby authorized to draw his warrant for the same, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés.

## ADJOURNMENT.

Mr. Anthony moved that the Assembly do now adjourn until tomorrow at eleven o'clock A. M.

Motion carried.

At twelve o'clock and ten minutes P. M. the Speaker declared the Assembly adjourned until Wednesday, January 18, 1905, at eleven o'clock A. M.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,

Wednesday, January 18, 1905. }

The Assembly met at eleven o'clock A. M., pursuant to adjournment. Speaker Prescott in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Honser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—72.

Quorum present.

## LEAVES OF ABSENCE.

Leaves of absence for the day were granted to Messrs. Walsh, Bates, Weyand, John, and Beckett.



## PRAYER.

Prayer by the Rev. George C. King.

## READING OF THE JOURNAL.

On motion of Mr. Pfaffle, the further reading of the Journal was dispensed with.

## APPROVAL OF JOURNAL.

The Journal of January 16, 1905, was corrected, and, as corrected, approved.

## REPORTS OF STANDING COMMITTEES.

## ON JUDICIARY.

JUDICIARY COMMITTEE OF THE ASSEMBLY,  
SACRAMENTO, January 18, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 106—An Act to increase the number of Judges of the Superior Court of the County of Los Angeles, State of California, and for the appointment of such additional judges—reports the same back with one amendment, and recommends that it do pass as amended.

Also: Assembly Bill No. 25—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace—reports the same back with two amendments, and recommends that it do pass as amended.

Also: Assembly Bill No. 26—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace—reports the same back with three amendments, and recommends that it do pass as amended.

Also: Assembly Bill No. 56—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justice courts and justices—reports the same back, with the recommendation that it do not pass.

Also: Assembly Bill No. 53—An Act to amend Section 97 of the Code of Civil Procedure of the State of California, relating to the salaries of justice of the peace in cities and counties—reports the same back, with recommendation that it do pass by a majority vote.

Also: Assembly Bill No. 61—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1314, relating to wills—reports the same back, with the recommendation that it do pass, by a majority vote, with one amendment.

Also: Assembly Bill No. 62—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1406, relating to successions—reports the same back, with the recommendation that it do pass, by a majority vote, with one amendment.

Also: Assembly Bill No. 69—An Act to amend Section 200 of the Code of Civil Procedure of the State of California, relating to persons exempt from liability to act as a juror—reports the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 70—An Act to amend Section 1277 of the Code of Civil Procedure of the State of California, relating to fixing time for hearing applications for the change of name, and publication of notice therefor—reports the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 71—An Act to amend Chapter IX, of Title XI, of Part III of the Code of Civil Procedure of the State of California, relating to the conveyance of real estate by executors and administrators in certain cases—reports the same back with two amendments, with the recommendation that it do pass as amended.

Also: Assembly Bill No. 121—An Act to amend Section 3654 of the Political Code, relating to the disposition of assessment book maps, etc.—reports the same back with two amendments, with the recommendation that it do pass as amended.

Also: Assembly Bill No. 114—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 339 thereof, relating to the time of commencing actions other than for the recovery of real property—reports the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 152—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases—reports the same back with one amendment, and recommends that it do pass as amended, by a majority vote.

Also: Assembly Bill No. 46—An Act to amend an Act entitled "An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays—reports the same back, with one amendment, and recommends that it do pass as amended by a majority vote.

Also: Assembly Bill No. 48—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and

non-judicial days," approved March 23, 1893, relating to legal holidays—reports the same back, with one amendment, and recommends that it do pass as amended by a majority vote.

Also: Assembly Bill No. 49—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays—and reports the same back, with one amendment, and recommends that it do pass as amended by a majority vote.

DURYEA, Chairman.

Assembly Bills Nos. 106, 25, 26, 56, 53, 61, 62, 69, 70, 71, 121, 114, 152, 46, 48, and 49 were ordered on second-reading file.

#### ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1905.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 88—An Act to amend Section 1577 of the Political Code of the State of California, relating to the formation of new school districts—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 57—An Act to amend Section 1560 of the Political Code of the State of California, relating to the public schools—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

SLAVEN, Chairman.

Assembly Bills Nos. 88 and 57 were ordered on second-reading file.

#### ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1905

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 162—An Act to appropriate \$590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 163—An Act to appropriate \$815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 164—An Act to appropriate \$3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 161—An Act to appropriate \$2085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 164—An Act to appropriate \$640 to pay the claim of N. Weisbaum against the State of California upon a judgment just recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Also: Assembly Bill No. 211—An Act to appropriate, out of the State School-Book Fund of the State Treasury, the sum of \$4,119.71 to pay the claim of Bonestell, Richardson & Company for money due and owing said Bonestell, Richardson & Company from the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, with majority vote.

SEVERANCE, Chairman.

Assembly Bills Nos. 162, 163, 104, 161, 164, and 211 were referred to Committee on Ways and Means, and ordered on second-reading file.

#### ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1905.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 3—Approving two amendments to the charter of the Town of Berkeley, County of Alameda, State of California, submitted to be voted for and ratified by the qualified electors of said Town of Berkeley, at an election held therein on the 13th day of April, 1903—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 45—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction

and provide for officers of said courts, and fix the compensation of said officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorneys, their appointment and term of office—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended

BEARDSLEE, Chairman.

Assembly Concurrent Resolution No. 3 and Assembly Bill No. 45 were ordered on second-reading file.

ON CONTINGENT EXPENSES AND ACCOUNTS.

(Relative to purchase of Crocker files.)

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1905.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred a resolution by Mr. Weyand, relating to purchase of Crocker files for committees—have had same under consideration, and respectfully report the same back, and recommend that it do pass.

CROMWELL, Chairman.

ADOPTION OF RESOLUTION.

Mr. Cromwell moved the adoption of the report and the resolution as offered by Mr. Weyand.

The roll was ordered called on the motion to adopt the report and resolution, with the following result:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Gans, Hartman, Hawkins, Held, Jarvis, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—62.

NOES—None

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 18, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 7—Relative to transmission of Joint Assembly proceedings to Governor.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary.

SENATE JOINT RESOLUTION NO. 7.

(Relative to certifying proceedings of the Joint Assembly on the election of United States Senator.)

*Resolved*, That the Secretary of the Senate and Chief Clerk of the Assembly be and they are hereby directed to prepare and transmit forthwith to the Governor of the State of California a copy of the proceedings of the Joint Assembly pertaining to the election and declaring the election of a person to the United States Senate in Congress from California for the term of six years, beginning March 4, 1905, in accordance with an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and that said copy be attested by the President and Secretary of the Senate and Speaker and Chief Clerk of the Assembly.

ADOPTION OF RESOLUTION.

Senate Joint Resolution No. 7 read.

Mr. Waste moved the adoption of the resolution.

On being put to vote, the motion to adopt the resolution was declared carried.

MESSAGE FROM THE SENATE.

(Relative to passage of Senate Bills No. 281 and 286.)

SENATE CHAMBER, SACRAMENTO, January 17, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 281—An Act transferring money from the General Fund to the

State Printing Fund, to defray the expenses of legislative printing for the thirty-sixth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer

Also: Senate Bill No. 286—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the Legislature.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

#### URGENCY RESOLUTION.

By Mr. Stanton:

*Resolved*, That Senate Bills Nos. 281 and 286 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the first, second, and third times, and placed upon their passage.

#### URGENCY RESOLUTION ADOPTED.

Mr. Stanton moved the adoption of the resolution.

The roll was ordered called on the motion to adopt the resolution suspending the requirements of the Constitution, with the following result:

AYES—Messrs. Amerige, Anthony, Arnerich Atkinson, Barnes, Beardslee, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Eells, Espey, Gans, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitchelltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Rolley, Slaven, Stanton, Stobridge, Strobl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—66.

NOES—None

#### ACTION ON SENATE BILLS.

Senate Bill No. 281—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-sixth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Read first time.

Senate Bill No. 286—An Act making an appropriation for the contingent expenses of the Senate for thirty-sixth session of the Legislature.

Read first time.

Senate Bill No. 281—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-sixth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Read second time.

Senate Bill No. 286—An Act making an appropriation for the contingent expenses of the Senate for thirty-sixth session of the Legislature.

Read second time.

Mr. Stanton moved that the Assembly do now resolve itself into the Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bills Nos. 281 and 286.

Motion carried.

#### IN COMMITTEE OF THE WHOLE.

Senate Bills Nos. 281 and 286 were considered in Committee of the Whole.

Mr. Stanton moved that the Committee of the Whole rise and report back to the Assembly action taken on Senate Bills Nos. 281 and 286.

Motion carried.

## IN ASSEMBLY.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 281—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-sixth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Also: Senate Bill No. 286—An Act making an appropriation for the contingent expenses of the Senate for thirty-sixth session of the Legislature.

And do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

## REPORT ADOPTED.

Mr. Stanton moved to adopt the report of the Committee of the Whole.

Motion carried.

## THIRD READING OF BILL.

Senate Bill No. 281—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-sixth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Read third time.

The question being on the final passage of the bill.

The roll was ordered called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Gates, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitchelltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—67

NOES—None.

Title read and approved.

## THIRD READING OF BILL.

Senate Bill No. 286—An Act making an appropriation for the contingent expenses of the Senate for thirty-sixth session of the Legislature.

Read third time.

The question being on the final passage of the bill.

The roll was ordered called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitchelltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—68.

NOES—None.

Title read and approved.

## INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Held: Assembly Bill No. 474—An Act to appropriate \$7,500 to sink artesian wells and to develop artesian water on the lands of the Mendocino State Hospital.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Manwell: Assembly Bill No. 475—An Act to add a new section to Chapter III, Title I, Part II of the Penal Code of the State of California, to be numbered Section 714a, giving the right to appeal from justice's courts in certain cases.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 476—An Act to amend Section 1564 of the Political Code of California in regard to teachers' institutes.

Read first time, and referred to Committee on Education.

By Mr. Atkinson: Assembly Bill No. 477—An Act for the better protection of the investing public; providing that any corporation or association formed for or with the idea of raising its circulating capital, investment, or operating fund or funds, or the equivalent thereof, by the sale of its own bonds, debentures, investment certificates, contracts, or other choses in action, must make a deposit with the State Treasurer, must register with the Secretary of State and pay certain fees, must make and file annual reports, pay annual fees, and submit to an expert examination by a disinterested public accountant, to be designated by the Secretary of State, and providing penalties for violations of the provisions hereof.

Read first time, and referred to Committee on Corporations.

By Mr. Mitcheltree: Assembly Bill No. 478—An Act to regulate the pursuit, business, art, and avocation of barbering; the licensing of persons to carry on such business, and to insure the proper qualification of persons following such business, and the sanitary conditions of barber shops in the State of California.

Read first time, and referred to Committee on Judiciary.

By Mr. Drew: Assembly Bill No. 479—An Act to repeal Title XI, of Part IV, of Division I, of the Civil Code, and each and every section of said title, and to substitute a new Title XI to take the place thereof in said Code, relating to mining corporations.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 480—An Act to add a new title to Part IV, of Division I, of the Civil Code, to be known as Title XIa, relating to corporations, for the formation of chambers of commerce, boards of trade, mechanics' institutes, and other kindred associations.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 481—An Act to add a title to Part IV, of Division I, of the Civil Code, to be known as Title XIIa, relating to societies for the prevention of cruelty to children and animals.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 482—An Act to amend Section 613 of the Civil Code, relating to cemetery corporations.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 483—An Act to repeal Title XV, of Part IV, of Division I, of the Civil Code, and to substitute therefor in said Code a new Title XV, relating to corporations formed for the purpose of furnishing light for public use.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 484—An Act to amend Section 643 of the Civil Code, to repeal Section 648½ of said Code, and to add a new section thereto, to be numbered 638a, all relating to land and building corporations.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 485—An Act to add a title to Part IV, of Division I, of the Civil Code, relating to coöperative business corporations.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 486—An Act to add a Title XX to Part IV, of Division I, of the Civil Code, relating to coöperative business associations.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 487—An Act to amend Section 793 of the Civil Code, relating to actions for the possession of real property leased or granted with a right of reentry.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 488—An Act to amend Section 822 of the Civil Code, relating to the remedies of a lessor of real property against the assignees of his lessee.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 489—An Act to add Sections 842 and 843 to the Civil Code, both relating to persons associated in the use of conduits for the conveyance of water.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 490—An Act to amend Section 970 of the Civil Code, relating to the rules of navigation.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 491—An Act to amend Section 993 of the Civil Code, relating to the transfer of the good will and name of a business.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 492—An Act to add a new section to the Civil Code, to be numbered 1096, relating to the mode of transferring real property.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 493—An Act to amend Section 1161 of the Civil Code, relating to the recording of instruments in writing.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 494—An Act to amend Sections 1181, 1185, 1190, 1202, and 1203 of the Civil Code, all relating to the proof or acknowledgment of instruments in writing.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 495—An Act to add a new section to the Civil Code, to be numbered 1218, relating to the recording of certified copies of instruments in writing.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 496—An Act to amend Section 1263 of the Civil Code, relating to declaration of homestead.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 497—An Act to add a chapter to Title V of Part IV, of Division II, of the Civil Code, relating to the homesteads of insane persons.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 498—An Act to amend Sections 1275, 1276, 1285, 1300, 1306, 1307, 1327, 1360, 1364, and 1376 of the Civil Code, and to add a new section thereto, to be numbered 1314, all relating to wills.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 499—An Act to amend Sections 1386, 1388, 1395, 1399, 1405, and 1406 of the Civil Code, and to add a new section thereto, to be numbered 1409, all relating to succession to the property of deceased persons.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 500—An Act to add a new section to the Civil Code, to be numbered 1468, relating to covenants running with land.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 501—An Act to amend Sections 1624 and 1625 of the Civil Code, both relating to the manner of creating contracts.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 502—An Act to add an Article IIIa to Chapter II, of Title III, of Part IV, of Division III of the Civil Code, relating to warehouses.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 503—An Act to amend Sections 1865 and 1871 of the Civil Code, both relating to finders and savers of property.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 504—An Act to amend Sections 1929, 1930, and 1932 of the Civil Code, all relating to the hiring of property.

Read first time, and referred to Committee on Revision and Reform of Laws.



Also: Assembly Bill No. 505—An Act to amend Sections 2170, 2172, 2180, and 2195, of the Civil Code, all relating to common carriers.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 506—An Act to amend Section 2236 of the Civil Code, relating to the obligations of trustees.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 507—An Act to amend Section 2334 of the Civil Code, relating to the liability of principals for the acts of their agents.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 508—An Act to amend Section 2541 of the Civil Code, relating to the insurance of mortgaged property.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 509—An Act to amend Sections 2903 and 2913 of the Civil Code, both relating to liens.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 510—An Act to add a new section to the Civil Code, to be numbered 2973, relating to mortgages of personal property.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 511—An Act to amend Section 3052 of the Civil Code, and to add five new sections thereto, to be numbered 3061, 3062, 3063, 3064, and 3065, all relating to liens on personal property.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 512—An Act to amend Sections 3131, 3176, 3197, and 3235, of the Civil Code, all relating to negotiable instruments.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 513—An Act to amend Section 3294 of the Civil Code, relating to exemplary damages.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 514—An Act to add a new section to the Civil Code, to be numbered 3346a, relating to damages for negligently firing woods.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 515—An Act to amend Section 3366 of the Civil Code, relating to specific and preventive relief.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 516—An Act to amend Section 3451 of the Civil Code, relating to assignments for the benefit of creditors.

Read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Jones of Tuolumne: Assembly Bill No. 517—An Act to

amend an Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 15, 1901.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 518—An Act to amend an Act, entitled "An Act to insure better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885.

Read first time, and referred to Committee on Judiciary.

By Mr. Branstetter: Assembly Bill No. 519—An Act to add a new section to the Penal Code, numbered 599, making it a felony to kill any elk within the State of California.

Read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 520—An Act to appropriate money to protect the banks of Eel River from erosion by means of rip-rap and jetty work along the banks thereof.

Read first time, and referred to Committee on Levees and River Improvements.

By Mr. Wickersham: Assembly Bill No. 521—An Act to regulate and control the shipment, buying, and selling of wild ducks, and provide therefrom revenue for the Game Preservation Fund of the State Treasury, and to make a violation of any provision of this Act a misdemeanor.

Read first time, and referred to Committee on Fish and Game.

By Mr. Houser: Assembly Bill No. 522—An Act creating the office of Public Defender, fixing his duties and compensation, and providing him with a contingent fund with which to properly carry out the duties thereof.

Read first time, and referred to Committee on Judiciary.

By Mr. Pryor: Assembly Bill No. 523—An Act to amend an Act entitled "An Act to amend Section 1 of an Act entitled 'An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds, approved March 23, 1893, approved March 9, 1897, which became a law March 14, 1899,'" approved March 20, 1903.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 524—An Act to amend Sections 3671 and 3746 of the Political Code of the State of California, both relating to revenue and taxation.

Read first time, and referred to Committee on Revenue and Taxation.

By Mr. Anthony: Assembly Bill No. 525—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.

Read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 526—An Act to repeal Section 64 of the Penal Code of the State of California, relating to witnesses in election cases.

Read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 527—An Act to add a new section, to be known as Section 424, to an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893; extending the provisions of Sections 19 to 33 inclusive, and Sections 39 to 42 inclusive, of said Act to primary elections, and so providing for punishment of offenses at primary elections.

Read first time, and referred to Committee on Election Laws.

By Mr. Stanton: Assembly Bill No. 528—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California; providing penalties for the violation hereof.

Read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 529—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Superintendent of Public Instruction's office, for the fifty-sixth fiscal year.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 530—An Act making an appropriation of \$4,371.20 for transportation of officers and members of the National Guard of California.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 531—An Act to amend an Act entitled "An Act to provide for the compilation, printing, binding, publishing, and distribution of a Legislative Manual and State Blue Book, or roster, and repealing conflicting Acts," approved February 13, 1903.

Read first time, and referred to Committee on Ways and Means.

#### REPORTS OF STANDING COMMITTEE.

##### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly engrossed:

Assembly Bill No. 13—An Act to amend Section 3928 of the Political Code, relating to the boundary line between the counties of Sacramento and San Joaquin.

DEVLIN, Chairman.

Report received and ordered filed.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined and found correctly enrolled:

Assembly Bill No. 293—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session.

And presented the same to the Governor on this day at eleven o'clock and five minutes A. M.

DEVLIN, Chairman.

Report received and ordered filed.

#### INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Whiting: Assembly Bill No. 532—An Act protecting the claims of those who may furnish materials or labor for the working or developing of mining properties under powers which are obtained by bond or a trust deed.

Read first time, and referred to Committee on Mines and Mining Interests.

Also: Assembly Bill No. 533—An Act to provide for the "Inspector of Mines"; to define his duties, and provide for his compensation, the liability of mining operators, and the Inspector of Mines.

Read first time, and referred to Committee on Mines and Mining Interests.

#### RESOLUTION.

By Mr. Barnes:

(Authorizing Committee on Public Buildings and Grounds to visit various State Institutions.)

WHEREAS, Various bills have been referred to the Committee on Public Buildings and Grounds calling for large appropriations of money for buildings, improvements and betterment.

*Resolved*, That the Committee on Public Buildings and Grounds be and they are hereby authorized to visit the various State institutions for the purpose of enabling the committee to act intelligently upon bills that now are or may come before it carrying large appropriations for said institutions, and to determine what, if any, of the improvements sought to be provided for are indispensable, and what if any, can be dispensed with without material injury to the institutions or the public welfare; and that the members of said committee are hereby granted leave of absence for said purpose.

Resolution read.

#### ADOPTION OF RESOLUTION.

Mr. Barnes moved the adoption of the resolution.

The roll was ordered called on the motion to adopt the resolution, with the following result:

**AYES**—Messrs. Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Creighton, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Johnson, Jones of San Francisco, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Rolley, Severance, Slaven, Strobridge, Strohl, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, and Mr. Speaker—60.

**NOES**—Messrs. Houser, Johnstone, and Thompson—8.

The resolution was declared adopted.

#### RESOLUTION.

By Mr. Hartman:

(To grant Committee on Commerce and Navigation leave to visit the harbors of San Francisco and San Pedro.)

*Resolved*, That the Committee on Navigation and Commerce, consisting of Assemblymen Hartman, Barnes, Beckett, Branstetter, Cullen, Jones of San Francisco, McGowan, Pfaffle, and Wickersham, together with the clerk, be and they are hereby granted a leave of absence from Friday, January 20th to Thursday, January 26th, for the purpose of visiting the harbors of San Francisco and San Pedro, in order to thoroughly investigate and be fully competent to pass on the many bills now before that committee, respecting said harbors.

Resolution read.

#### RESOLUTION ADOPTED.

Mr. Hartman moved the adoption of the resolution.

The roll was ordered called on the motion to adopt the resolution, with the following result:

**AYES**—Messrs. Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Coghlan, Creighton, Cullen, Devlin, Dorsey, Duryea, Ellis, Gates, Hartman, Held, Jarvis, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, and Mr. Speaker—52.

**NOES**—Messrs. Amerige, Anthony, Chandler, Cleveland, Cooper, Coyle, Drew, Espey, Estudillo, Gans, Goodrich, Hawkins, Houser, Johnson, Johnstone, Jones of Tuolumne, Olmsted, Perkins, and Thompson—19.

The resolution was declared adopted.

## RESOLUTION.

By Mr. Held:

(Authorizing the Committee on State Hospitals and Asylums to visit certain State institutions.)

WHEREAS, Various bills have been referred to the Committee on State Hospitals and Asylums, calling for large appropriations of money for buildings, improvements, and betterments; therefore, be it

*Resolved*, That the Committee on State Hospitals and Asylums, consisting of the following members, to wit: F. A. Cromwell, R. L. Beardslee, P. S. King, Fred V. Severance, E. K. Strobridge, Fayette Mitcheltree, W. F. Gates, Fred J. Meincke, Eugene E. Pfaeffle, John F. Pryor, and W. D. L. Held, be and they are hereby authorized to visit Mendocino State Hospital, Napa State Hospital, Veterans' Home of California, the California Home for the Care and Training of Feeble-Minded Children, Industrial Home of Mechanical Trades for the Adult Blind of the State of California, Southern California State Hospital, and Stockton State Hospital, for the purpose of enabling the committee to act intelligently upon bills that now are or may come before it, carrying large appropriations for said institutions, and to determine what, if any, of the improvements sought to be provided for, are indispensable, and what, if any, can be dispensed with, without material injury to the institutions or the public welfare; and that the members of said committee as named above are hereby granted leave of absence for said purpose.

Resolution read.

## ADOPTION OF RESOLUTION.

Mr. Held moved the adoption of the resolution.

The roll was ordered called on the motion to adopt the resolution, with the following result:

AYES—Messrs. Amerige, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burge, Busick, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Durvea, Ellis, Gans, Gates, Hartman, Hawkins, Held, Jarvis, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucev, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, Olmsted, Pfaeffle, Pryor, Fyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, and Wickersham—59.

NOES—Messrs. Chandler, Cleveland, Drew, Estudillo, Goodrich, Johnstone, Perkins, and Thompson—8.

## RESOLUTION.

By Mr. Estudillo:

(For assignment of stenographer to Committee on Education.)

*Resolved*, That the Sergeant-at-Arms be, and he is hereby directed to assign a competent stenographer (out of those on the payroll of the Assembly) to the Committee on Education, said stenographer to report to said committee at the call of the chairman thereof.

Mr. Estudillo moved the adoption of the resolution.

Motion carried.

## RESOLUTION.

By Mr. Atkinson:

(For appointment of Assistant Sergeant-at-Arms.)

*Resolved*, That Emil Ney be, and he is hereby appointed an Assistant Sergeant-at-Arms of the Assembly, at the same per diem as is paid the other Assistant Sergeant-at-Arms of the Assembly. The duties of said Emil Ney, as such Assistant Sergeant-at-Arms, shall be to attend between the Clerk's desk and the office of the Superintendent of State Printing as messenger and general utility man; said per diem being payable out of the appropriation for the contingent expenses of the Assembly. The State Controller is hereby directed to draw his warrant for said per diem, and the State Treasurer is hereby directed to pay the same.

Referred to Committee on Attachés and Employés.

## RESOLUTION.

By Mr. McCartney:

(Requiring visiting committees to submit reports in writing.)

WHEREAS, Various bills have been referred to the following-named committees of this House, to wit: Committees on Public Buildings and Grounds, State Hospitals and

Asylums, and State Prisons and Reformatory Institutions, calling for various and large appropriations of money for buildings, improvements, betterments, and maintenance thereof; and

WHEREAS, This House has for the purpose of ascertaining the needs and requirements of the said State institutions, and has for the further purpose of ascertaining such knowledge, information, and condition of the said State institutions, granted, or may grant, leave of absence to the above-mentioned committees to visit the said State institutions and ascertain for this House all information, if any there be, concerning the said institutions as is in the reasonable province of the said committees to gather and ascertain for the guidance and information of the members of this House upon a vote on the said bills calling for appropriations; and

WHEREAS, The expenses incurred by the said committees are to be met and paid out of the Contingent Fund of this House and made a public charge; therefore, be it

*Resolved by this House*, That each of the said committees so granted leave of absence, or any other committee of this House that may hereafter be granted a leave of absence, to visit the institutions of this State, or for any other purpose, be and they each are hereby directed to submit a report, in writing, to and for the benefit of this House within five days after their return from such visit or visits to the said State institutions, containing all information, general condition, needs, and requirements of the State institutions so visited, or any other matter of interest to this House, accompanied with a recommendation naming the least amount of the appropriation or appropriations asked for in any bills presented to this House that will meet the requirements of the respective State institution or State institutions so visited.

#### RESOLUTION ADOPTED.

Mr. McCartney moved the adoption of the resolution.

Motion carried.

#### TIME OF ADJOURNMENT EXTENDED.

Mr. McCartney, at twelve o'clock and twenty-five minutes P. M., moved that the hour for adjournment be extended to twelve o'clock and forty minutes P. M. of this day.

Motion carried.

#### RESOLUTION.

By Mr. McCartney:

(That only two committees be allowed to be absent at one time on leave)

*Resolved*, That but two committees be allowed to be absent from the House at a time, and that the chairmen of the several committees granted leave of absence arrange the visits to the different State institutions so that but two committees are absent from this House at the same time.

*Resolved*, That no member who is a member of two or more of the committees who have been granted leave of absence for the purpose of visiting institutions or harbors shall be allowed mileage for more than one trip to any section of the State

Mr. McCartney moved the adoption of the resolution.

Motion carried.

#### RE-REFERENCE OF ASSEMBLY BILL.

Mr. Moore moved that Assembly Bill No. 60 be recalled from the Committee on Agriculture and referred to Committee on Education.

Motion carried.

#### THIRD-READING FILE.

Assembly Bill No. 13 -An Act to amend Section 3928 of the Political Code, relating to the boundary line between the counties of Sacramento and San Joaquin.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Beardslee, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mind-

ham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—64.

Nays—None.

Title read and approved.

Assembly Bill No. 13 was ordered to enrollment.

#### SECOND-READING FILE.

Assembly Bill No. 1—An Act to amend Section 1313 of the Civil Code, relating to devises.

Read second time.

The following committee amendments were submitted:

##### AMENDMENT No. 1.

Amend by striking out the words "restriction on devise for charitable uses" on line 3, page 1, printed bill.

Amendment adopted.

##### AMENDMENT No. 2.

Amend by inserting the words "father, mother, husband, wife, or direct" between the word "leaving," on line 11, page 1, printed bill, and the word "descendants," on line 12, page 1, of printed bill.

Amendment adopted.

##### AMENDMENT No. 3.

Amend by striking out the word "thereto" in line 15, page 1, of the printed bill, and inserting in lieu thereof the word "hereto."

Amendment adopted.

#### EXTENSION OF TIME FOR ADJOURNMENT.

Mr. Creighton, at twelve o'clock and forty minutes P. M., moved that the hour for adjournment be extended to one o'clock P. M. of this day.  
Motion carried.

#### CONSIDERATION OF BILL—(RESUMED).

##### AMENDMENT No. 4.

Amend by striking out the "(,)" after the word "void," in line 15, page 1, of the printed bill, and inserting a "(,)" and the words "and go to the residuary legatee or devisee next of kin, or heirs according to law."

Amendment adopted.

Assembly Bill No. 1 ordered to engrossment, to print, and to third reading.

#### PASSED ON FILE.

Assembly Bill No. 32—An Act to amend an Act entitled "An Act to amend the Civil Code by adding a new section, to be designated Section 1313," approved March 18, 1874, by amending Section 1313, relative to charitable and benevolent bequests.

Passed on file.

## ADJOURNMENT.

Mr. McGowan moved that the Assembly do now adjourn until tomorrow at ten o'clock A. M.

Motion carried.

At twelve o'clock and forty-three minutes P. M. the Speaker declared the Assembly adjourned until Thursday, January 19, 1905, at ten o'clock A. M.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,

Thursday, January 19, 1905. }

The Assembly met at ten o'clock A. M., pursuant to adjournment.  
Speaker Prescott in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffie, Piyor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—77.

Quorum present.

## LEAVES OF ABSENCE.

Leaves of absence for the day were granted to Messrs. Walsh and Weyand.

## PRAYER.

Prayer by the Rev. Geo. C. King.

## READING OF THE JOURNAL.

On motion of Mr. King, the further reading of the Journal was dispensed with.

## APPROVAL OF JOURNAL.

The Journal of January 17, 1905, was corrected, and, as corrected, approved.

## REPORTS OF STANDING COMMITTEES.

## ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1905.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred a resolution by Mr. Dorsey, relating to the purchase of Fairall's Criminal Law and Procedure—have had same under consideration, and respectfully report the same back, and recommend that it do not pass.

CROMWELL, Chairman.

Action on the report of the committee was temporarily passed.



## ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1905

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 227—An Act to amend Section 1 of an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, relating to the burial of soldiers who served in the war with Spain and in the Philippine insurrection.

Also: Assembly Bill No. 228—An Act making an appropriation for Division and Brigade, National Guard of California, Headquarters allowances for the fifty-fifth and fifty-sixth fiscal years

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

GANS, Chairman.

Assembly Bills Nos. 227 and 228 were ordered to second reading.

## ON REVISION AND REFORM OF LAWS

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1905

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 6—An Act to amend Section 849 of the Code of Civil Procedure, relating to service of summons issued out of the justice court—have had the same under consideration, and respectfully report the same back, with amendments and recommend that the same do pass as amended.

DREW, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1905.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 215—An Act to repeal Section 8 of the Civil Code and to amend Section 9 thereof, both relating to holidays—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DREW, Chairman.

Assembly Bills Nos. 6 and 215 ordered to second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1905.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 216—An Act to amend Sections 47 and 49 of the Civil Code and to add four new sections thereto, to be numbered 51, 52, 53, and 54, all relating to personal rights—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended, same to be re-referred to Committee on Judiciary.

DREW, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1905.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 262—An Act to amend Sections 94, 106, 136, 137, 146, and to repeal Section 144 of the Civil Code, all relating to divorce—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and same to be re-referred to Committee on Judiciary.

Also: Assembly Bill No. 263—An Act to amend Sections 164 and 170 of the Civil Code, all relating to husband and wife—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to Committee on Judiciary.

DREW, Chairman

Assembly Bills Nos. 216, 262, and 263 were re-referred to Committee on Judiciary and ordered to second reading, to retain their places on file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1905.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 264—An Act to repeal Section 58, and to amend Sections 60, 68, 70, 79½, and 84, of the Civil Code, all relating to marriage—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

DREW, Chairman.

Also: Assembly Bill No. 265—An Act to repeal Sections 242, 243, 244, 245, 247, 248, 249, and 258, and to amend Section 246 of the Civil Code, all relating to guardian and ward—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DREW, Chairman

Assembly Bills Nos. 264 and 265 were ordered to second reading.

#### RE-REFERENCE OF BILLS.

Mr. Mitcheltree moved that Assembly Bill No. 478 be recalled from the Committee on Judiciary and referred to the Committee on Commissions and Public Expenditures.

Motion carried.

Mr. McCartney moved that Assembly Constitutional Amendment No. 4 be recalled from the Committee on Judiciary and referred to the Committee on Constitutional Amendments.

Motion carried.

#### INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Treadwell: Assembly Bill No. 534—An Act to appropriate the sum of \$2,000 to pay the claim of W. C. Van Fleet for legal services rendered the State of California, in the Superior Court of the City and County of San Francisco, and the Supreme Court of the State of California, in an action entitled "Jeremiah F. Sullivan et al. vs. Henry T. Gage et al., constituting the State Board of Examiners."

Read first time, and referred to Committee on Claims.

By Mr. Gans: Assembly Bill No. 535—An Act to amend Sections 3897 and 3898 of the Political Code of the State of California, relating to the sale by the State of property sold to the State for taxes.

Read first time, and referred to Committee on Judiciary.

By Mr. Estudillo: Assembly Bill No. 536—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 177 of the said Act, relating to salaries of officers of counties of the twentieth class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Wickersham: Assembly Bill No. 537—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the restoration and preservation of fish in the waters of the State of California.

Read first time, and referred to Committee on Fish and Game.

By Mr. Slaven: Assembly Bill No. 538—An Act making an appropriation to pay the claim of W. H. Scott for costs of suit in foreclosing delinquent purchases of State school lands.

Read first time, and referred to Committee on Claims.

By Mr. Stobridge: Assembly Bill No. 539—An Act to amend Section 3805a of the Political Code of the State of California, relating to public lands upon which first payment has not been made.

Read first time, and referred to Committee on Judiciary.

By Mr. Waste: Assembly Bill No. 540—An Act to provide for the appointment and employment of the officers in the District Courts of Appeal and providing for their salaries.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 541—An Act fixing the salaries of three assistant reporters of the decisions of the Supreme Court and District Courts of Appeal.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 542—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeals.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 543—An Act making an appropriation of forty-five thousand six hundred and sixteen dollars and thirty cents (\$45,616.30), to pay the claim of John Mullan against the State of California, and prescribing the duties of the Controller and Treasurer of the State in relation thereto.

Read first time, and referred to Committee on Claims.

#### BILLS MADE SPECIAL ORDER.

Mr. Waste moved that Assembly Bills Nos. 540, 541, and 542 be sent to the printer with a rush order, and that they be made a special order for to-morrow, immediately after the introduction and reference of bills.

Motion carried.

#### INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. Transue: Assembly Bill No. 544—An Act making an appropriation of forty-five thousand six hundred and sixteen dollars and thirty cents (\$45,616.30), to pay the claim of John Mullan against the State of California, and prescribing the duties of the Controller and Treasurer of the State in relation thereto.

Read first time, and referred to Committee on Claims.

By Mr. Hawkins: Assembly Bill No. 545—An Act to amend an Act entitled "An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the water-front of San Francisco, and providing for the expenses and regulations thereof," approved March 29, 1897.

Read first time, and referred to Committee on Commerce and Navigation.

By Mr. Mitcheltree: Assembly Bill No. 546—An Act to regulate the daily hours of service or labor to be performed by women employed by any person, firm, or corporation, at any kind of service or manual labor, except as nurses or household servants.

Read first time, and referred to Committee on Labor and Capital.

By Mr. Prescott: Assembly Bill No. 547—An Act to provide for the building, equipping, and furnishing of a wing to be used for patients at the Southern California State Hospital, and to make appropriation for the same.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 548—An Act to appropriate \$5,000 for the erection of a dairy building and to purchase the equipments therefor for the Southern California State Hospital.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Constitutional Amendment No. 7—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XI by adding thereto a new section, to

be numbered Section 20, providing for the enactment of certain laws by popular vote in counties, cities and counties, and cities.

Referred to Committee on Constitutional Amendments.

By Mr. Amerige: Assembly Bill No. 549—An Act requiring building and loan associations, companies, or corporations, to annually distribute among their stockholders printed copies of their annual reports.

Read first time, and referred to Committee on Building and Loan Associations.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

##### ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1905.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 9—"An Act to establish a Political Code," approved March 12, 1872, by amending Section 4080, relating to the planting and preservation of shade and ornamental trees—have had the same under consideration, and respectfully report the same back, and recommend that same do pass as amended.

COYLE, Chairman.

Assembly Bill No. 9 ordered to second reading.

##### RESOLUTIONS.

By Mr. Cooper:

(To allow committees only actual expenses.)

*Resolved*, That all committees who have permission to visit, examine, and report on State institutions appoint from each of the said committees two members, who shall represent them, and every one of such sub-committees, who shall visit in the place and stead of the entire committee as the representatives of said committee, shall be allowed only their actual expenses

Referred to Committee on Rules and Regulations.

By Mr. Treadwell:

(To make certain bills a special order.)

*Resolved*, That Assembly Bills Nos. 90, 91, and 92 be withdrawn from the Committee on Judiciary and made a special order for to-morrow immediately after the introduction of bills

Resolution adopted.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

##### ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1905.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 123—An Act authorizing the Regents of the University of California to hold Farmers' Institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STROBRIDGE, Chairman.

Assembly Bill No. 123 was referred to Committee on Ways and Means, and also ordered to second reading.

##### RESOLUTIONS.

By Mr. Cleveland:

(To allow visiting committees only actual expenses.)

WHEREAS, The Committees on Hospitals and Asylums, Prisons and Reformatory Institutions, and Commerce and Navigation have been permitted to visit different parts of the State; be it

*Resolved*, That the said Committees be and they hereby are allowed their actual transportation going to and returning from the institutions or improvement visited.

### Referred to Committee on Rules and Regulations.

Also:

(To appoint reading clerk.)

*Resolved*, That B. J. Blaisdell be and he hereby is employed as Reading Clerk, at the same per diem allowed assistants to the Chief Clerk, said sum to be paid out of the Contingent Fund of the Assembly. The Controller is hereby directed to draw his warrant for said per diem, and the State Treasurer is hereby directed to pay the same.

### Referred to Committee on Attachés and Employés.

By Mr. Ellis:

(To appoint certain attachés.)

*Resolved*, That the following-named persons be and they are hereby appointed for the positions and at the per diem set opposite their respective names, said per diem to be paid out of the appropriations for the contingent expenses of the Assembly; said appointments to date from and include the 19th day of January, 1905. The State Controller is hereby authorized and directed to draw his warrant upon the said fund in favor of the said following-named persons for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same:

S. K. Davis, Committee Clerk.....	\$4 per diem.
J. Kiely, Committee Clerk.....	4 per diem.
Fred Bishop, Committee Clerk.....	4 per diem.
Alice Tetran, Cloak-room Attendant.....	3 per diem.
Elva A. Lynch, Stenographer.....	5 per diem.
Fraser Ridgway, Committee Clerk.....	4 per diem.
M. Murphy, Committee Clerk.....	4 per diem.
L. Rienzi, Cloak-room Attendant.....	3 per diem.
Fred Sepulveda, Porter.....	3 per diem.
M. A. Ferrer, Assistant Sergeant-at-Arms.....	4 per diem.

That the names of Ada Rehm and May Brown, heretofore appointed as Committee Clerks at a per diem of \$4, be stricken from the roll, and the following be appointed in their stead:

Miss Ada Rehm, Stenographer.....	\$5 per diem.
Miss May Brown, Stenographer.....	5 per diem.
W. J. Downie, Committee Clerk.....	4 per diem.
Jane J. Burgess, Stenographer.....	5 per diem.
Geo. W. Hudson, Assistant Sergeant-at-Arms.....	4 per diem.

### Referred to Committee on Attachés and Employés.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

##### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 214—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges—reports the bill back with nine amendments, with the recommendation that it do pass as amended.

Also: Assembly Bill No. 199—An Act to amend Section 890 of the Code of Civil Procedure of the State of California, relating to judgments of dismissal without prejudice—reports the bill back with three amendments, with the recommendation that it do pass as amended.

Also: Assembly Bill No. 95—An Act to amend Section 890 of the Code of Civil Procedure, relating to proceedings in justices' courts—reports the bill back without recommendation.

Also: Assembly Bill No. 54—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justice courts—reports the same back with one amendment, and recommends that it do pass as amended.

Also: Assembly Bill No. 55—An Act to amend Section 1578 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures—reports the same back with one amendment, and recommends that it do pass as amended.

Also: Assembly Bill No. 281—An Act to amend the Political Code by adding thereto a new section, to be numbered 421—reports the same back with four amendments, and recommends that it do pass as amended.

Also: Assembly Bill No. 156—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating

to the inquiry into the aggravation of mitigation of punishment, the imposition or execution of sentence, and the suspending thereof by probation on plea or verdict of guilty—reports the same back with one amendment, and recommends that it do pass as amended.

Also: Assembly Bill No. 157—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1878, by amending Section 131 thereof, relating to powers and duties of the courts in providing for the creation and appointment and term of office of boards, to be known as "probation committees," providing for the creation and appointment of probation officers, prescribing their terms of office, duties, and powers, and fixing their salaries—reports the same back with one amendment, and recommends that it do pass as amended.

Also: Assembly Bill No. 160—An Act to amend an Act entitled "An Act defining and providing for the control, protection and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903—reports the same back with one amendment, and recommends that it do pass as amended.

Also: Assembly Bill No. 22—An Act to amend Section 585 of the Code of Civil Procedure, relating to the cases in which judgment may be had upon the failure of a defendant to answer—reports the same back with one amendment, and recommends that it do pass as amended.

Also: Assembly Bill No. 20—An Act to repeal two sections of the Code of Civil Procedure, each being numbered 1161, approved April 1, 1878, and to substitute therefor a new section, to be numbered 1161, relating to unlawful detainer—reports the same back with one amendment, and recommends that it do pass as amended.

Also: Assembly Bill No. 98—An Act to amend Section 1310 of the Civil Code, relating to lapsed legacies—reports the same back with one amendment, and recommends that it do pass as amended.

Also: Assembly Bill No. 27—An Act to amend Section 147 of the Civil Code, relating to the power of the court to dispose of homestead and community property in divorce proceedings, and creating presumption of ownership in the absence of such disposition—reports the same back with one amendment, and recommends that it do pass as amended, by a majority vote.

Also: Assembly Bill No. 107—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1760, relating to giving special notice to relatives and wards during the administration of ward's estate—reports the same back with one amendment, and recommends that it do pass as amended.

Also: Assembly Bill No. 108—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1380, relating to giving special notices to heirs, devisees, legatees, and creditors during the administration of estates of decedents—reports the same back with one amendment, and recommends that it do pass as amended.

Also: Assembly Bill No. 58—An Act to amend Section 611 of the Civil Code, relating to the issuing of bonds by cemetery corporations—reports the same back with one amendment, and recommends that it do pass as amended.

Also: Assembly Bill No. 4—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 580 thereof, relating to banking corporations—and reports the same back, with the recommendation that it be referred to the Committee on Banks and Banking.

DURYEA, Chairman.

Assembly Bills Nos. 214, 199, 95, 54, 55, 281, 156, 157, 160, 22, 20, 98, 27, 107, 108, and 58 ordered to second reading.

Assembly Bill No. 4 was referred to the Committee on Banks and Banking, and also ordered to second reading.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Atkinson:

(To rent typewriting machines.)

*Resolved*, That the Sergeant-at-Arms be and he is hereby instructed to rent ten typewriting machines for the use of the stenographers of the Assembly, and the Controller of State is hereby authorized to draw his warrant for the amount of the rentals, and the Treasurer is directed to pay the same out of the fund for the contingent expenses of the Assembly.

Referred to Committee on Attachés and Employés.

## TO UNFINISHED BUSINESS.

Mr. Cromwell moved that the report of the Committee on Contingent Expenses and Accounts, on Mr. Dorsey's resolution, go to Unfinished Business for to-morrow.

Motion carried.

## THIRD-READING FILE.

Assembly Bill No. 1—An Act to amend Section 1313 of the Civil Code, relating to devises.

Passed on file.

## SECOND-READING FILE.

Assembly Bill No. 32—An Act to amend an Act entitled "An Act to amend the Civil Code by adding a new section, to be designated Section 1313," approved March 18, 1874, by amending Section 1313, relative to charitable and benevolent bequests.

Passed on file.

Assembly Bill No. 106—An Act to increase the number of Judges of the Superior Court of the County of Los Angeles, State of California, and for the appointment of such additional judges.

Read second time.

## COMMITTEE AMENDMENT.

The Committee on Judiciary submitted the following amendment:

Amend by striking out the title of the printed bill, and inserting in lieu thereof the following: "An Act to provide three (3) additional Judges of the Superior Court of the County of Los Angeles, State of California; for the manner of their appointment, and for their compensation."

Amendment adopted.

## ASSEMBLY BILL WITHDRAWN AND SENATE BILL SUBSTITUTED.

Mr. Houser asked leave to withdraw Assembly Bill No. 106, and that Senate Bill No. 6 be withdrawn from the Committee on Judiciary and substituted on the third-reading file, to take the place of Assembly Bill No. 106, both bills being identical.

Motion carried.

## SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 25—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Read second time.

The Committee on Judiciary submitted the following amendments:

## COMMITTEE AMENDMENT NO. 1.

Amend by striking out of line 41, page 2, of the printed bill, the words "second or."

Amendment adopted.

## COMMITTEE AMENDMENT NO. 2.

Amend by inserting in line 44, page 2, of the printed bill, after the word "class," the words "and the second class."

Amendment adopted.

## AMENDMENT NO. 3.

By Mr. McCartney:

Amend by striking out all of Section 2, lines 1 and 2, of printed bill, the words on page 3, and inserting in lieu thereof the following: "Section 2. This Act shall take effect and be in force from and after twelve o'clock meridian on the first Monday after the first day of January, nineteen hundred and seven."

Amendment adopted.

Assembly Bill No. 25 ordered to engrossment, to print, and third reading.

Assembly Bill No. 26—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Read second time.

The Committee on Judiciary submitted the following amendments:

## COMMITTEE AMENDMENT NO. 1.

Amend by striking out of line 42, page 2, of the printed bill, after the word "class," the words "and the second class."

Amendment adopted.

## COMMITTEE AMENDMENT NO. 2.

Amend by inserting in line 44, page 2, of the printed bill, after the word "class," the words "and the second class."

Amendment adopted.

## COMMITTEE AMENDMENT NO. 3.

Strike out all of Section 2 of the printed bill.

Amendment adopted.

Assembly Bill No. 26 ordered to engrossment, to print, and third reading.

Assembly Bill No. 56—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justice courts and justices.

Passed on file.

Assembly Bill No. 53—An Act to amend Section 97 of the Code of Civil Procedure of the State of California, relating to the salaries of justices of the peace in cities and counties.

Read second time.

Assembly Bill No. 56 ordered to engrossment and third reading.

Assembly Bill No. 61—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1314, relating to wills.

Read second time.

## COMMITTEE AMENDMENT.

The Committee on Judiciary submitted the following amendment:

Amend by striking out all of Section 2 of the printed bill.

Amendment adopted.

Assembly Bill No. 61 ordered to engrossment, to print, and third reading.

Assembly Bill No. 62—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1409, relating to succession.

Read second time.



## COMMITTEE AMENDMENT.

The Committee on Judiciary submitted the following amendment:

Amend by striking out all of Section 2 of the printed bill.

Amendment adopted.

Assembly Bill No. 62 ordered to engrossment, to print, and third reading.

Assembly Bill No. 69—An Act to amend Section 200 of the Code of Civil Procedure of the State of California, relating to persons exempt from liability to act as a juror.

Read second time.

Assembly Bill No. 69 ordered to engrossment and third reading.

Assembly Bill No. 70—An Act to amend Section 1277 of the Code of Civil Procedure of the State of California, relating to fixing time for hearing applications for the change of name, and publication of notice therefor.

Read second time.

Ordered to engrossment and third reading.

Assembly Bill No. 71—An Act to amend Chapter IX of Title IX of Part III of the Code of Civil Procedure of the State of California, relating to the conveyance of real estate by executors and administrators in certain cases.

Read second time.

The Committee on Judiciary submitted the following amendments:

## COMMITTEE AMENDMENT No. 1.

Insert in line 60, page 3, of the printed bill, after the word "the" the word "same."

Amendment adopted.

## COMMITTEE AMENDMENT No. 2

In line 68, page 3, of the printed bill, strike out the final "e" at the end of said line.

Amendment adopted.

Assembly Bill No. 71 ordered to engrossment, to print, and third reading.

Assembly Bill No. 121—An Act to amend Section 3654 of the Political Code, relating to the disposition of assessment books, maps, etc.

Read second time.

The Committee on Judiciary submitted the following amendments:

## COMMITTEE AMENDMENT No. 1

Amend the title by striking out all the words in the second and third lines thereof in the printed bill after the word "disposition" in the second line, and insert in lieu thereof the following, "and custody of assessment books, map books, statements, and military rolls"

Amendment adopted.

## COMMITTEE AMENDMENT No. 2.

Amend by striking out the words "this Act shall take effect immediately" at the bottom of page 1 of the printed bill.

Amendment adopted.

Assembly Bill No. 121 ordered to engrossment, to print, and third reading.

Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

Read second time.

Assembly Bill No. 114 ordered to engrossment and third reading.

Assembly Bill No. 152—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

Read second time.

COMMITTEE AMENDMENT.

The Committee on Judiciary submitted the following amendment:

Amend by striking out all of Section 2 of the printed bill.

Amendment adopted.

Assembly Bill No. 152 ordered to engrossment, to print, and to third reading.

Assembly Bill No. 46—An Act to amend an Act entitled "An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Read second time.

COMMITTEE AMENDMENT.

The Committee on Judiciary submitted the following amendment.

Amend by striking out all of Section 3 of the printed bill.

Amendment adopted.

Assembly Bill No. 46 ordered to engrossment, to print, and to third reading.

Assembly Bill No. 48—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Read second time.

COMMITTEE AMENDMENT.

The Committee on Judiciary submitted the following amendment:

Amend by striking out all of Section 3 of the printed bill

Amendment adopted.

Assembly Bill No. 48 ordered to engrossment, to print, and to third reading.

Assembly Bill No. 49—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Read second time.

COMMITTEE AMENDMENT.

The Committee on Judiciary submitted the following amendment:

Amend by striking out all of Section 3 of the printed bill.

Amendment adopted.

Assembly Bill No. 49 ordered to engrossment, to print, and to third reading.

Assembly Bill No. 88—An Act to amend Section 1577 of the Political Code of the State of California, relating to the formation of new school districts.

Read second time.

Assembly Bill No. 88 ordered to engrossment and third reading.

Assembly Bill No. 57—An Act to amend Section 1560 of the Political Code of the State of California, relating to the public schools.

Read second time.

#### COMMITTEE AMENDMENT.

The Committee on Education submitted the following amendment:

Amend by inserting on line 15 of printed bill, after word "institute," the following: "Provided, That the expense of such joint institute shall be borne equally by the counties participating therein, and the County Auditor of each county participating in such joint institute shall draw his warrant in favor of the County Superintendent upon requisition of said superintendent for such proportionate share of such county, and the money paid thereon shall be applied to the expense of said joint institute"

Amendment adopted.

Assembly Bill No. 57 ordered to engrossment, to print, and to third reading

#### ASSEMBLY CONCURRENT RESOLUTION No. 3.

Approving two amendments to the charter of the Town of Berkeley, County of Alameda, State of California, submitted to be voted for and ratified by the qualified electors of said Town of Berkeley, at an election held therein on the 13th day of April, 1903.

WHEREAS, The Town of Berkeley, in the County of Alameda, State of California, contains a population of over 3,500 and less than 30,000 inhabitants and has been ever since the year 1895 and is now, organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said town at an election held for that purpose on the 26th day of February, 1895, and approved by the Legislature of the State of California on the 5th day of March, 1895 (Statutes of 1895, page 606), which charter has never been amended; and

WHEREAS, The legislative authority of the said Town of Berkeley did by Resolution No. 972a of the Resolutions of said Town of Berkeley, adopted by the Board of Trustees of said town on the 3d day of February, 1903, and pursuant to Section 8 of Article XI of the Constitution of the State of California, duly proposed to the qualified electors of the said Town of Berkeley certain amendments to the charter of the said Town of Berkeley; and

WHEREAS, Said resolution containing said proposed amendments to the said charter was duly published for twenty days after its passage and approval, in the "Berkeley Daily Gazette," a daily newspaper of general circulation in the Town of Berkeley, and

WHEREAS, Said election was held in the said Town of Berkeley on Monday, the 13th day of April, A. D. 1903, which day was more than forty days after said proposed amendments had been published for twenty days, as aforesaid, and

WHEREAS, On the 15th day of April, 1903, at a meeting of the said Board of Trustees of the Town of Berkeley, duly convened in accordance with law and with the provisions of said charter, the said Board of Trustees duly and regularly canvassed the returns of said election so held on the 13th day of April, 1903; and

WHEREAS, Both of said proposed amendments were ratified by a majority of the electors voting thereon; and

WHEREAS, Said Board of Trustees, after canvassing said returns, duly found and declared that all of said proposed amendments had been ratified by a majority of the electors voting thereon; and

WHEREAS, The said proposed amendments so ratified by the electors of said town at said election, are now submitted to the Legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, The said amendments to said charter, so ratified by a majority of the electors voting thereon at said election, are in words and figures as follows, to wit

#### MODE OF ELECTION.

Section 9. The members of the Board of Trustees and of the Board of Education, and the Assessor, Auditor, Marshal, Treasurer, Clerk, Attorney, Superintendent of Streets, and Engineer, shall be elected by the qualified electors of the town at a general muni-

cipal election to be held therein on the second Monday in April in each odd-numbered year. The qualified electors of the town shall vote for the Assessor, Auditor, Marshal, Treasurer, Clerk, Attorney, Superintendent of Streets, and Engineer, by general ticket; the qualified electors of each ward shall vote only for the member of the Board of Trustees and the member of the Board of Education who is respectively to represent their particular ward, and the officers elected at such election shall hold office until their successors are elected and qualified as provided in this charter.

#### TERM OF OFFICE.

Section 10 The Marshal, Assessor, Auditor, Treasurer, Clerk, Attorney, Superintendent of Streets, and Engineer, shall hold office for the period of two years from and after the Monday next succeeding the day of such election and until their successors are elected and qualified.

At the first election under this charter seven members of the Board of Trustees and seven members of the Board of Education shall be elected. Those elected from the even-numbered wards shall hold office for a period of two years, or until their successors are elected and qualified; and those elected from the odd-numbered wards shall hold office for a period of four years, or until their successors are elected and qualified. At each general municipal election thereafter members of the Board of Trustees and of the Board of Education shall be elected to succeed those whose terms are about to expire, and the members so elected shall hold office for a period of four years, or until their successors are elected and qualified.

*Now, therefore, be it resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected voting for and concurring herein), That said amendments to the charter of the Town of Berkeley, as proposed to and adopted and ratified by the qualified electors of said town, be and the same are hereby approved as a whole without amendment or alteration for and as amendments to, and as part of the charter of said Town of Berkeley, aforesaid.*

Assembly Concurrent Resolution No. 3 was read.

#### ADOPTION OF ASSEMBLY CONCURRENT RESOLUTION No. 3

Mr. Waste moved the adoption of Assembly Concurrent Resolution No. 3.

The roll was called on the adoption of the resolution, with the following result:

**AYES**—Messrs Amerige, Anthony, Arnerich, Burnes, Bates, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mumham, Mitchellree, Moore, Olmsted, Perkins, Pfuettle, Pryor, Pyle, Roller, Severance, Slaven, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—89.

**NOES**—None.

Assembly Concurrent Resolution No. 3 was declared adopted.

Mr. Waste moved that Assembly Concurrent Resolution No. 3 be immediately transmitted to the Senate, and printed in full in the Journal. Motion carried.

#### SECOND-READING FILE—(CONTINUED).

Assembly Bill No. 45—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in the cities of the first and one-half class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of said officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney, and assistant prosecuting attorneys, their appointment and term of office.

Read second time.

#### COMMITTEE AMENDMENT.

The Committee on Municipal Corporations submitted the following amendment:

Amend by striking out all of Section 3.

Amendment adopted.

Assembly Bill No. 45 ordered to engrossment, to print, and to third reading.

INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Mr. King: Assembly Bill No. 550—An Act making an appropriation for the purchase of land adjoining the Napa State Hospital, and for the construction thereon of a dam and storage reservoir.

Read first time, and referred to Committee on State Hospitals and Asylums.

RESOLUTION—(OUT OF ORDER).

By Mr. McCartney:

ASSEMBLY CONCURRENT RESOLUTION No. 10.

Relative to joint rules of the thirty-sixth session of the Legislature.

*Resolved by the Assembly, the Senate concurring,* That the following rules be adopted as the Joint Rules of the thirty-sixth session of the California Legislature:

*To the Speaker and Members of the Assembly*

Your Committee on Rules and Regulations have the honor to report that at a joint session of this committee, and the Senate Committee on Rules and Revision, the following Joint Rules were formulated, and your committee now recommend that they be adopted by the House, and that they shall go into effect when adopted by both Houses:

JOINT RULES.

*I—Joint Address to Governor.*

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker of the House, and a select committee of nine (9) members appointed for that purpose from each House.

*II—Bill or Resolution in One House, Rejected in the Other, Requires Notice.*

When a bill or resolution which shall have passed one House is rejected by the other, notice thereof shall be given immediately to the House in which the same shall have passed

*III—Each House to Transmit Papers.*

Each House shall transmit to the other papers on which any bill or resolution shall be founded.

*IV—Joint and Concurrent Resolutions.*

Joint resolutions are those which relate to matters connected with the Federal Government. All other resolutions relating to matters to be treated by both Houses of the Legislature are concurrent resolutions.

*V—Joint Resolutions Treated as Bills.*

All joint resolutions shall be treated in all respects as bills, except that all joint resolutions shall be read but one time in each House.

*VI—Amendments to Amended Bills Must be Attached.*

Whenever a bill or resolution which shall have been passed in one House shall be amended in the other, such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "Adopted," and such amendment or amendments, if concurred in by the House in which such bill or resolution originated, shall be indorsed "Concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

*VII—Bills Read and Referred to Committee.*

When a Senate bill has been received by the Assembly, or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly, such bill shall be read the first time by the Secretary or Clerk, and referred to a standing committee

*VIII—Special File.*

After the 1st day of February, 1905, the Senate and Assembly shall adopt and provide a special file, upon which shall be placed: In the Senate, only Assembly bills that have passed the Assembly, and in the Assembly, only Senate bills that have passed the Senate. Such Special File shall be taken up at 2 o'clock p.m. of each day, and be considered at least one hour and a half after being so taken up. This rule shall not be suspended in either House, except by a three-fourths vote of such House.

*IX—Bills not to be Printed for Engrossment Unless Amended.*

Unless bills have been amended they shall not be again printed for engrossment, but the Engrossing Clerk shall use a copy of original printed bill in an engrossed bill cover, and report same back immediately, after comparing same.

*X—After a Bill has been Passed by the Senate and Assembly.*

When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly by the Senate, after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate Messages" or "Assembly Messages"), read the first time, and shall then be assigned to the proper committee, who shall act upon the same as soon as practicable and report the same back to the Senate or Assembly forthwith, and the chairman of each committee is charged with the observance of this rule, *provided*, that the Senate or Assembly may, at any time, order such bill reported back from any committee by a majority vote.

*XI—To Concur or Refuse to Concur in Amendments.*

In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill), or the Assembly (if it be an Assembly bill), must either "concur" or "refuse to concur" in the amendments.

*XII—When Amendments are Concurred In.*

If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Clerk shall notify the House making the amendments, and the bill shall be ordered to enrollment.

*XIII—When the Senate and Assembly Refuse to Concur.*

If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the Secretary or Clerk shall notify the House making the amendments of the action taken, and ask that they recede from their amendments. If they refuse to recede, a Committee on Conference shall be appointed, consisting of six members, three to be appointed by the President of the Senate and three by the Speaker of the Assembly. The Committee on Conference shall report to both the Senate and Assembly.

*XIV—Committee on Conference.*

In every case of an amendment of a bill agreed to in one House and dissented in the other, if either House shall request a conference and appoint a committee to confer, the other House shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective committees.

*XV—Free Conference Committee.*

If the Committee on Conference fail to agree, or either the Senate or Assembly refuse to adopt the report of the committee, it shall then be in order to appoint a Committee on Free Conference.

A Committee on Free Conference shall consist of six members, to be appointed in the same manner as a Committee on Conference.

The Committee on Free Conference are hereby empowered to suggest in their report any new amendments which they may adopt as a committee, and such amendments made by such committee shall be attached to the bill.

The report of the Committee on Free Conference shall not be subject to amendment in either House, and in case of non-agreement no further proceedings shall be had.

*XVI—When Conference Committee Report is in Order.*

The presentation of report of Committee on Conference or Free Conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate or Assembly is dividing, or during roll-call; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

*XVII—Messages Must be Announced by the Assistant Sergeant-at-Arms.*

When a message shall be sent from either House it shall be announced at the door by the Assistant Sergeant-at-Arms, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

*XVIII—Secretary, Clerk, etc., to Carry Messages.*

Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each House may determine to be proper.

*XIX—Notices to be on Paper, Under Proper Signature.*

Notice of the action of either House to the other shall be on paper, and under the signature of the Secretary or Clerk of the House from which such notice is to be conveyed.

*XX—Enrolled Bills to Receive Signature of Proper Officer.*

After a bill shall have passed both Houses, it shall be duly enrolled and carefully compared by the Enrolling Clerk and Enrolling Committee of the Assembly or of the Senate, as the bill may have originated, and shall first receive the signature of the presiding officer and Clerk or Secretary of the House in which it originated, before it shall be presented to the Governor of the State.

*XXI—Enrolling Committee to Compare.*

When bills are enrolled they shall be reexamined by the Enrolling Committee of the House in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the House in which the bill originated, stating by whom such bill was examined.

*XXII—President and Speaker to Sign Bills.*

After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

*XXIII—Enrolling Committee to Present Bills to Governor.*

After a bill shall have thus been signed in each House, it shall be presented by the Enrolling Committee of the House in which it originated to the Governor of the State for his approval (it being first indorsed on the back of the bill by the Secretary or Clerk, as the case may be, certifying in which House the bill originated). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the House in which the bill originated.

*XXIV—Daily History of Bills, etc.*

There shall be printed daily, by both the Senate and Assembly, a history of all bills, joint and concurrent resolutions, and constitutional amendments, which shall show the action taken by the House up to the day preceding the publication of such history. A regular form shall be prescribed, and no other form shall be used.

*XXV—Secretary and Clerk to Keep Register.*

The Secretary of the Senate and Clerk of the Assembly shall keep a register, in which shall be recorded every action of the Senate and Assembly on every bill, concurrent or joint resolution, or constitutional amendment.

*XXVI—Secretary and Clerk Shall Indorse Bills.*

The Secretary of the Senate and Clerk of the Assembly shall indorse, on every original bill, a statement of any action taken by the Senate and Assembly.

*XXVII—Adjournment Sine Die.*

An adjournment *sine die* shall only be made by concurrent resolution.

*XXVIII—Dispensing with Joint Rules.*

No joint rule shall be dispensed with except by vote of two thirds of each House; and if either House shall violate a joint rule, a question of order may be raised in the other House and decided in the same manner as in the case of the violation of the rules of such House; and if it shall be decided that the Joint Rules have been violated, the bill involving such violation shall be returned to the House in which it originated, without further action. Or, at the option of such House, the President or Speaker may direct the Secretary or Clerk to mark the section or sections in conflict with the rules as non-concurred in or negatived.

## ORDERED PRINTED IN JOURNAL.

Mr. McCartney moved that the report submitted by the Committee on Rules and Regulations be printed in the Journal.

Motion carried.

## INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Severance: Assembly Bill No. 551—An Act to prevent the use of unhealthy chemicals or substances in the preparation or manufacture of any article used or to be used in the preparation of food or drink for human beings.

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Estudillo: Assembly Bill No. 552—An Act providing for the establishment of a Branch Agricultural Experiment Station of the University of California, providing for the appointment of a committee to purchase land and appropriating money therefor.

Read first time, and referred to Committee on Agriculture.

By Mr. Manwell: Assembly Bill No. 553—An Act to amend an Act entitled "An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies and their compensation, and providing for the prosecution of offenses under the same and to suppress and prevent dissemination of scab among sheep."

Read first time, and referred to Committee on Agriculture.

By Mr. Coyle: Assembly Bill No. 554—An Act to provide for completing the survey, locating, and constructing a State highway, from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles, to connect with an existing road in Humboldt County, and making an appropriation therefor.

Read first time, and referred to Committee on Roads and Highways.

#### REPORT ON JOINT RULES MADE SPECIAL ORDER.

Mr. McCartney moved that the report of the Committee on Rules and Regulations, submitting Joint Rules for this session, be made the special order for to-morrow immediately after the reading of the Journal.

#### ADJOURNMENT.

Mr. Anthony moved that the Assembly do now adjourn until to-morrow at ten o'clock A. M.

Motion carried.

At eleven o'clock and five minutes A. M. the Speaker declared the Assembly adjourned until Friday, January 20, 1905, at ten o'clock A. M.

#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Friday, January 20, 1905. }

The Assembly met at ten o'clock A. M., pursuant to adjournment.  
Speaker Prescott in the chair.

#### ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitchell-tree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whitington, Wickersham, and Mr. Speaker—76.

Quorum present.



## LEAVES OF ABSENCE.

Leaves of absence for the day were granted to Messrs. Walsh, Weyand, and Lucey.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

On motion of Mr. King, the further reading of the Journal was dispensed with.

## APPROVAL OF JOURNAL.

The Journal of January 18, 1905, was corrected, and, as corrected, approved.

## RESOLUTION—(OUT OF ORDER).

By Mr. Duryea:

(On condolences with Hon. E. Weyand).

WHEREAS, We have learned of the great and irreparable loss sustained by our friend and fellow-member, Hon. Ernest Weyand, in the recent death of his dearly beloved mother; therefore, be it

Resolved, That the heartfelt sympathy of every member of this Assembly be and it is hereby extended to said Hon. Ernest Weyand, in this, his hour of sorrow, and that the Chief Clerk telegraph same to Mr. Weyand.

## ADOPTION OF RESOLUTION.

Mr. Duryea moved the adoption of the resolution by a rising vote.  
Motion carried unanimously.

## SPECIAL ORDER.

Consideration of Assembly Concurrent Resolution No. 10—Relating to Joint Rules of the thirty-sixth session of the Legislature.

Mr. McCartney moved that the report of the Committee on Rules and Regulations, submitting Joint Rules of the thirty-sixth session of the Legislature, be now considered.

Motion carried.

## ADOPTION OF JOINT RULES.

Mr. McCartney moved the adoption of the Joint Rules as recommended by the Committee on Rules and Regulations.

The roll was ordered called on Mr. McCartney's motion, with the following result:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, King, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitchellree, Moore, O'Brien, Olmsted, Perkins, Pfaffel, Pryor, Eyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—70.

NOES None.

The Joint Rules were declared adopted.

## ORDERED TRANSMITTED TO SENATE.

Mr. McCartney moved that Assembly Concurrent Resolution No. 10, relating to the Joint Rules, be immediately transmitted to the Senate as soon as returned from printer.

Motion carried.

## REPORTS OF STANDING COMMITTEES.

## ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1905.

MR. SPEAKER: Your Committee on Federal Relations, having under consideration Assembly Joint Resolution No. 1—Relative to the establishment of a national park at "The Pinnacles," in San Benito County, State of California—report the same back, and recommend that it do pass.

AMERIGE, Chairman.

Assembly Joint Resolution No. 1 ordered to engrossment and on file.

## ON FRUIT AND VINE INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1905.

MR. SPEAKER: Your Committee on Fruit and Vine Interests, to whom was referred Assembly Bill No. 127—An Act to provide for the proper naming of trees, seeds, plants, and vines sold, offered, or exposed for sale in this State, and providing a penalty for the violation of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

CLEVELAND, Chairman.

Ordered to second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1905.

MR. SPEAKER: Your Committee on Fruit and Vine Interests, to whom was referred Assembly Bill No. 151—An Act making an appropriation for searching for beneficial insects—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

CLEVELAND, Chairman.

Ordered to second reading and referred to Committee on Ways and Means.

## ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1905.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 4—Relative to approving twenty-five certain amendments to the charter of the City of Stockton, in San Joaquin County, State of California, voted for and ratified by the qualified electors of said City of Stockton, held thereon on the 19th day of May, 1903—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Ordered to second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1905.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 5—Relative to approving ten amendments to the charter of the City of Santa Barbara, State of California, which said ten amendments were submitted to vote and ratified by the qualified electors of said city at a general municipal election, at which the same were duly submitted, and said election being held on December 1, 1903—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Ordered on file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1905.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 212—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act providing for the sale of railroad and other franchises in municipalities, and relative to the granting of franchises,'" approved March 23, 1893—have had the same under consideration, and respectfully recommend that it be re-referred to the Committee on Judiciary.

BEARDSLEE, Chairman.

Ordered to second reading, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1905.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 145—An Act to provide for the payment by the State, or counties, or cities, or cities and counties, of the premium or charge on official bonds—have had the same under consideration, and respectfully recommend that it be re-referred to the Committee on County and Township Governments.

BEARDSLEE, Chairman.

Ordered to second reading, and referred to Committee on County and Township Governments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1905.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 139—An Act to repeal an Act entitled "An Act to provide for the payment by the State, or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903—have had the same under consideration, and respectfully recommend that it be re-referred to the Committee on County and Township Governments.

BEARDSLEE, Chairman.

Ordered to second reading, and referred to Committee on County and Township Governments.

#### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 345—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges—reports the same back, with the recommendation that it do pass, by a majority vote.

Also: Assembly Bill No. 315—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to the issuance of writs and attachments issued from justices' courts, and providing that several writs may be issued at the same time to the sheriffs or constables of counties other than the one in which said justice's court may be situated—reports the same back with two amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 84—An Act to amend Section 1 of an Act to regulate the practice of veterinary medicine and surgery in the State of California—reports the same back with two amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 158—An Act authorizing certain corporations to act as guardians of the persons of abandoned, dependent, and certain other children, with power as such guardians to consent to the adoption of such children; providing for their appointment as such guardians, with the notice to be given and fees remitted—and report the same back with two amendments, and recommends that it do pass as amended.

DURYEA, Chairman.

#### ORDERED TO SECOND READING.

Mr. Duryea moved that Assembly Bill No. 345 be re-referred to Committee on Ways and Means.

Motion carried.

Mr. McCartney moved that Assembly Bill No. 345 be withdrawn from the Committee on Ways and Means and the same go to second reading.

Motion carried.

Assembly Bills Nos. 315, 84, and 158 ordered to second reading.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

##### ON ATTACHES AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1905.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the following resolution:

*Resolved*, That the following-named persons be and they are hereby appointed for the positions and at the per diem set opposite their respective names, said per diem to be paid out of the appropriations for the contingent expenses of the Assembly; said

appointments to date from and include the 19th day of January, 1905. The State Controller is hereby authorized and directed to draw his warrant upon the said fund in favor of the said following-named persons for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same:

S. K. Davis, Committee Clerk .....	\$4 per diem.
J. Kiely, Committee Clerk .....	4 per diem.
Fred Bishop, Committee Clerk .....	4 per diem.
Alice Tetran, Cloak-room Attendant .....	3 per diem.
Elva A. Lynch, Stenographer .....	5 per diem.
Fraser Ridgway, Committee Clerk .....	4 per diem.
M. Murphy, Committee Clerk .....	4 per diem.
L. Rienzi, Cloak-room Attendant .....	3 per diem.
Fred Sepulveda, Porter .....	3 per diem.
M. A. Ferrer, Assistant Sergeant-at-Arms .....	4 per diem.

That the names of Ada Rehm and May Brown, heretofore appointed as Committee Clerks at a per diem of \$4, be stricken from the roll, and the following be appointed in their stead:

Miss Ada Rehm, Stenographer .....	\$5 per diem.
Miss May Brown, Stenographer .....	5 per diem.
W. J. Downie, Committee Clerk .....	4 per diem.
Jane I. Burgess, Stenographer .....	5 per diem.
Geo. W. Hudson, Assistant Sergeant-at-Arms .....	4 per diem.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass

BLISS, Chairman.

#### ACTION ON REPORT OF COMMITTEE ON ATTACHÉS AND EMPLOYÉS.

Mr. McGowan moved the adoption of the report and resolution as presented by the Committee on Attachés and Employés.

Mr. Olmsted moved for a division of the question on the resolution recommended by the committee, to wit: That a vote be taken on that portion of the report relating to the increase of attachés, and another vote be taken on that portion of the resolution recommending the substitution of the names of certain attachés.

Motion carried.

Mr. McGowan moved that that portion of the resolution relating to the increase of attachés be adopted.

#### PREVIOUS QUESTION.

Mr. McCartney moved the previous question.

The question being, "Shall the main question be now put?"

So ordered.

The roll was ordered called on Mr. McGowan's motion to adopt that portion of resolution relating to increase of patronage.

#### CALL OF THE HOUSE.

Pending the roll call, and at eleven o'clock and ten minutes A. M., Mr. McGowan moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lumley, Lynch, Maxwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitchell-tree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—75.

## ROLL CALL OF ABSENTEES.

The Speaker ordered a roll call of absentees.

The Sergeant-at-Arms was directed to bring Mr. Houser before the bar of the House.

(The roll call also showed the absence of Messrs. Lucey, Walsh, and Weyand, who had been granted leaves of absence for the day.)

Mr. Houser was brought by the Sergeant-at-Arms before the bar of the House.

Mr. Treadwell moved that Mr. Houser be excused.

Motion carried.

At eleven o'clock and twenty-five minutes A. M. Mr. Stanton moved that further proceedings under the call of the House be dispensed with.

Motion carried.

The calling of the roll on Mr. McGowan's motion was then completed, with the following result:

**AYES**—Messrs. Arnerich, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Burke, Busick, Cleveland, Coghlan, Cooper, Creighton, Cullen, Dorsey, Duryea, Ellis, Estudillo, Gates, Hartman, Jarvis, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, Lumley, Lynch, Manwell, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Pfaffle, Pryor, Severance, Slaven, Stanton, Strohl, Transue, Treadwell, Vogel, Whiting, and Wickersham—47.

**NOES**—Messrs. Amerige, Anthony, Barnes, Branstetter, Burge, Chandler, Coyle, Cromwell, Devlin, Drew, Espey, Gans, Goodrich, Hawkins, Held, Houser, John, Johnston, King, McCartney, Olmsted, Perkins, Pyle, Rolley, Strobbridge, Thompson, Tripp, Waste, and Mr. Speaker—29.

Motion carried.

Mr. McGowan moved the adoption of that portion of the resolution relating to the substitution of attachés as recommended be adopted.

The roll was ordered called, with the following result:

**AYES**—Messrs. Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Pfaffle, Pryor, Pyle, Severance, Slaven, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—66.

**NOES**—Messrs. Amerige, Anthony, Branstetter, Burge, Devlin, Drew, Olmsted, Perkins, and Rolley—9.

Motion carried.

## REPORT OF STANDING COMMITTEE.

## ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1905.

**MR. SPEAKER:** Your Committee on Attachés and Employés, to whom was referred the following resolution:

*Resolved*, That R. L. Valentine be appointed Assistant Bookkeeper to the Sergeant-at-Arms at a per diem of \$4, and the Controller is hereby authorized to draw his warrant for the same, payable out of the Contingent Fund of the Assembly.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BLISS, Chairman.

## TO UNFINISHED BUSINESS.

Mr. O'Brien moved that action on the report and resolution be postponed until Monday, January 23, 1905, under the head of "Unfinished Business."

Motion carried.

## REPORTS OF STANDING COMMITTEES—(CONTINUED).

## ON ATTACHÉS AND EMPLOYÉS.

(Relating to renting of typewriters.)

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1905.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the following resolution:

*Resolved*, That the Sergeant-at-Arms be and he is hereby instructed to rent ten typewriting machines for the use of the stenographers of the Assembly, and the Controller of State is hereby authorized to draw his warrant for the amount of the rentals, and the Treasurer is directed to pay the same out of the fund for the contingent expenses of the Assembly.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BLISS, Chairman.

Report adopted.

Mr. Atkinson moved the adoption of the report and resolution.

Motion carried.

## ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1905

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 182—An Act to amend Section 1593 of the Political Code of the State of California, relating to the election of school trustees—have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

Also: Assembly Bill No. 249—An Act to amend Section 1621 of the Political Code, relating to boards of school trustees and city boards of education—have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

Also: Assembly Bill No. 297—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of Public Instruction—have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

SLAVEN, Chairman.

Assembly Bills Nos. 182, 249, and 247 ordered to second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1905.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 183—An Act to amend Section 1615 of the Political Code of the State of California, relating to the organization of a new school district—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 101—An Act to amend Section 1489 of the Political Code relating to State Normal Schools—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

SLAVEN, Chairman.

Assembly Bills No. 183 and 101 ordered to second reading.

## ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 1—An Act to amend Section 1313 of the Civil Code, relating to devises

Assembly Bill No. 53—An Act to amend Section 97 of the Code of Civil Procedure of the State of California, relating to the salaries of justices of the peace in cities and counties.

Assembly Bill No. 69—An Act to amend Section 200 of the Code of Civil Procedure of the State of California, relating to persons exempt from liability to act as a juror.

Assembly Bill No. 70—An Act to amend Section 1277 of the Code of Civil Procedure of the State of California, relating to fixing time for hearing applications for change of name, and publication of notice thereof.

Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

Assembly Bill No. 88—An Act to amend Section 1577 of the Political Code of the State of California, relating to the formation of new school districts

Also: The following was correctly enrolled: Assembly Concurrent Resolution No. 1—Relative to the death of the Hon. Walter S. Melick—and presented the same to the Governor on this day at one o'clock and fifty minutes P. M.

DEVLIN, Chairman.

## ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1905.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred Assembly resolution by Mr Cleveland:

WHEREAS, The Committees on Hospitals and Asylums, Prisons and Reformatory Institutions, and Commerce and Navigation have been permitted to visit different parts of the State; be it

Resolved, That the said committees be, and they hereby are allowed their actual transportation going to and returning from the institutions or improvement visited

Have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

McCARTNEY, Chairman.

Mr. McCartney moved the adoption of the report of the committee.  
Report adopted.

## ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1905.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred Assembly resolution by Mr. Cooper—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

McCARTNEY, Chairman

Mr Cooper asked leave to withdraw resolution offered by him.  
Leave was granted to withdraw.

## ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1905.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 295—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377h, making it a misdemeanor to refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health, concerning the pollution of water, used or intended to be used for human or animal consumption—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 294—An Act to amend the Penal Code, by adding a new section thereto, to be numbered Section 377c—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

Also. Assembly Bill No. 298—An Act to amend Chapter I of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 3, 1883, and Acts amendatory thereof, by adding a new section thereto, to be numbered Section 9, relating to the powers and duties of city recorders and city clerks, respecting the registrations of deaths and the issuance and registration of burial and disinterment permits—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

Also: Assembly Bill No. 300—An Act to amend Article I of Chapter II, Title IV of Part III of the Political Code of the State of California, by adding a new section thereto, to be numbered Section 2984, for the enforcement of the rules, orders, and regulations of the State Board of Health, within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities and towns in relation to the State Board of Health—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 301—An Act to amend Subdivision XX of Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to health officers and health regulations and the powers of boards of supervisors in connection therewith—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

Also: Assembly Bill No. 302—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377a, making it a misdemeanor to violate or refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health, respecting the quarantine, disinfection, or isolation of persons, animals, things, or places, or the prevention or abatement of contagious or infectious diseases—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

Also: Assembly Bill No. 323—An Act to amend an Act entitled "An Act to establish a system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131a,

relating to the powers and duties of the County Recorder respecting the registration of marriages, births, and deaths—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GATES, Chairman.

Assembly Bills Nos. 295, 294, 298, 300, 301, 302, and 323 ordered to second reading.

ON CAPITAL AND LABOR.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1905.

MR. SPEAKER: Your Committee on Capital and Labor, to whom was referred Assembly Bill No. 122—An Act to regulate the work and hours of employes engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Also, Assembly Bill No. 269—An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

MINDHAM, Chairman.

Assembly Bills Nos. 122 and 269 ordered to second reading.

ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1905

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 248—An Act to re-cede and re-grant unto the United States of America, the Yosemite Valley and the land embracing the Mariposa Big Tree Grove—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MITCHELTREE, Chairman

MINORITY REPORT.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1905

MR. SPEAKER: The minority of your committee, to which was referred Assembly Bill No. 248—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley and the lands embracing the Mariposa Big Tree Grove—after due consideration recommend that said bill do not pass

JONES of Tuolumne, Chairman.

Assembly Bill No. 248 ordered to second reading.

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1905.

MR. SPEAKER: The undersigned members of your Committee on Claims, to whom was referred Assembly Bill No. 64—An Act for the relief of Patrick Creighton—

WHEREAS, Assembly Bill No. 64 calls for an appropriation of \$25,135 principal, and with interest thereon amounting to \$80,432, making a total appropriation of \$105,567;

WHEREAS, It is sought to make said sum of \$105,567 a charge upon the treasury of the City and County of San Francisco; therefore

Your Committee on Claims respectfully recommend that said Assembly Bill No. 64 be referred for further consideration to the San Francisco Delegation.

Also: Assembly Bill No. 93—An Act making an appropriation to pay the judgment of J. R. Hamfy against the State of California, for damage sustained by the breakage of Fremont-Street wharf in the City and County of San Francisco—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

Also: Assembly Bill No. 105—An Act to appropriate the sum of \$150 to pay the claim of I. E. Cohn against the State of California for money advanced—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 271—An Act making an appropriation of \$650 to pay the claim of O. D. Fish—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

SEVERANCE, Chairman.

Assembly Bill No. 64 referred to San Francisco Delegation.

Assembly Bills Nos. 93, 105, and 271 ordered to second reading, and referred to Committee on Ways and Means.



## ON ELECTION LAWS.

The Committee on Election Laws (by Mr. Rolley, chairman) submitted a report recommending that Assembly Bill No. 116—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavits of registration—be withdrawn, and that the accompanying bill recommended by the committee be substituted for Assembly Bill No. 116.

Motion carried.

## INTRODUCTION OF BILL—(OUT OF ORDER).

By Committee on Election Laws: Assembly Bill No. 555 (substitute for Assembly Bill No. 116)—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavit of registration.

Read first time, and ordered to second reading.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

## ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1905.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 117—An Act to amend Section 1149 of the Political Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 118—An Act to amend Section 1264 of the Political Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 119—An Act to amend Section 1255 of the Political Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 120—An Act to amend Section 1253 of the Political Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ROLLEY, Chairman.

Assembly Bills Nos. 117, 118, 119, and 120 ordered to second reading.

## ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1905.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 133—An Act appropriating money for constructing a refrigerating plant at Preston School of Industry—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 132—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a dam across creek—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 136—An Act appropriating money for building an assembly hall at the Preston School of Industry—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 137—An Act appropriating money for the purchase of bedding and furniture, and for repairs for the use of the Preston School of Industry—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 135—An Act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 134—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 133—An Act appropriating money for the purchase of books

for the library of the Preston School of Industry—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

MCKENNEY, Chairman.

Assembly Bills Nos. 138, 132, 136, 137, 135, 134, and 133 ordered to second reading and referred to Committee on Ways and Means.

#### ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1905.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 36—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county and township officers, and providing for the appointment of certain deputy county officials—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

BURKE, Chairman

Assembly Bill No. 39 ordered to second reading.

#### ON UNIVERSITIES.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1905.

MR. SPEAKER: Your Committee on Universities, to whom was referred Assembly Bill No. 74—An Act making an appropriation of \$6,000 for the construction of cement sidewalks on the public streets of the town of Berkeley, surrounding and adjacent to the grounds of the University of California, in Alameda County, and prescribing the duties of the Controller and Treasurer in relation thereto—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

WASTE, Chairman.

Assembly Bill No. 74 ordered to second reading and referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1905.

MR. SPEAKER: Your Committee on Universities, to whom was referred Assembly Bill No. 73—An Act making an appropriation of two hundred and fifty thousand (\$250,000) dollars for the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the use and accommodation of students of agriculture of the University, also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 87—An Act making an appropriation of \$5,075 to repay the Regents of the University of California for moneys appropriated by them to repair, maintain, and erect necessary buildings for a forestry station at Santa Monica, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 169—An Act to create a department of music in the University of the State of California; to provide a professorship of music, and to appropriate money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WASTE, Chairman.

Assembly Bills Nos. 73, 87, and 169 ordered to second reading, and referred to Committee on Ways and Means.

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,  
SACRAMENTO, January 17, 1905 }

*To the Assembly of the State of California.*

I have the honor to inform your honorable body that I have approved Assembly Bill No. 293—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session.

GEO. C. PARDEE, Governor.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 19, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 11—An Act to provide for the purchase of a site for the erection, equipment, and furnishing of a building or buildings, and for the improvement of grounds for the use of the San Francisco State Normal School, and making an appropriation therefor

Senate Bill No. 23—An Act to appropriate the sum of \$4,150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' National Bank from the State of California.

Senate Bill No. 53—An Act to amend Section 3457 of the Political Code of California, relating to the nature and legal life of warrants of reclamation districts in the State of California.

Also: Adopted, Senate Concurrent Resolution No. 4—Approving certain amendments to the charter of the City of Stockton, in the County of San Joaquin, State of California, voted for and ratified by the qualified electors of said City of Stockton, at the general city election held therein on the 19th day of May, 1903.

Also: Passed, Senate Bill No. 57—An Act to amend Sections 276, 277, 279, and 280 of the Code of Civil Procedure, relating to the admission to practice of attorneys and counselors.

LEWIS A. HILBORN, Secretary of the Senate.  
By J. W. H. CASPER, Assistant Secretary.

## SENATE BILLS REFERRED.

Senate Bill No. 11—An Act to provide for the purchase of a site for the erection, equipment, and furnishing of a building or buildings, and for the improvement of grounds for the use of the San Francisco State Normal School, and making an appropriation therefor.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 23—An Act appropriating the sum of \$4,150 to pay the claim of the Citizens' National Bank of Los Angeles, for money due and owing the said Citizens' National Bank from the State of California.

Read first time, and referred to Committee on Claims.

Senate Bill No. 53—An Act to amend Section 3457 of the Political Code of California, relating to the nature and legal life of warrants of reclamation districts in the State of California.

Read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

Senate Concurrent Resolution No. 4—Approving twenty-five certain amendments to the charter of the City of Stockton, in the County of San Joaquin, State of California, voted for and ratified by the qualified electors of said City of Stockton at the general city election held therein on the 19th day of May, 1903.

Referred to Committee on Municipal Corporations.

Senate Bill No. 57—An Act to amend Sections 276, 277, 279, and 280 of the Code of Civil Procedure, relating to the admission to practice of attorneys and counselors.

Read first time, and referred to Committee on Judiciary.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 20, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the Joint Rules for the Senate and Assembly, as reported by a joint committee from both houses.

LEWIS A. HILBORN, Secretary.  
By J. W. HARPER, Assistant.

## INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Gates: Assembly Bill No. 556—An Act appropriating the sum of \$12,000 for the purchase and installment of a heating plant for the use of the State Normal School at Chico.

Read first time, and referred to Committee on Education.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

## ON BANKS AND BANKING.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1905

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Assembly Bill No. 4—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 31, 1872, by amending Section 580 thereof, relating to banking corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PERKINS, Chairman.

Assembly Bill No. 4 ordered to second reading.

## INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. Barnes: Assembly Bill No. 557—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals, relating to the acquisition and disposal of property, real and personal."

Read first time, and referred to Committee on Public Charities and Corrections.

By Mr. Slaven: Assembly Bill No. 558—An Act fixing a bounty on coyote scalps.

Read first time, and referred to Committee on Claims.

Bill recalled, and referred to Committee on Judiciary.

By Mr. Burke: Assembly Bill No. 559—An Act to amend Section 1844 of the Code of Civil Procedure of the State of California, relating to the evidence necessary for the proof of certain facts.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 560—An Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to witnesses.

Read first time, and referred to Committee on Judiciary.

By Mr. Creighton: Assembly Bill No. 561—An Act to establish and maintain a home for aged and disabled miners of the State of California, and appropriating money therefor.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. McGowan: Assembly Bill No. 562—An Act appropriating the sum of \$2,160 for rental of a building or buildings for the use of the San Francisco State Normal School.

Read first time, and referred to San Francisco Delegation.

Also: Assembly Bill No. 563—An Act relating to the sale of bonds, certificates, tontines, or debentures, and to the conduct of the business of the sale of such bonds, certificates, tontines, or debentures.

Read first time, and referred to Committee on Judiciary.

By Mr. Rolley: Assembly Bill No. 564—An Act making an appropriation for traveling and contingent expenses of the Department of Highways for the remainder of the fifty-sixth fiscal year.

Read first time, and referred to Committee on Ways and Means.

By Mr. Cullen (by request): Assembly Bill No. 565—An Act regu-

lating the placing, erection, use, and maintenance of electric poles, wires, cables, and appliances.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Amerige: Assembly Bill No. 566—An Act to amend Section 626*k* of the Penal Code, relating to the sale of certain game birds

Read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 567—An Act to provide for the compilation, printing, binding, publishing, and distribution of the annual reports of the State Building and Loan Associations.

Read first time, and referred to Committee on Building and Loan Associations.

Also: Assembly Bill No. 568—An Act to amend Sections 626, 626*c*, 626*d*, 626*e*, 626*f*, 626*g*, 626*i*, 627*a*, 627*b*, and 631*a* of the Penal Code, all relating to the preservation of game and fish.

Read first time, and referred to Committee on Fish and Game.

By Mr. Johnson: Assembly Bill No. 569—An Act to amend Section 1185 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to liens.

Read first time, and referred to Committee on Judiciary.

By Mr. Branstetter: Assembly Bill No. 570—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code four new sections, to be numbered, respectively, 628*a*, 628*b*, 628*c*, and 628*d*, all relating to the protection and preservation of fish.

Read first time, and referred to Committee on Fish and Game.

By Mr. Mindham (by request): Assembly Bill No. 571—An Act to regulate the placing, installing, and maintaining of electrical works, wiring, and appliances in buildings and other structures.

Read first time, and referred to Committee on Labor and Capital.

By Mr. Perkins: Assembly Bill No. 572—An Act to amend Section 1185 of the Code of Civil Procedure of the State of California, relating to what interest in the land is subject to the lien.

Read first time, and referred to Committee on Judiciary.

By Mr. Pryor: Assembly Bill No. 573—An Act regulating the furnishing to shippers of crude and fuel petroleum tank cars for the carriage of such shipments.

Read first time, and referred to Committee on Oil Industry and Oil Mining Interests.

By Mr. Strohl (by request): Assembly Bill No. 574—An Act creating the office of "State Electrical Inspector of California," defining the duties and powers of its incumbent, and making provision for its maintenance.

Read first time, and referred to Committee on Labor and Capital.

By Mr. Lynch: Assembly Bill No. 575—An Act to amend Sections 2293 and 2303 of the Political Code, relating to the State Library.

Read first time, and referred to Committee on State Library.

Also: Assembly Bill No. 576—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 577—An Act to amend Sections 4 and 6 of an Act entitled "An Act to provide for the maintenance of public libraries within municipalities," approved March 13, 1901.

Read first time, and referred to Committee on State Library.

Also: Assembly Bill No. 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto to be numbered 66a, relating in the amendment to the Board of Supervisors of the several counties of the State, and making it their duty to furnish the Secretary of the State Agricultural Society with certain statistical information, and declaring the same to be a county charge.

Read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 579—An Act making an appropriation to pay the claim of the Lauritzen Company.

Read first time, and referred to Committee on Claims.

By Committee on Roads and Highways: Assembly Bill No. 580—An Act to provide for the completion of the survey and the location and erection of the remaining milestones on the Lake Tahoe Wagon Road, and making an appropriation therefor.

Read first time, referred to Committee on Ways and Means, and ordered to second reading.

By Mr. Coghlan: Assembly Bill No. 581—An Act to add a new section to the Civil Code of the State of California, to be numbered 328, relating to lost or destroyed certificates of stock or of shares in a corporation.

Read first time, and referred to Committee on Corporations.

By Mr. Held: Assembly Bill No. 582—An Act to amend Section 3897 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the sale by the State, of lands sold to the State for taxes.

Read first time, and referred to Committee on Revenue and Taxation.

Also: Assembly Bill No. 583—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered and known as Section 1163, relating to the recording of a certificate of residence.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 584—An Act to amend Section 412 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the publication of summons when the defendant is absent from the State, concealed, or is a foreign corporation having no agent in this State, or is a person who can not be found within this State.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 585—An Act to amend Section 3898 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the disposition of moneys received by the State on a sale of lands acquired by the State at tax sales.

Read first time, and referred to Committee on Revenue and Taxation.

Also: Assembly Bill No. 586—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to the compensation of county officers in counties of the fourteenth class.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 587—An Act to amend an Act entitled "An

Act concerning lawful fences," approved April 27, 1855, as amended by an Act entitled "An Act to amend the Act of April 27, 1855, concerning lawful fences," approved April 9, 1858, and as amended and supplemented by an Act entitled "An Act amendatory of, and supplementary to, an Act entitled 'An Act concerning lawful fences,'" approved April 3, 1860, and as amended and supplemented by an Act entitled "An Act amendatory of, and supplementary to, an Act concerning lawful fences, approved April 27, 1855," approved May 18, 1861, and as amended by an Act entitled "An Act to amend an Act entitled 'An Act concerning lawful fences,'" approved April 27, 1855, approved April 4, 1864, by adding thereto a new section, to be known and numbered as Section 6½, relating to erection of partition fences.

Read first time, and referred to Committee on Judiciary.

By Mr. Houser: Assembly Bill No. 588—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to purchase lands in the City of Los Angeles for a new site for said school, and provide plans, drawings, and specifications for a new normal school building or buildings and improvements to be located thereon, and making an appropriation of \$60,000 with which to purchase and improve said new site, procure said plans and specifications, and defray other expenses necessary to carry out the provisions of this Act.

Read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 589—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to change the site thereof, to provide better facilities, and to construct new and more commodious buildings for said school, and to furnish and equip the same, and for this purpose to authorize and empower the said Board of Trustees to sell and convey the lands and buildings of said school and to use the proceeds therefrom for the construction of said new buildings, and to purchase furniture and equip the same.

Read first time, and referred to Committee on Public Buildings and Grounds.

#### ORDERED TO PRINT WITH RUSH ORDER.

Mr. Houser moved that Assembly Bills Nos. 588 and 589 be sent to the printer with a rush order.

Motion carried.

#### MOTION TO EXTEND TIME FOR ADJOURNMENT.

At twelve o'clock and twenty minutes P. M., Mr. Olmsted moved that the hour of adjournment be extended to one o'clock and thirty minutes P. M.

Motion carried.

#### INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. Thompson: Assembly Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to Article XIII by adding a new section thereto, to be known and designated as Section 1½, relating to the exemption from taxation of all of the buildings used solely and exclusively for the accommodation, support, and maintenance of minor orphans, or half orphans, or abandoned children, and so much of the real property on which said

buildings are situated as may be required for the convenience, use, and occupation thereof.

Referred to Committee on Constitutional Amendments.

Also: Assembly Bill No. 590—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1365, relating to the persons who shall be entitled to administer estates of deceased persons and the order in which such persons shall be so entitled.

Read first time, and referred to Committee on Judiciary

By Mr. Estudillo: Assembly Bill No. 591—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by adding a new section thereto, to be designated as 177 $\frac{3}{4}$ , relating to appointment of a deputy by the District Attorneys of counties of the twentieth class, and to the amount and payment of the salary of such deputy.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Waste: Assembly Bill No. 592—An Act placing under the jurisdiction of the Board of Bank Commissioners of the State of California all corporations organized under the laws of the State of California, or of any other State, Territory, or foreign country, whose business consists of selling investment certificates or investment contracts in the State of California.

Read first time, and referred to Committee on Corporations.

By Mr. Bates: Assembly Bill No. 593—An Act to provide for the employment of the unemployed and of vagrants under sentence.

Read first time, and referred to Committee on Judiciary.

By Mr. Duryea: Assembly Bill No. 594—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 241 thereof, relating to the punishment of the crime of assault.

Read first time, and referred to Committee on Judiciary.

By Mr. King: Assembly Bill No. 595—An Act making an appropriation for the care of the insane suffering from tuberculosis in the State hospitals of California.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. O'Brien: Assembly Bill No. 596—An Act providing for an appropriation of three thousand (\$3,000) dollars for the purpose of improving the grounds and repairing the buildings of Sutter's Fort, and for the necessary incidental expenses for maintenance.

Read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 12, of Article XIII, relating to revenue and taxation.

Referred to Committee on Constitutional Amendments.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

##### ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1905.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 336—An Act to repeal Section 403 of the Civil Code, and



to add a chapter to Title I, of Part IV, of Division I of the Civil Code, all relating to general provisions affecting corporations

Also: Assembly Bill No. 335—An Act to repeal Section 399 and to amend Sections 400 and 401 of the Civil Code, relating to the dissolution and extension of the term of existence of corporations

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

Also: Assembly Bill No. 334—An Act to amend Sections 388, 391, 392, and 393 of the Civil Code, all relating to the sale of franchises under execution—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to Committee on Judiciary.

Also: Assembly Bill No. 333—An Act to amend Sections 322, 323, and 325 of the Civil Code, relating to stockholders in corporations.

Also: Assembly Bill 332—An Act to repeal Title IV, of Part III, of Division I of the Civil Code, and each and every section of said title, and to substitute a new Title IV, to take the place thereof, in said Code, relating to masters and apprentices.

Also: Assembly Bill No. 331—An Act to amend Sections 299, 302, 304, 309, 310, 311, 312, 314, and 315 of the Civil Code, all relating to corporations.

Also: Assembly Bill No. 266—An Act to amend Sections 226 and 227 of the Civil Code, all relating to the adoption of children.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

DREW, Chairman

Assembly Bills Nos. 336 and 335 ordered to second reading.

Assembly Bill No. 334 ordered re-referred to Committee on Judiciary.

Assembly Bills Nos. 333, 332, 331, and 266 ordered to second reading.

#### RESOLUTION.

By Mr. Transue:

(For change of Stenographer for Committee on Ways and Means.)

*Resolved*, That the name of Miss Sadie Hannum, heretofore appointed as Stenographer to the Committee on Ways and Means, be stricken from the rolls, and in lieu thereof and in her stead be appointed Mrs. Grace Barnes as Stenographer to the Committee on Ways and Means, at a per diem of \$5; said per diem to be paid out of the appropriation for the contingent expenses of the Assembly; said appointment to date from and include the 16th day of January, 1905, and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said named person for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same

Mr. Transue moved the adoption of resolution without reference to committee.

Motion carried.

#### SPECIAL ORDERS.

Assembly Bill No. 540—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

Read second time.

#### AMENDMENT.

Mr. Waste moved to amend by striking out all of the printed bill and inserting in lieu thereof the following:

An Act to add a new section to the Political Code to be numbered 758, relating to the appointment and employment of the officers of District Courts of Appeal, and providing for their salaries.

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code to be numbered 758, to read as follows:

Section 758. Each of the three District Courts of Appeal may employ and appoint the following officers of their respective courts, and whose salaries shall be as follows: one Clerk, at \$2,400 per annum; one Deputy Clerk, at \$1,200 per annum; one Stenographer, at \$2,400 per annum, and one Bailiff, at \$1,200 per annum.

Sec 2 This Act shall take effect immediately.

Mr. Waste moved to adopt the amendment.

Motion carried.

Assembly Bill No. 540 was ordered to engrossment, to print, and third reading.

Assembly Bill No. 541—An Act fixing the salaries of three Assistant Reporters of the Decisions of the Supreme Court and District Courts of Appeal.

Read second time.

Assembly Bill No. 541 ordered to engrossment and third reading.

Assembly Bill No. 542—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeal.

Read second time.

#### AMENDMENT.

Mr. Waste moved to amend by inserting the following after the word "appeal" in line 4 of the printed bill:

The amount above appropriated shall be divided equally between the three District Courts of Appeal, and the State Controller is hereby authorized and directed to draw his warrants in favor of the judges of each of said courts for one third of said amount, and the State Treasurer is hereby authorized and directed to pay the same.

#### MOTION.

Mr. Waste moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 542.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Assembly Bill No. 542 was considered in Committee of the Whole.

Mr. Waste moved that the Committee of the Whole do now rise and report the bill back.

So ordered.

#### IN ASSEMBLY.

Speaker Prescott in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 542—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeal—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

#### AMENDMENT ADOPTED.

Mr. Waste moved the adoption of the amendment.

Motion carried.

Assembly Bill No. 542 was ordered to engrossment, to print, and third reading.

#### SPECIAL ORDERS—(CONTINUED).

Assembly Bill No. 90—An Act to amend Sections 771, 778, and 779 of the Political Code, relating to the publication of the opinions of the Supreme Court and of the District Courts of Appeal.

Read second time.

Assembly Bill No. 90 ordered to engrossment and third reading.

Assembly Bill No. 91—An Act to amend Section 767 of the Political Code, relating to the appointment and term of office of the Reporter and

the Assistant Reporters of the Decisions of the Supreme Court and of the District Courts of Appeal.

Read second time.

Assembly Bill No. 91 ordered to engrossment and third reading.

Assembly Bill No. 92—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

Read second time.

The following amendment was offered by Mr. Treadwell:

Amend by striking out of Section 1, line 8 of printed bill, the words "twenty-four," and inserting in lieu thereof the word "twelve."

Mr. Treadwell moved the adoption of the amendment.

Motion carried.

Assembly Bill No. 92 ordered to engrossment, to print, and to third reading.

#### RESOLUTIONS.

By Mr. Treadwell:

(Rush order to printer.)

Resolved, That Assembly Bills Nos. 540, 542, and 92 be sent to the printer with a rush order, and that all the bills on the special file be continued thereon until the next legislative day.

Mr. Treadwell moved the adoption of the resolution.

Resolution adopted.

By Mr. Coghlan:

(Granting committee permission to visit certain institutions.)

Resolved, That the Committee on Public Charities and Corrections is hereby granted permission to visit the two State prisons and the Whittier State School and the Preston School of Industry, for the purpose of investigating their needs and the condition of their inmates, and the members of the committee are hereby granted leave of absence for said purpose, as follows: Messrs. Coghlan, Bates, Transue, Tripp, Strohl, Boyle, and Mitcheltree.

Referred to Committee on Rules and Regulations. 3

#### RESOLUTION.

By Mr. Stanton:

(To provide a rule for a special file.)

Resolved, That the Committee on Rules and Regulations be instructed to bring in a rule to provide a special file for the consideration of all Code bills reported by the Committee on Revision and Reform of Laws, to the effect that these bills be only considered when there is no other business before the Assembly.

Referred to Committee on Rules and Regulations.

#### ASSEMBLY JOINT RESOLUTION.

By Mr. Devlin:

ASSEMBLY JOINT RESOLUTION No. 5.

Relative to relief measures by Congress in favor of Hon. Frank A. Leach.

WHEREAS, Frank A. Leach, Superintendent of the United States Mint at San Francisco, California, has, solely by reason of the commission of a crime by a subordinate employé of said Mint, been compelled to pay the sum of \$25,000 from his private means; and

WHEREAS, In order to pay said sum of \$25,000 said Frank A. Leach did convey and surrender his home; and

WHEREAS, At the trial of said subordinate employé, who was convicted of the theft of the money which said Frank A. Leach was compelled to repay as aforesaid, it was in no-

wise intimated or suggested that said Frank A. Leach was a party to said crime, or was guilty of any negligence or default; and

*WHEREAS* During the past thirty years that he has been prominently identified with the public affairs of the State of California, the said Frank A. Leach has earned for himself a most enviable reputation for probity, integrity, intelligent zeal, and energy; and

*WHEREAS* It is contemplated that a measure will be introduced in the Congress of the United States providing for the reimbursement of said Frank A. Leach in the sum he has been compelled to pay as aforesaid; therefore be it

*Resolved*, That the Assembly and Senate of the State of California hereby jointly express approval of any such relief measure introduced in Congress for the aforementioned purpose, and most respectfully recommend the passage of such a measure.

*Be it resolved*, That the Chief Clerk of the Assembly is hereby directed to telegraph the substance of these resolutions to each Senator and Representative of the State of California at Washington.

*And be it further resolved*, That the Secretary of State is hereby directed to send by mail forthwith certified copies of this resolution to each of our Senators and Representatives at Washington

#### RESOLUTION ADOPTED

Mr. Devlin moved the adoption of Assembly Joint Resolution No. 5, without reference to a committee.

#### THE PREVIOUS QUESTION.

Mr. McCartney moved the previous question.

The question, "Shall the main question be now put?" was then put to the House.

The previous question was ordered.

#### RESOLUTION ADOPTED.

The question was then put on Mr. Devlin's motion to adopt Assembly Joint Resolution No. 5, which was declared carried.

Assembly Joint Resolution No. 5 adopted.

#### RESOLUTIONS.

By Mr. Barnes:

(To keep floor clear.)

*Resolved*, That the Sergeant-at-Arms be and hereby is instructed to admit no person, save those privileged under the rules, or special resolutions, to the floor of this House, either during a session or during the recesses.

Mr. Barnes moved the adoption of the resolution.

Resolution adopted.

By Mr. Pfaffle:

*Resolved*, That the following-named persons be and they are hereby appointed for the positions and at the per diem set opposite their respective names, said per diem to be paid out of the appropriations for the contingent expenses of the Assembly; said appointments to date from and include the 19th day of January, 1905. The State Controller is hereby authorized and directed to draw his warrant upon the said fund in favor of the said following-named persons for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same:

Clair Pedlar, Committee Clerk.....	\$4 per diem
Clara Emmerling, Committee Clerk.....	4 per diem.
T. Noonan, Committee Clerk.....	4 per diem.
L. Call, Assistant Committee Clerk.....	4 per diem

Mr. Stanton moved that the resolution be indefinitely postponed.

Motion carried.

By Mr. Duryea:

(Authorizing Chief Clerk to purchase law books.)

*Resolved*, That the Chief Clerk of the Assembly be and is hereby authorized and directed to purchase for the use of the Judiciary Committee one set of the Statutes of the State of California, and the Controller is hereby directed to draw his warrant on the

Contingent Fund of the Assembly in payment therefor, and the Treasurer is directed to pay the same.

Also: For the Committee on Municipal Corporations, seven (7) copies of Finlayson's Street Laws.

Also: For the Committee on Corporations, eleven (11) copies of Son on California Corporations

Also: For the Committee on County and Township Governments, thirteen (13) copies of Henning's County Government, second edition, and one copy Statutes of 1903.

Also: One set of Codes for Committee on Revision and Reform of Laws.

And the Controller is hereby directed to draw his warrant on the Contingent Fund of the Assembly in payment therefor, and the Treasurer is directed to pay the same.

Mr. Duryea moved the adoption of the resolution, without reference to committee.

Resolution adopted.

#### CORRECTION OF COMMITTEE REPORT.

Mr. Duryea moved that the report of the Judiciary Committee, submitted yesterday, be corrected as to the title in Assembly Bill No. 114, and that the Journal be corrected to make that part of the report as to the title read as follows:

Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued license to practice in all the courts of this State.

Motion carried.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Burke:

(To pay C. S. MacMullan balance due.)

*Resolved*, That the Controller is hereby directed to draw his warrant on the Contingent Fund of the Assembly for \$43.26 in favor of C. S. MacMullan, the same being a balance due on a claim ordered paid by the Assembly during its thirty-fifth session, and unpaid because of depletion of fund.

Referred to Committee on Contingent Expenses and Accounts.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1905

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 246—An Act to appropriate the sum of \$4,150 to pay the claim of the Citizens' National Bank of Los Angeles, for money due and owing the said Citizens' National Bank from the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SEVERANCE, Chairman.

Assembly Bill No. 246 ordered to second reading.

#### MOTION TO SUBSTITUTE SENATE CONCURRENT RESOLUTION.

Mr. Beardslee moved to substitute Senate Concurrent Resolution No. 4, to take the place on the file of Assembly Concurrent Resolution No. 4, which he would withdraw, both being identical.

Motion carried.

#### COMMITTEE SUBSTITUTIONS ON INSPECTION TRIPS.

The Speaker announced the following committee substitutions:

Mr. Mindham is substituted for Mr. Cullen on the Committee on Public Buildings for inspection trip

Mr. Bates is substituted for Mr. Beckett on the Committee on Commerce and Navigation for inspection trip.

Mr. Jury is substituted for Mr. Branstetter on the Committee on Commerce and Navigation for the inspection trip.

Mr. Jarvis is substituted for Mr. Pfaffle on the Committee on Commerce and Navigation for the inspection trip.

Mr. Cleveland is substituted for Mr. Barnes on the Committee on Commerce and Navigation for the inspection trip.

Mr. Jones of Tuolumne is substituted for Mr. Beardslee on the northern trip of the Committee on State Hospitals and Asylums.

#### ADJOURNMENT.

At one o'clock and five minutes P. M. Mr. Atkinson moved that the House adjourn until eleven o'clock A. M. of Monday, January 23, 1905.

Mr. Duryea moved to amend by making the time eleven o'clock Saturday morning.

The amendment was declared carried by a vote of 28 ayes to 21 noes.

Mr. Treadwell moved to reconsider the vote just taken.

Mr. Stanton moved to lay the motion on the table.

Motion declared lost by a vote of 25 ayes to 26 noes.

Mr. Treadwell's motion to reconsider was put, and declared carried.

Mr. Atkinson's motion to adjourn to next Monday was put to vote, and declared carried.

At one o'clock and twenty minutes P. M. the Speaker declared the Assembly adjourned until Monday, January 23, 1905, at eleven o'clock A. M.

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, January 23, 1905. }

The Assembly met at eleven o'clock A. M., pursuant to adjournment.  
Speaker Prescott in the chair.

#### ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerge, Anthony, Arnerich, Atkinson, Barnes, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hawkins, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Lucey, Lynch, McCartney, McKenney, McNamara, Mindham, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Rolley, Slaven, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Whiting, Wickersham, and Mr. Speaker—58

Quorum present.

#### LEAVES OF ABSENCE.

Leaves of absence for the day were granted to Messrs. Waste, Beardslee, and Weyand.

#### PRAYER.

Prayer by the Chaplain, Rev. George C. King.

#### READING OF THE JOURNAL.

On motion of Mr. Bliss, the further reading of the Journal was dispensed with.

## APPROVAL OF JOURNAL.

The Journal of January 19, 1905, was corrected, and, as corrected, approved.

## PETITION FOR WOMAN SUFFRAGE.

Mr. Bliss presented a petition signed by eighty-one persons in favor of woman suffrage.

The heading of the petition is as follows:

*To the Legislature of the State of California, Thirty-sixth Session:*

We, the undersigned, hereby respectfully request that your honorable body submit to the voters of the State, at the next election, an amendment to the State Constitution, giving to women equal political rights with men.

Referred to Committee on Constitutional Amendments.

## REPORTS OF STANDING COMMITTEES.

## ON RULES AND REGULATIONS.

(Providing for afternoon sessions)

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1905.

MR. SPEAKER. Your Committee on Rules and Regulations recommend the adoption of the following temporary rule:

*Resolved*, That a session shall be held every afternoon of this week, except Monday and Saturday, from two o'clock P. M. to five o'clock P. M., to consider the third-reading and second-reading special and Senate files.

McCARTNEY, Chairman.

## RESOLUTION ADOPTED.

Mr. McCartney moved the adoption of the resolution.

Resolution adopted

## ON RULES AND REGULATIONS

(Increasing membership of Judiciary Committee.)

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1905.

MR. SPEAKER. Your Committee on Rules and Regulations recommend the adoption of the following amendment: To amend Subdivision 24, of Rule 26, entitled, "Standing Committees," by striking out the word "twenty-one" and inserting in lieu thereof the word "twenty-three."

McCARTNEY, Chairman.

## AMENDMENT TO RULES ADOPTED.

Mr. McCartney moved the adoption of the resolution as recommended by the Committee on Rules.

The roll was called, and the resolution declared adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Coghlan, Cooper, Creighton, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hawkins, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Lucey, Lynch, McCartney, McKenney, McNamara, Mindham, Moore, O'Brien, Olmsted, Perkins, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Whiting, Wickersham, and Mr Speaker—53

NOES—None.

## MEMBERS ADDED TO THE COMMITTEE ON JUDICIARY.

The Speaker announced the appointment of Messrs. Devlin and Drew as members of the Committee on Judiciary, in accordance with the rule adopted increasing the membership of the committee.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

## ON CONTINGENT EXPENSES AND ACCOUNTS.

(Authorizing Chief Clerk to purchase Deering's Codes and Laws.)

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1905.

MR. SPEAKER. Your Committee on Contingent Expenses and Accounts have had under consideration the following resolution:

*Resolved*, That the Chief Clerk of the Assembly be and he is hereby authorized and directed to purchase for the use of the History Clerk of the Assembly, one set of Deering's California Codes and Deering's Edition of the General Laws (latest publication), and Treadwell's Edition of the Constitution of California, the cost of the same to be paid out of the Contingent Fund of the Assembly. The Controller is hereby directed to draw his warrant in payment of the same in favor of the Sergeant-at-Arms of the Assembly, and the Treasurer is hereby directed to pay the same.

We respectfully report the same back, and recommend that it do pass.

ANTHONY, Chairman.

Mr. Anthony moved the adoption of the report and resolution, as presented by the committee.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Coghlan, Cooper, Coyle, Creighton, Devlin, Drew Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hawkins, John, Johnson, Jones of Tuolumne, Lucey, Lumley, Lynch, McCartney, McKenney, McNamara, Mindham, Moore, O'Brien, Perkins, Pyle, Stanton, Strohl, Transue, Tripp, Vogel, Walsh, Whiting, and Wickersham—47.

NOES—Messrs. Houser, Johnstone, Olmsted, and Thompson—4.

## ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1905.

MR. SPEAKER: Your Committee on Judiciary having had under consideration Assembly Bill No. 21—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 138 of said Civil Code, relating to orders respecting custody and maintenance of minor children of the marriage in actions for divorce—report the same back with one amendment, and recommend that it do pass as amended.

Also: Assembly Bill No. 19—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 69 of said Civil Code, relating to marriage licenses—report the same back, with one amendment, and recommend by a majority vote that it do not pass.

Also: Assembly Bill No. 189—An Act to further perpetuate the markings of the Government survey—report the same back, with two amendments, and recommend by a majority vote that it do pass.

Also: Assembly Bill No. 329—An Act to amend Sections 684 and 685 of the Political Code, relating to the State Board of Examiners, the appointment of an assistant to the Secretary of said board, and for the appointment of four clerks of said board, and fixing their compensation—report the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 47—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 4235 of said Code, relative to the recording of instruments—report the same back, with two amendments, with the recommendation that it do pass as amended.

DURYEA, Chairman.

Assembly Bills Nos. 21, 19, 189, 329, and 47 were ordered to second reading.

## MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 20, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 3—Approving two amendments to the charter of the Town of Berkeley, County of Alameda, State of California, submitted to be voted for and ratified by the qualified electors of said Town of Berkeley, at an election held therein on the 13th day of April, 1903.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Concurrent Resolution No. 3 ordered to enrollment.



Also:

SENATE CHAMBER, SACRAMENTO, January 23, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 287—An Act making an additional appropriation to pay the expenses of maintaining an exhibit of the products of the State of California at the Lewis and Clark Exposition, to be held in the City of Portland, Oregon, in 1905.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 287 read first time, and referred to Committee on Ways and Means.

#### INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Prescott: Assembly Bill No. 597—An Act to amend paragraph 1, of Section 939, of the Code of Civil Procedure, relating to an exception to a decision or verdict on the ground that it is not supported by the evidence, and providing that a review on appeal may be had if the appeal is taken within sixty days after the entry of judgment.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Constitutional Amendment No. 10—Relative to proposing an amendment to the State Constitution providing for free public school books.

Referred to Committee on Constitutional Amendments.

Also: Assembly Joint Resolution No. 6.

#### ASSEMBLY JOINT RESOLUTION NO. 6.

WHEREAS, The question of joint admission to Statehood of the Territories of Arizona and New Mexico is a question now pending before Congress; and,

WHEREAS, The peoples of those respective Territories should be allowed to express their desires upon such joint Statehood and each Territory separately; therefore,

*Resolved by the Assembly, the Senate concurring.* That we request our Senators and Representatives in Congress to use their influence to have such question submitted to the peoples of the respective Territories separately, and in such manner that if a majority of the people of either Territory object to such joint Statehood, that the same be not imposed upon them; and further,

*Resolved,* That a copy of these resolutions be immediately forwarded by telegraph to each of our Senators and Representatives in Congress, and one to the President of the United States.

Referred to Committee on Federal Relations.

Also: Assembly Concurrent Resolution No. 11—Relative to approving the charter of the City of San Bernardino, State of California, voted on and ratified by the qualified voters of said city, at a special election held therein for that purpose on the 6th day of January, 1905.

Referred to Committee on Municipal Corporations.

Ordered to printer, with rush order.

By Mr. McCartney: Assembly Constitutional Amendment No. 11—Resolution to propose to the People of the State of California an amendment to the Constitution of the State of California, amending Section 17 of Article VI of said Constitution, relating to the compensation of Justices of the Supreme Court and Judges of the Superior Court.

Referred to Committee on Judiciary.

Also: Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 19 of Article V of said Constitution, relating to the compensation of State officers.

Referred to Committee on Judiciary.

Also: Assembly Bill No. 598—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377*d*, making it a misdemeanor to refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health concerning the discontinuance, abatement, or removal of noisome or noxious smoke, gas, vapor, or effluvia.

Read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 599—An Act to amend an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State," approved March 28, 1895, by amending Section 2 of said Act, establishing the fees to be charged by County Clerks for issuing citizenship papers and providing no fees for filing candidate's affidavit.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 600—An Act to provide for the establishment of a hospital for persons afflicted with leprosy, and for the restraint of such persons, and to provide for an appropriation of money for the establishment and maintenance of such hospital, and to pay the expenses incidental thereto.

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Atkinson: Assembly Bill No. 601—An Act to amend Sections 1830, 1831, 1832, 1835, 1836, 1837, and 1839 of the Political Code, relating to district school tax.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 602—An Act to amend Sections 1817, 1818, and 1820 of the Political Code, all relating to county, and city and county school tax.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 603—An Act to amend the Penal Code of the State of California by amending Section 382 thereof, relative to the adulteration of foods.

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Houser: Assembly Bill No. 604—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 382*b*, relating to the refusal of sale of goods, wares, merchandise, or supplies by retail dealers therein to any person offering to purchase the same for cash; and upon conviction thereof, fixing the penalty therefor.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 605—An Act to amend Section 241 of the Code of Civil Procedure, relating to the impaneling of grand juries.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 606—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking of depositions in this State.

Read first time, and referred to Committee on Judiciary.

By Mr. Transue: Assembly Constitutional Amendment No. 13—Resolution proposing to the people of the State of California an amendment to Article XI of the Constitution of the State of California, by adding a new section thereto, to be numbered Section 13½ of Article XI, relat-

ing to the making of public bonds payable at any place within the United States.

Referred to Committee on Judiciary.

Also: Assembly Constitutional Amendment No. 14—Resolution proposing to the people of the State of California an amendment to Section 8, Article XI of the Constitution of the State of California, relating to charters.

Referred to Committee on Judiciary.

By Mr. Estudillo: Assembly Bill No. 607—An Act to add a new section to the Political Code, to be known as Section 1576a, providing for clerks of school boards in certain cases, and for payment of their salaries.

Read first time, and referred to Committee on Education.

By Mr. Busick: Assembly Bill No. 608—An Act making an appropriation for the erection and construction of buildings and equipping the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society, for exposition and State fair purposes, and for the payment of other expenses incidental and relating thereto, and providing that certain moneys now in the State Treasury may be used in connection with this appropriation for such purposes.

Read first time, and referred to Committee on Agriculture

Also: Assembly Bill No. 609—An Act making an appropriation to the board of directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against the said society.

Read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 610—An Act making an appropriation to pay the claim of Dr. W. J. Hanna, for professional services rendered and expenses incurred by him at the instance and request of the State Prison officials at Represa, in attendance upon Guards Cotter and Cochrane after the prison break at Represa on July 27, 1903, and for performing the autopsy on the body of Guard Cotter.

Read first time, and referred to Committee on Claims.

By Mr. O'Brien: Assembly Bill No. 611—An Act to amend an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties and appropriating money therefor," approved March 16, 1895.

Read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 612—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Read first time, and referred to Committee on Labor and Capital.

By Mr. Thompson (by request): Assembly Bill No. 613—An Act to add a new section to the Code of Civil Procedure, the said section to be designated 1166a, relating to actions for obtaining possession of real property, to the manner in which tenants may be ejected, and providing the form of the complaint, the form and amount of the undertaking, and the form of the writ of ejectment, and the manner of executing and serving the writ.

Read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 614—An Act declaring the growth or existence of certain noxious weeds, and the depositing or

accumulation of rubbish on vacant property within municipalities, to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.

Read first time, and referred to Committee on Judiciary.

By Mr. Strohl: Assembly Bill No. 615—An Act to provide for the acquisition of the Old Mission at Sonoma, of Fort Ross property, of the landing place at Monterey of Junipero Serra, and the Old Theatre property at Monterey, and providing for the preservation, maintenance, and protection and improvement of said properties.

Read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Gans: Assembly Bill No. 616—An Act to provide for the investigation of the nature and prevention of the disease known as "pear blight," and making an appropriation therefor.

Read first time, and referred to Committee on Fruit and Vine Interests.

By Mr. Anthony: Assembly Constitutional Amendment No. 15—For the recall of officials by electors.

Referred to Committee on Constitutional Amendments.

By Mr. Treadwell: Assembly Bill No. 617—An Act to repeal an Act entitled "An Act to provide for the appointment of a Deputy Supreme Court Reporter, and to regulate his compensation," approved February 26, 1881.

Read first time, and referred to Committee on Judiciary.

By Mr. Wickersham: Assembly Bill No. 618—An Act to authorize the appointment of an interpreter of the Spanish language in counties of the first and one half class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Amerige: Assembly Bill No. 619—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.

Read first time, and referred to Committee on County and Township Governments.

#### REPORT OF STANDING COMMITTEE.

##### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 25—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Assembly Bill No. 26—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Assembly Bill No. 61—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1314, relating to wills.

Assembly Bill No. 62—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1409, relating to succession.

Assembly Bill No. 71—An Act to amend Chapter IX of Title XI of Part III of the Code of Civil Procedure of the State of California, relating to the conveyance of real estate by executors and administrators in certain cases.

Assembly Bill No. 121—An Act to amend Section 3654 of the Political Code, relating to the disposition of assessment book, maps, etc.

Assembly Bill No. 541—An Act fixing the salaries of three Assistant Reporters of the Decisions of the Supreme Court and District Courts of Appeal.

Assembly Bill No. 90—An Act to amend Sections 771, 778, and 779 of the Political Code, relating to the publication of the opinions of the Supreme Court and of the District Courts of Appeal.

Assembly Bill No. 91—An Act to amend Section 767 of the Political Code, relating to the appointment and term of office of the Reporter and the Assistant Reporters of the Decisions of the Supreme Court and of the District Courts of Appeal.

DEVLIN, Chairman.

#### INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. Stanton: Assembly Bill No. 620—An Act to appropriate the sum of \$5,000, to be expended under the direction of the Regents of the State University, for the purpose of securing a remedy for the cure of the walnut blight.

Read first time, and referred to Committee on Agriculture.

By Mr. Chandler: Assembly Bill No. 621—An Act to amend Section 1 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880, and amended March 9, 1897.

Read first time, and referred to Committee on Mines and Mining Interests.

By Mr. Boyle: Assembly Bill No. 622—An Act requiring every employer doing business in this State to pay his employes, and each of them, at least once in each and every month, the wages earned by such employe; to prohibit assignment of wages for the purposes of evading the provisions of this Act, or an agreement to accept wages at any longer periods than as herein provided, as a condition of employment.

Read first time, and referred to Committee on Labor and Capital.

#### RESOLUTIONS.

By Mr. Atkinson:

(To pay Ed. J. Smith.)

*Resolved*, That for and by reason of services rendered the Assembly at the desk by Ed. J. Smith from January 12, 1905, to January 22, 1905, both days inclusive, as an Assistant Clerk, at the request of the Chief Clerk, the Controller of State is hereby directed to draw his warrant in favor of said Ed. J. Smith for the sum of sixty-six (\$66) dollars for said services, said sum being at the same rate per diem as is paid the other Assistant Clerks at the desk, and the State Treasurer is hereby directed to pay said warrant out of the appropriation for the contingent expenses of the Assembly

Referred to Committee on Attachés and Employés.

By Mr. McKenney:

(Granting use of Assembly Chamber Thursday evening.)

*Resolved*, That the use of the Assembly Chamber on Thursday evening, January 26th, is hereby granted to the Committee on State Prisons and Reformatory Institutions for the purpose of holding a meeting of persons interested in prison reform.

Mr. McKenney moved the adoption of the resolution.

Resolution adopted.

By Mr. Transue:

(Authorizing the purchase of Roberts' Rules.)

*Resolved*, That the Chief Clerk of the Assembly be and he is hereby directed and authorized to purchase eighty-five (85) copies of Roberts' Rules of Order for the use of the members of this House.

Mr. Transue moved the adoption of the resolution without reference to a committee.

Resolution adopted.

By Mr. Whiting:

(To substitute a clerk.)

*Resolved*, That the name of O. G. Whiting be stricken from the list of Assistant Committee Clerks, and the name of J. Sims be substituted in place thereof, commencing from January 22, 1905.

Mr. Whiting moved the adoption of the resolution.

Resolution adopted.

SPEAKER PRO TEM. CALLED TO THE CHAIR.

At twelve o'clock noon the Speaker called Hon. T. E. Atkinson, Speaker pro tem., to the chair.

RESOLUTION.

By Mr. Prescott:

(Granting use of Assembly Chamber to Joint Committees on Constitutional Amendments.)

WHEREAS, Several of our measures and constitutional amendments are before the Senate and Assembly for action involving the questions of the initiative and the referendum; and

WHEREAS, There are present in Sacramento several gentlemen particularly well informed upon these subjects, and whom it is desirable for such of the members of the Legislature who desire so to hear; be it therefore

*Resolved*, That the use of the Assembly Chamber be extended to the Senate and Assembly Committees on Constitutional Amendments for the purpose of having the question of direct legislation discussed by such gentlemen as the committees may desire to hear, and that all of the members of the Legislature and the people generally are invited to be present.

Mr. Prescott moved the adoption of the resolution.

Resolution adopted.

RE-REFERENCE OF BILL.

Mr. Thompson moved that Assembly Bill No. 273 be recalled from the Committee on Judiciary and referred to the Committee on Revenue and Taxation.

Motion carried.

SPEAKER RESUMES THE CHAIR.

At twelve o'clock and five minutes P. M. the Speaker resumed the chair.

RESOLUTIONS.

By Mr. Beckett:

(To substitute a clerk.)

*Resolved*, That the name of John Montell be and the same is hereby substituted in lieu of the name of Fred Bishop as Committee Clerk of the Assembly, and the name of Fred Bishop is hereby dropped from the list of attachés.

Mr. Beckett moved the adoption of the resolution without reference to a committee.

Resolution adopted.

By Mr. Johnstone:

(Authorizing attachés to place Journals and Files on members' desks.)

*Resolved*, That the Sergeant-at-Arms be and he is hereby instructed to have the Assembly Bills, Files and Journals placed on the members' desks at not later than nine o'clock A. M. on each day that this Assembly is in session, and the Sergeant-at-Arms be authorized and empowered to put any attachés not otherwise engaged upon this work

Mr. Johnstone moved the adoption of the resolution.

Resolution adopted.

## SPECIAL ORDERS.

Assembly Bill No. 540—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

Passed on file.

Assembly Bill No. 541—An Act fixing the salaries of three Assistant Reporters of the Decisions of the Supreme Court and District Courts of Appeal.

Passed on file.

Assembly Bill No. 542—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeal.

Passed on file.

Assembly Bill No. 90—An Act to amend Sections 771, 778, and 779 of the Political Code, relating to the publication of the opinions of the Supreme Court and of the District Courts of Appeal.

Passed on file.

Assembly Bill No. 91—An Act to amend Section 767 of the Political Code, relating to the appointment and term of office of the Reporter and Assistant Reporters of the Decisions of the Supreme Court and of the District Courts of Appeal.

Passed on file.

Assembly Bill No. 92—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

Passed on file.

## UNFINISHED BUSINESS.

Report of Committee on Contingent Expenses and Accounts, recommending that Mr. Dorsey's resolution in reference to purchase of Fairall's Code of Criminal Procedure be not adopted.

Mr. Dorsey moved that the report be recommitted to the Committee on Contingent Expenses and Accounts for further consideration.

Motion carried.

Report of Committee on Attachés and Employés in relation to the appointment of Assistant Bookkeeper to the Sergeant-at-Arms.

Mr. O'Brien, the author of the resolution, asked leave to withdraw the same.

Permission granted.

## SPECIAL FILE.

Assembly Bill No. 555 (substitute for Assembly Bill No. 116)—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavits of registration.

Passed on file.

Assembly Bill No. 117—An Act to amend Section 1149 of the Political Code of the State of California, relating to the posting of precinct registers.

Read second time, ordered to engrossment and third reading.

Assembly Bill No. 118—An Act to amend Section 1264 of the Political Code of the State of California, relating to election returns.

Read second time, ordered to engrossment and third reading.

Assembly Bill No. 119—An Act to amend Section 1255 of the Political Code of the State of California, relating to ballots voted at election.

Read second time.

The following amendments were offered by the committee:

COMMITTEE AMENDMENT No. 1.

Amend by striking out the word "in" in line 6 of printed bill, and inserting in lieu thereof the word "into"

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by striking out the word "commissioners" in line 8 of printed bill.

Amendment adopted.

Assembly Bill No. 119 ordered to print, engrossment, and third reading.

Assembly Bill No. 120—An Act to amend Section 1253 of the Political Code of the State of California, relating to elections.

Read second time, ordered to engrossment and third reading.

Assembly Bill No. 116—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavits of registration.

Passed on file.

Assembly Bill No. 73—An Act making an appropriation of \$250,000 for the construction of an agricultural building to be erected by the Regents of the University of California.

Passed on file.

Assembly Bill No. 74—An Act making an appropriation of \$6,000 for the construction of cement sidewalks on the public streets of the Town of Berkeley surrounding and adjacent to the grounds of the University of California, in Alameda County, and prescribing the duties of the Controller and Treasurer in relation thereto.

Passed on file.

MOTION TO EXTEND HOUR OF ADJOURNMENT.

Mr. McCartney, at twelve o'clock and twenty minutes P. M., moved that the hour of adjournment be extended to one o'clock P. M.

Motion carried.

MOTION TO TAKE UP SECOND-READING FILE.

Mr. Duryea moved that the Assembly do now take up the second-reading file.

Motion carried.

MOTION TO ADJOURN LOST.

Mr. Atkinson moved that the Assembly do now adjourn.

Motion lost.

SECOND-READING FILE.

Assembly Bill No. 32—An Act to amend an Act entitled "An Act to amend the Civil Code by adding a new section, to be designated Section 1313," approved March 18, 1874, by amending Section 1313, relative to charitable and benevolent bequests.

Passed on file.

Assembly Bill No. 56—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justice courts and justices.

Read second time, ordered to engrossment and third reading.



Assembly Bill No. 227—An Act to amend Section 1 of an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, relating to the burial of soldiers who served in the war with Spain and in the Philippine insurrection.

Read second time, ordered to engrossment and third reading.

Assembly Bill No. 228—An Act making an appropriation for division and brigade N. G. C. allowances.

Passed on file.

Assembly Bill No. 6—An Act to amend Section 849 of the Code of Civil Procedure, relating to the service of summons issued out of justices' courts.

Read second time.

COMMITTEE AMENDMENT.

Amend by striking out all of Section 2.

Amendment adopted.

Assembly Bill No. 6 ordered to engrossment and print.

Assembly Bill No. 215—An Act to repeal Section 8 of the Civil Code, and to amend Section 9 thereof, relating to holidays.

Read second time, ordered to engrossment and third reading.

Assembly Bill No. 216—An Act amending Sections 47 and 49 of the Civil Code and adding four new sections, all relating to personal rights.

Passed on file.

Assembly Bill No. 262—An Act amending Sections 94, 106, 136, 137, and 146, and to repeal Section 144 of the Civil Code, all relating to divorce.

Passed on file.

Assembly Bill No. 263—An Act amending Sections 164 and 170 of the Civil Code, all relating to husband and wife.

Passed on file.

Assembly Bill No. 123—An Act authorizing the Regents of the University of California to hold farmers' institutes.

Passed on file.

Assembly Bill No. 264—An Act to repeal Section 58 and to amend Sections 60, 68, 70, 79½, and 84 of the Civil Code, all relating to marriage.

Read second time.

COMMITTEE AMENDMENT.

Amend by striking out all of Section 4, and renumbering succeeding sections.

Amendment adopted.

Assembly Bill No. 264 ordered to engrossment and print.

Assembly Bill No. 265—An Act to repeal Sections 242, 243, 244, 245, 247, 248, 249, and 258, and to amend Section 246 of the Civil Code, all relating to guardian and ward.

Read second time, ordered to engrossment and third reading.

Assembly Bill No. 9—An Act to amend an Act to establish a Political Code, approved March 12, 1872, by amending Section 4080, relating to the planting and preservation of shade and ornamental trees.

Passed on file.

Assembly Bill No. 214—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Read second time.

## COMMITTEE AMENDMENT No. 1.

Amend by striking out the title and insert in lieu thereof the following: "An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges."

Amendment adopted.

## COMMITTEE AMENDMENT No. 2.

Amend by striking out the purported enacting clause and insert in lieu thereof: "The People of the State of California, represented in Senate and Assembly, do enact as follows:"

Amendment adopted.

## COMMITTEE AMENDMENT No. 3.

Amend by inserting after the enacting clause the following: "Section 1. Section 170 of the Code of Civil Procedure is hereby amended to read as follows: Section 170."

Amendment adopted.

## COMMITTEE AMENDMENT No. 4.

Amend by striking out all after line 32 of the printed bill.

Amendment adopted.

## COMMITTEE AMENDMENT No. 5.

Amend by striking out of line 26, page 2, of the printed bill, the following: "three (3) judges," and insert in lieu thereof the words "one (1) judge."

Amendment adopted.

## COMMITTEE AMENDMENT No. 6.

Amend by striking out of lines 28 and 29, page 2, of the printed bill, the following: "three (3) judges," and insert in lieu thereof "one (1) judge."

Amendment adopted.

## COMMITTEE AMENDMENT No. 7.

Amend by striking out of line 27, page 2, of printed bill the word "said," and insert in lieu thereof the word "such."

Amendment adopted.

## COMMITTEE AMENDMENT No. 8.

Amend by striking out of line 29, page 2, of the printed bill the word "said," and insert in lieu thereof the word "such."

Amendment adopted.

## COMMITTEE AMENDMENT No. 9.

Amend by inserting in line 24, page 2, of the printed bill after the third (,) the following words: "or to another department of the same court."

Amendment adopted.

Assembly Bill No. 214 ordered to engrossment, to print, and third reading.

SPEAKER PRO TEM. CALLED TO THE CHAIR.

At twelve o'clock and twenty-seven minutes P. M. the Speaker called Hon. T. E. Atkinson, Speaker pro tem., to the chair.

SECOND-READING FILE—(CONTINUED).

Assembly Bill No. 199—An Act to amend Section 890 of the Code of Civil Procedure of the State of California, relating to judgments of dismissal without prejudice.

Read second time.

COMMITTEE AMENDMENT No. 1.

Amend by inserting after the enacting clause the following :

"SECTION 1. Section 890 of the Code of Civil Procedure is hereby amended to read as follows:"

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by striking out of lines 1 and 2 of the printed bill the following words: "judgment of dismissal entered in certain cases without prejudice."

Amendment adopted.

COMMITTEE AMENDMENT No. 3.

Amend by inserting in line 6, page 1, of the printed bill, after the (,) the words "or fails to prosecute the action to judgment with reasonable diligence; provided a counter claim has not been made, or affirmative relief sought by the cross-complaint or answer of the defendant; if a provisional remedy has been allowed, the undertaking must thereupon be delivered by the justice of the peace to the defendant, who may have his action thereon."

Amendment adopted.

Assembly Bill No. 199 ordered to engrossment, to print, and third reading.

Assembly Bill No. 95—An Act to amend Section 890 of the Code of Civil Procedure, relating to proceedings in justices' courts.

Read second time.

Ordered to engrossment and third reading.

Assembly Bill No. 54—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justice courts.

Read second time.

COMMITTEE AMENDMENT.

Amend by striking out all of Section 2

Amendment adopted.

Assembly Bill No. 54 ordered to engrossment, to print, and third reading.

Assembly Bill No. 281—An Act to amend the Political Code by adding thereto a new section, to be numbered 421.

Read second time.

COMMITTEE AMENDMENT No. 1.

Amend by striking out of line 6, page 1 of the printed bill, the word "as," and insert in lieu thereof the word "an "

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by striking out of line 4 of the printed bill the figure "1," and insert in lieu thereof the figures "421."

Amendment adopted.

COMMITTEE AMENDMENT No. 3.

Amend by striking out of line 5, page 1, of the printed bill the word "of" where it first occurs in said line, and insert in lieu thereof the word "for "

Amendment adopted.

COMMITTEE AMENDMENT No. 4.

Amend the title by striking out the (.) at the end thereof and insert in lieu thereof a (,) and the words "relating to watchmen employed in the State Capitol and for the Governor's Mansion and providing for their salaries."

Amendment adopted.

Assembly Bill No. 281 ordered to engrossment, to print, and third reading.

Assembly Bill No. 156—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the inquiry into the aggravation or mitigation of punishment, the imposition or execution of sentence, and the suspending thereof by probation on plea or verdict of guilty.

Read second time.

COMMITTEE AMENDMENT.

Amend by striking out all of Section 2 of printed bill.

Amendment adopted.

Assembly Bill No. 156 ordered to engrossment, to print, and third reading.

Assembly Bill No. 157—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1878, by amending Section 131 thereof, relating to powers and duties of the courts in providing for the creation and appointment and term of office of boards, to be known as "probation committees," providing for the creation and appointment of probation officers, prescribing their terms of office, duties, and powers, and fixing their salaries.

Read second time.

COMMITTEE AMENDMENT.

Amend by striking out all of Section 2 of printed bill.

Amendment adopted.

Assembly Bill No. 157 ordered to engrossment, to print, and third reading.

Assembly Bill No. 55—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Read second time.

COMMITTEE AMENDMENT.

Amend by striking out all of Section 2.

Amendment adopted.

Assembly Bill No. 55 ordered to engrossment, to print, and third reading.

Assembly Bill No. 160—An Act to amend an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903.

Read second time.

COMMITTEE AMENDMENT.

Amend by striking out all of Section 23 of printed bill.

Amendment adopted.

Assembly Bill No. 160 ordered to engrossment, to print, and third reading.

Assembly Bill No. 22—An Act to amend Section 585 of the Code of Civil Procedure, relating to the cases in which judgment may be had upon the failure of a defendant to answer.

Read second time.

COMMITTEE AMENDMENT

Amend by striking out all of Section 2.

Amendment adopted.

Assembly Bill No. 22 ordered to engrossment, to print, and third reading.

Assembly Bill No. 20—An Act to repeal two sections of the Code of Civil Procedure, each being numbered 1161, approved April 1, 1878, and to substitute therefor a new section, to be numbered 1161, relating to unlawful detainer.

Read second time.

COMMITTEE AMENDMENT.

Amend by striking out all of Section 2 of printed bill.

Amendment adopted.

Assembly Bill No. 20 ordered to engrossment, to print, and third reading.

Assembly Bill No. 98—An Act to amend Section 1310 of the Civil Code, relating to lapsed legacies.

Read second time.

COMMITTEE AMENDMENT.

Amend by inserting in the title after the word "lapsed" the words "devises and."

Amendment adopted.

Assembly Bill No. 98 ordered to third reading.

Assembly Bill No. 27—An Act to amend Section 147 of the Civil Code, relating to the power of the court to dispose of homestead and community property in divorce proceedings and creating presumption of ownership in the absence of such disposition.

Read second time.

COMMITTEE AMENDMENT.

Amend by inserting before the word "section" on line 1 of the printed bill the words "Section 1."

Amendment adopted.

Assembly Bill No. 27 ordered to engrossment, to print, and third reading.

Assembly Bill No. 107—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1760, relating to giving special notice to relatives and wards during the administration of wards' estate.

Read second time.

COMMITTEE AMENDMENT.

Amend by striking out all of Section 2.

Amendment adopted.

Assembly Bill No. 107 ordered to engrossment, to print, and third reading.

Assembly Bill No. 108—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1380, relating to giving special notices to heirs, devisees, legatees, and creditors during the administration of estates of decedents.

Read second time.

COMMITTEE AMENDMENT.

Amend by striking out all of Section 2.

Amendment adopted.

Assembly Bill No. 108 ordered to engrossment, to print, and third reading

Assembly Bill No. 58—An Act to amend Section 611 of the Civil Code, relating to the issuance of bonds by cemetery corporations.

Read second time.

COMMITTEE AMENDMENT.

Amend by striking out all of Section 2.

Amendment adopted.

Assembly Bill No. 58 ordered to engrossment, to print, and third reading.

Assembly Bill No. 4—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 580 thereof, relating to banking corporations.

Read second time, and ordered to engrossment and third reading

Assembly Joint Resolution No. 1—Relative to the establishment of a National Park at "The Pinnacles," in San Benito County, State of California.

Passed on file.

Assembly Bill No. 127—An Act to provide for the proper naming of trees, seeds, plants, and vines sold, offered, or exposed for sale in this State, and providing a penalty for the violation of this Act.

Read second time.

COMMITTEE AMENDMENT.

Amend by striking out all of Section 2 of said printed bill.

Amendment adopted.

Assembly Bill No. 127 ordered to engrossment, to print, and third reading.

Assembly Bill No. 151—An Act making an appropriation for searching for beneficial insects.

Passed on file

Assembly Concurrent Resolution No. 5—Relative to approving ten amendments to the charter of the City of Santa Barbara, State of California, which ten amendments were submitted to vote and ratified by the qualified electors of said city at a general municipal election, at which the same were duly submitted and said election being held on December 1, 1903.

Mr. Pyle moved that the Assembly do now consider Assembly Concurrent Resolution No. 5.

So ordered.

## ASSEMBLY CONCURRENT RESOLUTION No 5.

Approving ten amendments to the charter of the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, which said ten amendments were submitted to vote of, and ratified by, the qualified electors of said city at a general municipal election at which the same were duly submitted, and said election being held on December 1st, 1903

*Be it Resolved* That there has been presented by the City of Santa Barbara, a municipal corporation of the State of California, a certificate of its Mayor (who is its chief executive officer), and its City Clerk (who is the ex officio Clerk of the Common Council of said city), their signatures being authenticated by the official seal of said city, which certificate is in the words and figures following, to wit:

CERTIFICATE OF THE CHIEF EXECUTIVE AND CLERK OF THE CITY OF SANTA  
BARBARA, CALIFORNIA,

As to the adoption of certain amendments to the charter of said city, submitted to the qualified electors of said city December 1st, 1903.

PREAMBLE.

*Be it Known* That,

WHEREAS, The City of Santa Barbara, in the County of Santa Barbara, State of California, has at all times mentioned herein been, and now is, a municipal corporation of said State containing a population of more than three thousand five hundred inhabitants, and is now and has been every since the first Monday in January, A. D. 1900, organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 20th day of September, 1898, and approved by the Legislature of the State of California on the 20th day of February, 1899, (Statutes of 1899, pages 448 to 489, inclusive), and which said charter has never been amended, and,

WHEREAS, The legislative authority of said City of Santa Barbara, to wit: the Council of said city, did by a resolution by it passed on the 24th day of September, 1903, and approved by George S. Edwards, the Mayor and chief executive of said city, on the 24th day of September, 1903, and pursuant to Section 8, Article XI of the Constitution of the State of California, duly proposed to the qualified electors of said city eleven certain amendments to said charter of said City of Santa Barbara; and,

WHEREAS, Said resolution containing said eleven proposed amendments to said charter was duly published for twenty days after its passage and approval, in "The Daily News," a daily newspaper printed, published, and generally circulated in the City of Santa Barbara aforesaid, and,

WHEREAS, A general municipal election was held in said City of Santa Barbara on the first day of December, A. D. 1903, which date was more than forty days after said proposed amendments had been published for twenty days as aforesaid, and,

WHEREAS, In and by said resolution so passed, approved, and published as aforesaid, said eleven proposed charter amendments were submitted to the qualified electors of said city at said general municipal election, and said qualified electors were notified that they might at said general municipal election vote upon any one or more or all of said proposals to so amend said charter, and,

WHEREAS, On the seventh day of December, 1903, at a meeting of said Council of said City of Santa Barbara, duly convened in accordance with law and with the provisions of said charter of said city, said Mayor and Council of said City of Santa Barbara did duly and regularly canvass the returns of said general municipal election so held on the first day of December, 1903, and did find therefrom that of said proposed amendments to said charter, amendments numbers one to ten, inclusive, were duly ratified by the majority of electors voting thereon, and number eleven of said proposed amendments was not ratified by such electors, said Amendment No 11 having received less than a majority of the electors voting thereon; and,

WHEREAS, Said Mayor and said Council, after canvassing said returns and at said meeting so held as aforesaid for said canvass, did duly find and declare that numbers one to ten, inclusive, of said proposed charter amendments had been ratified by a majority of the electors voting thereon, and that number eleven of said proposed amendments had received less than a majority of the electors voting thereon; and,

WHEREAS, Said amendments numbers one to ten, inclusive, so ratified by the electors of said City of Santa Barbara at said general municipal election of December 1st, 1903, are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California,

Now, therefore, the undersigned, George S. Edwards, Mayor and Chief Executive of said City of Santa Barbara, and Alfred Davis, City Clerk and ex-officio Clerk of the Council of said city, authenticating their signatures with the official seal of said city,

DO HEREBY CERTIFY, that the said ten amendments to said charter of said city so ratified by a majority of the electors voting thereon at said general municipal election of December 1st, 1903, were submitted to said electors and ratified by said electors in the words and figures as follows, and are and shall if so approved by said Legislature be, in the words and figures following, to wit:

CHARTER AMENDMENT NUMBER ONE (1) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by striking out therefrom Section 8 of said charter, and by substituting in lieu thereof the following as and for Section 8 of said charter.

Section 8. The non elective officers of said city shall consist of a chief of police, a city engineer and a superintendent of streets

CHARTER AMENDMENT NUMBER TWO (2) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by striking out therefrom Section 14 of said charter, and by substituting in lieu thereof the following as and for Section 14 of said charter:

Section 14. In establishing election precincts, the Council shall make them correspond with the wards into which the city is divided; *provided, however*, that the Council may divide any ward into two or more precincts; and *provided, further*, that, at any special municipal election, the Council may consolidate any number of precincts or wards into one special election precinct.

CHARTER AMENDMENT NUMBER THREE (3) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by inserting therein, after Section 17 of said charter and before Article III of said charter, a new section to be numbered Section 17 (a), and to be as follows, to wit:

Section 17 (a). The term of office of an appointive officer shall expire with the term of office of the officer by whom he is appointed, excepting where the ordinance authorizing such appointment, or this charter prescribes a different term; *provided, however*, that in all cases the term of office of a deputy of any officer shall expire not later than the expiration of the term of office of his principal

CHARTER AMENDMENT NUMBER FOUR (4) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by striking out therefrom Section 19 of said charter, and by substituting in lieu thereof the following as and for Section 19 of said charter:

Section 19. The other officers and employes of the city shall receive compensation as follows:

City clerk and as auditor, one hundred dollars per month, and for his compensation as assessor, seventy-five dollars per month for four months each year, commencing with the month of March.

City engineer, twelve hundred dollars per annum.

Chief of police, twelve hundred dollars per annum

Superintendent of streets, one thousand dollars per annum.

City attorney, twelve hundred dollars per annum.

Police judge, one thousand dollars per annum.

Treasurer, five hundred dollars per annum, and an additional compensation as tax collector of three hundred dollars per annum, and five per cent on all license taxes collected

School trustees, and trustees of the Free Public Library, shall receive no compensation whatever for their services as such trustees; *provided*, that the secretary of the board of education may receive a compensation for his services as such secretary, to be fixed by said board at not exceeding twenty dollars per month; *provided, further*, that nothing in this charter contained shall preclude the Council of said city, by ordinance, from authorizing any deputy city officer or officers and fixing his or their compensation; and *provided, further*, that no term of office of any deputy city officer shall be created to extend beyond the term of the officer for whom he is a deputy.

CHARTER AMENDMENT NUMBER FIVE (5) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by inserting immediately after Section 23 of said charter, a new section, to be known and numbered as Section 23 (a), and to be in the words and figures following:

Section 23 (a) Pursuant to the provisions of Section 23 of this charter, the Superintendent of Streets shall give a bond in the penal sum of five thousand dollars

CHARTER AMENDMENT NUMBER SIX (6) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by striking out therefrom Section 43 of said charter and by substituting in lieu thereof the following new section to be numbered as Section 43, and to be as follows:

Section 43. The Council shall have power:

1. To establish or alter the widths and grades of, and to open, lay out, alter, extend, close, straighten, and otherwise regulate streets, avenues, alleys, lanes and sidewalks and crosswalks upon the same, and in or over any plaza, park, or grounds belonging to or under the control of the city, and to provide for acceptance of the streets when constructed and completed in accordance with such regulations as the Council may adopt.
2. To regulate or prohibit traffic and sales in streets, highways and public places, and to regulate the use thereof by persons, associations and corporations, to prevent encroachment upon or obstructions to the same, and to require the removal of such obstructions, and to regulate the construction of entrances to cellars and basements from sidewalks.



3. To establish and maintain a pole-line system or system of underground conduits in the city; to compel all telegraph, telephone, electric light and other companies, corporations, firms, associations, or persons using wires to place and maintain their wires thereon, or thereon, and to regulate the use and to fix the rental thereof, and to provide for the collection of the same from all corporations, companies, firms, associations or persons using the same.

4. To regulate the naming of streets, avenues, public places, and thoroughfares, and the numbering of the houses thereon.

5. To establish a general system of sewers, conduits and storm drains in the city and to regulate the building and repairing thereof, and connections therewith.

6. To provide for and regulate street pavements, crosswalks, curbstones, grades, gutters, sewers, and cleaning and watering of streets.

7. To regulate dispensaries, hospitals, markets, and other public institutions

8. To provide for the construction, maintenance, regulation and repair of bridges and public places

9. To fix and regulate tolls and wharfage.

10. To make regulations for preventing and extinguishing fires, establishing fire districts, and determining the character of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration, or repair of such buildings, or in the repair or alteration of existing buildings within or moved within or to within such limits, and for restricting the height of buildings or structures.

11. To abate and remove nuisances.

12. To provide and maintain a morgue

13. To provide for conducting elections, establishing or changing election precincts, and appointing the necessary officers

14. To try and for cause remove from office appointees against whom charges have been preferred

15. To regulate or prohibit the sale, keeping, storage and use of powder, fireworks, dynamite, nitro-glycerine, and other explosive materials, and substances, and the places of their manufacture, or storage, and their transportation; and to regulate the storage of hay, straw, and other inflammable materials, and the use of steam boilers

16. To regulate, restrict, and supervise, and for the purpose of such regulation, restriction, and supervision, to specially tax the storage, manufacture and sale of explosives, acids, poisons, or inflammable materials; the manufacture of products giving rise to noxious odors or gases, the sale or furnishing of intoxicating liquors, the keeping or slaughtering of animals

17. To regulate the keeping and use of animals, to prevent or regulate the running at large of any animals; to establish a pound, to authorize the impounding of animals found running at large, and to authorize the sale, disposition or destruction thereof

18. To provide for the public printing

19. To provide suitable rooms and buildings for the courts, boards, and officers of the city, and such furniture, fuel, light, books, stationery and other supplies of any kind as are or may be necessary for the convenient transaction of public business

20. To regulate the construction, repair, and use of sewers, sinks, gutters, wells, cess-pools and vaults, to compel the connection, cleaning or emptying of the same, and to designate the time and manner in which the work shall be done, to provide for the removal of all rubbish, garbage, refuse matter, and all material detrimental to the public health, and at such times as it will be best for the public good.

21. To license any and all vehicles used for hire, and to regulate their stands and rates of fare, and to license, regulate or suppress runners for railroads, steamboats, taverns or hotels, and to regulate and license the business of peddlers and auctioneers, and to regulate and license the sale and furnishing, or sale or furnishing, of intoxicating liquors, and to regulate the conduct, keeping open and arrangement of places where intoxicating liquors are sold or furnished, and to license and regulate all shows and exhibitions of lawful games and to license either for the purpose of revenue or regulation, or for both such purposes, any or all business or occupations in said city; and to fix the rate and provide for and effect the collection, enforcement, suspension, limitation or revocation, of any or all of the licenses authorized by this charter.

22. To regulate the entrance to and exits from theaters, lecture-rooms, public halls, churches, and public buildings of every kind, and the manner and construction of such entrances and exits, and to prohibit the placing of chairs, stools, benches and other obstacles in the halls, aisles or open places therein

23. To establish, maintain and regulate a fire-alarm, police telegraph, and police telephone.

24. To provide general regulations as to the quality, capacity, and location of water and gas pipes, mains, and fire-plugs, and to provide for, and regulate the construction and repair of hydrants, fire-plugs, cisterns, pumps, and such other appliances as may be requisite to utilize the distribution of water and gas in the streets, public places and public buildings.

25. To require every person, firm or corporation owning, operating or maintaining a track, or tracks, upon any street or streets, or portion of street of said city, where cars or engine, of any kind are drawn or propelled by mechanical or other means, to keep the portion of said street or streets which lies between such tracks, or between the rails thereof, and between any switch or switches, or turn-out or turn-outs, and for two feet upon each side of the exterior rails of such tracks, switches or turn-out or turn-outs, in repair with the same material, and in the same manner as the portion of the street so

occupied; and to provide, by ordinance, regulations for the erection and maintenance of gates and guards on any or all grade crossings in said city; *provided, however*, that such regulations may apply to any one, or more, or all classes of transportation companies, cars, or engines.

26. To provide for the lighting of streets, alleys, public buildings and public grounds, and to construct, purchase, lease, own, control, maintain and operate a system of lighting by artificial means of illumination.

27. To determine and impose fines, forfeitures, and penalties for the violation of any ordinance or any of the provisions of this charter, and to appropriate the same.

28. To make all needful rules to govern the official conduct and duties of all officers of the city whose duties are not defined by this charter; and to fix and regulate the charges and fees of all such officers, where the charges, fees and duties are not otherwise fixed, and to compel the payment of all such charges into the city treasury.

29. To create, control, regulate, abolish or prohibit cemeteries; to sell or lease lots in those created, to control and regulate interments within the city limits, and to provide for removing human remains from the city.

30. To provide and maintain a city prison, and to provide for the care, custody, feeding and clothing of city prisoners.

31. To provide for the proper employment upon any public work, or for the benefit of the city, of all persons convicted of crimes, vagrancy, or other misdemeanors.

32. To prevent and restrain any riot, or riotous assemblage, or disorderly conduct within the city.

33. To provide for supplying the city and its inhabitants with water, and to construct, develop, purchase, lease, own, control, maintain and operate its own water supply.

34. To regulate the use and sale of gas and electric lights and other illuminants, and fix and determine the price of gas and electric lights and other illuminants, and the rent of gas and electric light meters within the city, and regulate the inspection thereof; and to regulate telephone service and the use of telephones within the city, and to fix and determine the charge for telephones, and telephone service and connections, and the removal and placing underground of any and all wires or telegraph, telephone, or electric-light wires, or upon the pole line, or in the underground conduits established by the city.

35. To grant or extend for a period not exceeding twenty-five years, franchises for street railways, to the bidder therefor, of the greatest percentage of the gross receipts, payable monthly, bidders for such franchises may bid percentages to increase progressively with the lapse of time, and such increases may be made contingent on the increase in the population of the city; and to fix the rate of fare not exceeding five cents for each passage, on such railways, conditional that the rate of fare so fixed shall provide, when desired by the person paying such fare, a continuous passage in one general direction through the whole territory of the municipality, by the requisite transfers with connecting lines, where such exist operated under franchises similarly conditioned; *provided, however*, that should the Council, by resolution, determine that the public necessity or convenience so requires, they may grant or let a franchise or franchises for any public service, under the provisions of the general law which may exist at the time when such resolution is passed, without reference to, or compliance with the foregoing provisions of this subdivision, excepting the provisions fixing the rate of fare.

36. To provide and maintain all public buildings, parks or squares, necessary or proper for the use of the city, and to acquire lands therefor, and for other public uses, within or without the city.

37. To provide for the execution of all trusts confided to the city.

38. To levy and collect taxes and assessments on all property within the city, both real and personal, made taxable by law for State and county purposes.

39. To regulate the custody, leasing and sale of all the property of the municipality and such lost, stolen or unclaimed property as may be in the possession of the police or other officers of the city.

40. To regulate all parades and processions and public assemblages on the streets, and to determine what parades, processions and public assemblages thereon shall not be lawful, and to declare the same a nuisance.

41. To maintain and regulate, subject to the provisions of this charter, the fire, health and police departments hereby established.

42. To make or pass all ordinances, by-laws, resolutions, rules and regulations necessary and proper for carrying out or into execution the powers herein given, and all other powers vested by this charter, or by general law, in said city.

43. To make and enforce all such local, police, sanitary and other regulations as are not in conflict with general laws or provisions of this charter.

44. The Council shall have power by ordinance, and it shall be its duty to fix and determine annually the rates of compensation to be collected by any person, firm or corporation in the city for the use of the water supplied to the city, or the inhabitants thereof; also to fix and regulate annually the tolls and wharfage to be charged for the use of any wharf within the city limits, and to prescribe penalties for the violation of all ordinances passed in reference to matters contained in this subdivision.

45. The Council shall have power to provide music for public entertainment.

46. The Council shall have power to provide for said city a public telephone system, and other means for the transmission of sounds, signals, conversation and intelligence by electricity or otherwise, and to construct, purchase, lease, own, control, maintain, operate and collect tolls, or charges for the use of any such system or systems.

CHARTER AMENDMENT NUMBER SEVEN (7) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by striking out therefrom Section 123 of said charter, and by substituting in lieu thereof the following new section to be known and numbered as Section 123, and to be as follows, to wit:

Section 123. The city engineer shall be a citizen and a resident and qualified elector of the city at the time of his appointment, and shall continue as such during his term of office.

In addition to the other duties imposed upon him by this charter, or by ordinances of the Council, the city engineer shall:

1. Make all surveys, inspections and estimates required by the Council
2. He shall examine all public work done under contract, and report thereon in writing to the Council
3. He shall, on application of any person owning or interested in real property in said city for a survey or plat of such property, make and deliver the same upon the payment of his fees therefor.
4. He shall be the custodian of and responsible for all maps, plats, profiles, field-notes and other records and memoranda belonging to the city pertaining to his office and the work thereof, all of which he shall keep in proper order and condition, with a full index thereof, and all of which he shall turn over to his successor.
5. All maps, plats, profiles, field-notes, estimates and other memoranda or surveys, and other professional work, made or done by him, or under his direction or control, during his term of office, for the city, shall be the property of the city
6. He shall examine the work done under, and materials used in the construction of all buildings or improvements done by or under the authority of said city, and shall at once report to the Council in writing all deviation from contracts, and the use of any improper material, or any bad workmanship in such works

CHARTER AMENDMENT NUMBER EIGHT (8) TO THE CHARTER OF THE CITY OF SANTA BARBARA

That said charter shall be amended by striking out therefrom Section 124 of said charter, and by substituting in lieu thereof the following new section to be known and numbered as Section 124, and to be as follows:

Section 124. The superintendent of streets shall, at the time of his appointment, be a citizen, resident, and qualified elector of said city, and shall continue as such during his term of office.

He shall have the general care of and frequently inspect the streets of said city, and shall see that all traveled streets are kept in good repair.

He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street obstruction. He shall superintend all public works pertaining to street improvements, while the same are in course of construction, whether done under contract or otherwise, and shall at once report to the Council, in writing, all deviation from contracts, and the use of any improper material and bad workmanship in such works, and shall have power, pending investigation, to stop all work thereon.

He shall perform such other duties as are herein elsewhere prescribed or imposed by ordinance.

CHARTER AMENDMENT NUMBER NINE (9) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by striking out therefrom Section 164 of said charter, and by substituting in lieu thereof the following new section to be known and numbered as Section 164, and to be as follows:

Section 164. No office shall be created in addition to those provided for by this charter, unless by ordinance regularly adopted by the Council. Whenever in the judgment of the Council no necessity exists for the continuation of any appointive office created or provided for by this charter, said Council by an ordinance for that purpose, may discontinue such office; provided, however, the Council shall not have power to abolish or discontinue the office of chief of police, or the office of city engineer, or the office of superintendent of streets.

CHARTER AMENDMENT NUMBER TEN (10) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by striking out therefrom Section 165 of said charter, and by substituting in lieu thereof the following new section to be known and numbered as Section 165, and to be as follows:

Section 165. All officers, deputies, clerks, and assistants of the city, and of the several departments thereof, must be citizens of the United States, and during their respective term of office or employment must reside in the city, and where not otherwise provided for must, with the exception of the city engineer, the city superintendent of schools and teachers of the public schools, have been residents of the city one year next preceding their election or appointment. They and each of them shall perform such duties as may be required of them, respectively, by law, ordinance, or this charter, and shall only receive such compensation as may have been previously provided, and such compensation shall not be increased during the term of their respective office or employment, except as in this charter provided.

And that said George S. Edwards, as Mayor and chief executive of said city, and

Alfred Davis, as Clerk of said city and ex officio Clerk of the Council thereof, do hereby further certify that they have this day carefully compared the foregoing proposed and ratified amendments numbers one to ten, inclusive, to the charter of said City of Santa Barbara, with the original resolution proposing said amendments and submitting them to the qualified electors of said city at a general municipal election held in said city on the first day of December, 1903, and with the proceedings of the Council of said city on file in the office of said City Clerk, subsequent to the passage of said resolution and relating to the adoption of said amendments, and from such comparison and examination we find, and hereby certify, that the foregoing contains a full, exact, true, and correct copy of said charter amendments numbers one to ten, inclusive, to the charter of said city.

And we further hereby certify that the facts set forth in the preamble preceding said amendments, to said charter are, and each of them is, true.

And for and on behalf of said city,—we being thereunto duly authorized,—do hereby request the Legislature of the State of California, to adopt and approve said amendments numbers one to ten, inclusive, to said charter, as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF, we have hereunto set our hands and caused our signatures to be authenticated by the official seal of said City of Santa Barbara, on this the thirtieth day of December, 1904.

GEO. S. EDWARDS,

Mayor and chief executive of the City of Santa Barbara, California.

[SEAL]

ATTEST:

ALFRED DAVIS,

City Clerk of the City of Santa Barbara, California,  
and ex officio Clerk of the Council thereof.

Now, therefore, be it hereby

*Resolved by the Assembly of the State of California, the Senate of said State concurring (and a majority of all the members elected to each house voting for and concurring therein), That the foregoing amendments numbers one to ten, inclusive, to the charter of the City of Santa Barbara, California, as proposed to, and adopted and ratified by the qualified electors of said city, be, and the same are and each of them is hereby, approved as a whole, without amendment or alteration for, and as amendments to, and as part of, the charter of said City of Santa Barbara aforesaid.*

### Assembly Concurrent Resolution No. 5 read.

#### ASSEMBLY CONCURRENT RESOLUTION No 5 ADOPTED

Mr. Pyle moved the adoption of Assembly Concurrent Resolution No. 5.

The roll was called, and Assembly Concurrent Resolution No. 5 was adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Beckett, Bliss, Boyle, Burge, Burke, Busick, Chandler, Coghlan, Coyle, Devlin, Dorsey, Drew, Durvea, Ellis, Espey, Estudillo, Gans, Hawkins, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Lumley, Lynch, McCartney, McKenney, McNamara, Moore, Olmsted, Perkins, Pyle, Thompson, Transue, Treadwell, Tripp, Walsh, Whiting, and Wickersham—42.

NOES—None.

#### INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Walsh: Assembly Bill No. 623—An Act to appropriate \$25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such appropriation.

Read first time, and referred to Committee on Universities.

By Mr. McKenney: Assembly Bill No. 624—An Act amendatory of and supplemental to an Act entitled "An Act amendatory of and supplemental to an Act entitled "An Act to authorize and direct the county judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled "An Act for the relief of the inhabitants of cities and towns upon the public lands, approved March 2, 1867," approved March 12, 1885."

Read first time, and referred to Committee on Judiciary.

## RESOLUTION.

By Mr. Treadwell:

(Special orders continued.)

*Resolved*, That the bills now made special orders for to-day be continued as special orders for the next legislative day.

Mr. Treadwell moved the adoption of the resolution.

Resolution adopted.

## ADJOURNMENT.

Mr. McCartney moved that the Assembly do now adjourn.

Motion carried.

At twelve o'clock and fifty minutes P. M. the Speaker pro tem. declared the Assembly adjourned to Tuesday, January 24, 1905, at nine o'clock and thirty minutes A. M.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,

Tuesday, January 24, 1905. }

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Hon. Frank C. Prescott, Speaker of the Assembly, in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Atkinson, Beardslee, Beckett, Bliss, Boyle, Burge, Busick, Chandler, Coghlan, Coyle, Creighton, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Hawkins, Houser, John, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Mitchellree, Moore, O'Brien, Olmsted, Perkins, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr Speaker—51

Quorum present.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal of Monday, January 23, 1905, the further reading, on motion of Mr. Duryea, was dispensed with.

## APPROVAL OF JOURNAL.

The Journal of Friday, January 20, 1905, was read, corrected and approved.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1905.

MR. SPEAKER: Your Judiciary Committee having had under consideration Assembly Bill No. 184—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section

416½, relating to the carrying of concealed deadly weapons and fixing the penalty therefor—reports the same back, with four amendments, and recommends that it do pass as amended.

Also: Assembly Bill No 327—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taken them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, relating to advertising estrays and the costs and expenses of redeeming them—reports the same back, with the recommendation that it do not pass.

Also: Assembly Bill No 187—An Act to amend an Act entitled "An Act relating to estrays providing for taking up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by amending the section thereof—reports the same back, with two amendments, and recommends that it do pass as amended, by a majority vote.

Also: Assembly Bill No 111—An Act to provide for the registration of bonds issued by common school, high school, or union high school districts—reports the same back, with one amendment, and recommends that it do pass as amended.

Also: Assembly Bill No. 112—An Act to amend Section 425 of the Penal Code of the State of California, relative to embezzlement and falsifications of accounts by public officers—reports the same back, with one amendment, and recommends that it do pass as amended, by a majority vote.

Also: Assembly Bill No 40—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings—reports the same back, with one amendment, and recommends that it do pass as amended.

Also: Assembly Bill No 41—An Act to amend Section 1430 of the Penal Code of California, relating to trial by jury before a justice court—reports the same back, with the recommendation that it do not pass.

Also: Assembly Bill No 374—An Act to amend Section 1430, Penal Code of California, relating to trials by jury before justices' and police courts—reports the same back, with the recommendation that it do not pass.

Also: Assembly Bill No 100—An Act to amend Section 2968 of the Civil Code and to repeal Sections 2969 and 2970 of said Code, relating to the taking of mortgaged property under attachment and execution—reports the same back, with one amendment, and recommends that it do pass as amended.

Also: Assembly Bill No 212—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act providing for the sale of railroad and other franchises in municipalities, and relative to the granting of franchises'" approved March 23, 1893—and reports the same back, with ten amendments, and recommends that it do pass as amended.

DURYEA, Chairman.

Assembly Bills Nos. 184, 327, 187, 111, 112, 40, 41, 374, 100, and 212 were ordered on second-reading file.

#### BILL WITHDRAWN.

Mr. McCartney asked leave to withdraw Assembly Bill No. 41—An Act to amend Section 1430 of the Penal Code of California, relating to trial by jury before a justice court.

Leave granted and bill withdrawn.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

##### ON REVISION AND REFORM OF LAWS

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1905

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 390—An Act to amend Sections 468, 481, and 489 of the Civil Code, and to add two new sections thereto, to be numbered 465a and 473a, all relating to railroad corporations—

Also: Assembly Bill No 388—An Act to add a Chapter V to Title II, of Part IV, of Division I of the Civil Code, relating to corporations to discover fire and save property and human life from destruction thereby.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

DREW, Chairman.

Assembly Bills Nos. 390 and 388 ordered on second-reading file.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1905.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 387—An Act to add a Chapter IV to Title II, of Part IV, of Division I, of the Civil Code, relating to mutual benefit and life associations—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

DREW, Chairman.

Assembly Bill No. 387 ordered on second-reading file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1905.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 386—An Act to amend Sections 437, 447, 449, and 450, and to repeal Sections 431, 444, and 448 of the Civil Code, and to add a new section thereto, to be numbered 452, all relating to life, health, and accident insurance corporations

Also. Assembly Bill No. 384—An Act to amend Sections 414, 415, 417, and 418 of the Civil Code, and to add a new section thereto, to be numbered 421, and to repeal Section 427, all relating to insurance corporations

Also: Assembly Bill No. 385—An Act to amend Section 428 of the Civil Code, relating to fire and marine insurance corporations

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DREW, Chairman.

Assembly Bills Nos. 386, 385, and 384 ordered on second-reading file.

#### ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1905.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 85—An Act to provide for the location and construction of a public highway from a point on the Kings River near the town of Centerville, in Fresno County, thence easterly a distance of about fifty miles to the Kings River Canyon, and making an appropriation for the construction thereof, and providing for a commission to take charge of, locate, and construct said highway—have had the same under consideration, and respectfully report the same back, with five amendments, and recommend that same do pass as amended.

Also: Assembly Bill No. 349—An Act to create and maintain a public highway between the counties of Los Angeles and Kern—have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

COYLE, Chairman.

Assembly Bill No. 85 referred to Committee on Ways and Means.

Assembly Bill No. 349 ordered on second-reading file.

#### ON IRRIGATION

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1905.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 407—An Act to amend Section 78 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ESTUDILLO, Chairman.

Assembly Bill No. 407 ordered on second-reading file.

#### ON LEVEES AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1905

MR. SPEAKER: Your Committee on Levees and River Improvements, to whom was referred Assembly Bill No. 316—An Act to provide for the erection of embankments or levees to care for the flood waters of the Kern River, in Kern County—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

OLMSTED, Chairman.

Assembly Bill No. 316 referred to Committee on Ways and Means.

## ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 152—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

Assembly Bill No. 46—An Act to amend an Act entitled "An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Assembly Bill No. 48—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1903, relating to legal holidays.

Assembly Bill No. 49—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Assembly Bill No. 57—An Act to amend Section 1560 of the Political Code of the State of California, relating to the public schools.

Assembly Bill No. 45—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorneys, their appointment and term of office.

Assembly Bill No. 542—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeal.

Assembly Bill No. 540—An Act to add a new section to the Political Code, to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

Assembly Bill No. 92—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

Assembly Bill No. 117—An Act to amend Section 1149 of the Political Code of the State of California, relating to the posting of precinct registers.

Assembly Bill No. 118—An Act to amend Section 1264 of the Political Code of the State of California, relating to election returns.

Assembly Bill No. 120—An Act to amend Section 1253 of the Political Code of the State of California, relating to elections.

Assembly Bill No. 56—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justices' courts and justices.

Assembly Bill No. 227—An Act to amend Section 1 of an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, relating to the burial of soldiers who served in the war with Spain and in the Philippine insurrection.

Assembly Bill No. 215—An Act to repeal Section 8 of the Civil Code and to amend Section 9 thereof, both relating to holidays.

Assembly Bill No. 265—An Act to repeal Sections 242, 243, 244, 245, 247, 248, 249, and 258, and to amend Section 246 of the Civil Code, all relating to guardian and ward.

Assembly Bill No. 95—An Act to amend Section 890 of the Code of Civil Procedure, relating to proceedings in justices' courts.

Assembly Bill No. 4—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 580 thereof, relating to banking corporations.

DEVLIN, Chairman.

The above bills were ordered on third-reading file.

## ON CLAIMS

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1905.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 322—An Act to pay the claim of Fred E. Borton, and making an appropriation therefor.

Also: Assembly Bill No. 403—An Act making an appropriation of \$750 to pay the claim of W. W. Kaye.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DORSEY, Chairman

Assembly Bills Nos. 322 and 403 referred to Committee on Ways and Means.

## ON SWAMP AND OVERFLOWED LANDS AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1905

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands and Drainage, to whom was referred Assembly Bill No. 192—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.



Also: Senate Bill No. 53—An Act to amend Section 3457 of the Political Code of California, relating to the nature and legal life of warrants of reclamation districts in the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass,

MOORE, Chairman.

Assembly Bill No. 192 and Senate Bill No. 53 ordered on second-reading file.

#### INTRODUCTION AND REFERENCE OF BILLS.

The following bills were introduced:

By Mr. Olmsted: Assembly Bill No. 625—An Act to amend Section 186 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and Acts amendatory thereto, relating to the compensation of county and township officers in counties of the twenty-ninth class.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 626—An Act entitled "An Act relating to trading stamps, coupons, tickets, and other similar devices, to regulate the redemption of the same, to prevent deception and fraud in their use, and to provide a penalty for the violation thereof."

Read first time, and referred to Committee on Judiciary.

By Mr. Lumley: Assembly Bill No. 627—An Act to amend Section 848 of the Code of Civil Procedure of the State of California, relating to the service of summons issued from justices' courts where the defendant resides out of the county in which the action is brought.

Read first time, and referred to Committee on Judiciary.

By Mr. Creighton: Assembly Bill No. 628—An Act to amend an Act entitled "An Act to establish a Penal Code in the State of California," approved February 14, 1872, by amending Section 261 thereof.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 629—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Read first time, and referred to Committee on Roads and Highways.

By Mr. John: Assembly Bill No. 630—An Act to amend Section 1115 of the Political Code, relating to the registration of electors.

Read first time, and referred to Committee on Election Laws.

By Mr. Johnstone: Assembly Bill No. 631—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture," and repealing the Act entitled "An Act to protect and promote the horticultural interests of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891, approved March 31, 1897, relating to the destruction of the Russian thistle, or salt wort.

Read first time, and referred to Committee on Fruit and Vine Interests.

By Mr. Tripp: Assembly Bill No. 632—An Act to classify the roads in the State of California, and to define each class.

Read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 633—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California, and to make an appropriation therefor.

Read first time, and referred to Committee on Roads and Highways.

By Mr. Devlin: Assembly Bill No. 634—An Act to amend Sections 439 and 441 of the Political Code, relating to the office of the Controller of State, his deputy and assistants, the salaries of the deputies and assistants, and to repeal all laws in conflict therewith.

Read first time, and referred to Committee on Ways and Means.

Mr. Waste moved that Assembly Bill No. 634 be sent to the printer with a rush order.

So ordered.

By Mr. McCartney: Assembly Bill No. 635—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 736 of said Act, relative to the salary of Justices of the Supreme Court.

Read first time, and referred to Committee on Judiciary.

By Mr. Ells: Assembly Bill No. 636—An Act to amend Section 2 of Chapter 1 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, relating to the manner of procedure in organizing a municipal corporation.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Anthony: Assembly Bill No. 637—An Act to amend Section 1379 of the Code of Civil Procedure, relating to administration of estates of deceased persons.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 638—An Act to amend Section 1369 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to persons entitled to administer upon estates of deceased persons.

Read first time, and referred to Committee on Judiciary.

By Mr. Treadwell: Assembly Bill No. 639—An Act authorizing the bringing of actions on behalf of the State for the purpose of enforcing the lien or liens of taxes under an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, and the several Acts amendatory thereof; and to authorize the bringing and prosecution of actions against the State for the purpose of quieting title against claims of liens made by or upon behalf of the State under the said Act and the Acts amendatory thereof, and to regulate the procedure in said actions.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 640—An Act to amend Sections 1444, 1445, and 1449 of the Code of Civil Procedure, relating to the appraisement of estates and providing for the appointment of an official appraiser in each county in the State.

Read first time, and referred to Committee on Judiciary.

#### SPECIAL FILE.

Assembly Bill No. 555 (Substitute for Assembly Bill No. 116)—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavits of registration.

Passed on file.

Assembly Bill No. 117—An Act to amend Section 1149 of the Politi-

cal Code of the State of California, relating to the posting of precinct registers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Beckett, Bliss, Boyle, Burge, Busick, Chandler, Creighton, Devlin, Drew, Ellis, Estudillo, Gans, Goodrich, Hawkins, Houser, John, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, Manwell, McCartney, McKenney, Moore, Olmsted, Perkins, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—43.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 118—An Act to amend Section 1264 of the Political Code of the State of California, relating to election returns.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Beckett, Bliss, Boyle, Burge, Busick, Chandler, Creighton, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Hawkins, Houser, John, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, Manwell, McCartney, McKenney, Moore, O'Brien, Olmsted, Perkins, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—45.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 119—An Act to amend Section 1255 of the Political Code of the State of California, relating to ballots voted at election.

Passed on file.

Assembly Bill No. 120—An Act to amend Section 1253 of the Political Code of the State of California, relating to elections.

Read third time.

Mr. Atkinson moved that Assembly Bill No. 120 be re-committed to the Committee on Elections and Election Laws.

Motion carried, and bill ordered recommitted.

Assembly Bill No. 116—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavits of registration.

Passed on file.

Assembly Bill No. 74—An Act relative to making an appropriation for the construction of cement sidewalks, etc., on the public streets of Berkeley.

Passed on file.

Assembly Bill No. 73—An Act relative to making an appropriation for the construction of an agricultural building at the University of California.

Passed on file.

#### THIRD-READING FILE.

Assembly Bill No. 1—An Act to amend Section 1313 of the Civil Code, relating to devises.

Bill read third time

## SELECT COMMITTEE AMENDMENTS.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 1, as follows:

Amend by striking out the word "dispositions," in line 14, of page 1, of the printed bill, and inserting in lieu thereof the words "devise or bequests."

Also:

Amend by striking out the period at the end of line 17, page 1, printed bill, and adding the following: "provided, that only heirs-at-law within the second degree of consanguinity of devisees under the will shall be permitted to take advantage of this action."

Motion carried.

Mr. Drew was appointed as such select committee.

## REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1905.

MR. SPEAKER. Your select committee of one, to whom was referred Assembly Bill No. 1—An Act to amend Section 1313 of the Civil Code, relating to devises—with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

Report of select committee adopted.

Mr. Treadwell moved that a select committee of one be appointed to amend Assembly Bill No. 1, as follows:

Strike out of line 11 of the printed bill the words "or direct" and insert "brother, sister, or."

Motion carried.

Mr. Treadwell was appointed as such select committee.

## REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1—An Act to amend Section 1313 of the Civil Code, relating to devises—with instructions, does now report that the instructions of the Assembly have been carried out.

TREADWELL, Committee.

Report of select committee adopted.

Assembly Bill No. 1 was ordered to reprint and reengrossment.

Senate Bill No. 6—An Act to provide three (3) additional judges of the Superior Court of the County of Los Angeles, for the manner of their appointment, and for their compensation.

Passed on file.

Assembly Bill No. 25—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Beardslee, Bliss, Boyle, Burge, Burke, Busick, Chandler, Coghlan, Coyle, Creighton, Devlin, Drew, Ellis, Estudillo, Gans, Goodrich, Hawkins, Held, Houser, John, Johnson, Johnstone, King, Lumley, Lynch, Maxwell, McCartney, McGowan, McKenney, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pyle, Stanton, Stobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—51  
 NAYS—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 26—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Beardslee, Bliss, Boyle, Burge, Burke, Busick, Chandler, Coghlan, Coyle, Creighton, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Hawkins, Held, Houser, John, Johnson, Johnstone, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pyle, Strobridge, Strohl, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 53—An Act to amend Section 97 of the Code of Civil Procedure of the State of California, relating to the salaries of justices of the peace in cities and counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Beardslee, Beckett, Bliss, Boyle, Burge, Burke, Chandler, Coghlan, Coyle, Creighton, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Hawkins, Held, Houser, John, Johnson, Johnstone, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pyle, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 61—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1314, relating to wills.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Beardslee, Beckett, Bliss, Boyle, Burge, Burke, Busick, Chandler, Coghlan, Coyle, Creighton, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Hawkins, Held, Houser, John, Johnson, Johnstone, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pyle, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—50.

NOES—None.

Title read.

#### TITLE AMENDED.

Mr. Moore moved that the title be amended as follows:

By striking out the word "wills," and inserting in lieu thereof the following: "Devises and bequests to persons convicted of the murder of their testators."

Title amended.

Bill ordered to reprint and reëngrossment.

Assembly Bill No. 62—An Act to add a new section to the Civil Code

of the State of California, to be known and designated as Section 1409, relating to succession.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Anthony, Atkinson, Beardslee, Beckett, Bliss, Boyle, Burge, Burke, Busick, Chandler, Coghlan, Coyle, Creighton, Devlin, Drew, Duryea, Ellis, Gans, Goodrich, Hawkins, Held, Houser, John, Johnson, Johnstone, King, Lumley, Lynch, Manwell, McCartney, McGowan, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pyle, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr Speaker—48.

NOES—None.

Title read.

Mr. Moore moved that the title be amended as follows:

By inserting at the end of the title the following: "To a person convicted of the murder of his ancestors"

Amendment adopted.

Bill ordered to reprint and reengrossment.

Assembly Bill No. 69—An Act to amend Section 200 of the Code of Civil Procedure of the State of California, relating to persons exempt from liability to act as a juror.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Atkinson, Beardslee, Beckett, Boyle, Burge, Busick, Coghlan, Coyle, Creighton, Devlin, Drew, Duryea, Ellis, Estudillo, Goodrich, Hawkins, Held, Houser, John, Johnson, Johnstone, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Mitcheltree, Moore, Olmsted, Perkins, Pyle, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, and Mr. Speaker—44.

NOES—Messrs. Anthony and Chandler—2

Title read and approved.

Bill ordered transmitted to the Senate.

#### SENATE CONCURRENT RESOLUTION No. 4 TAKEN UP OUT OF ORDER

Mr. Beardslee moved that Senate Concurrent Resolution No. 4 be withdrawn from the Committee on Municipal Corporations (the same being identical with Assembly Concurrent Resolution No. 4), and that the same be now taken up out of order, and finally acted upon.

Motion carried.

Mr. Beardslee moved that Senate Concurrent Resolution No. 4 be now considered.

Motion carried.

#### SENATE CONCURRENT RESOLUTION No. 4.

Approving twenty-five certain amendments to the charter of the City of Stockton, in the County of San Joaquin, State of California, voted for, and ratified by, the qualified electors of said City of Stockton, at the general city election held therein, on the 19th day of May, 1903.

WHEREAS, The City of Stockton, in the County of San Joaquin, State of California, now contains, and for a long time past has contained, a population of over 3,500 inhabitants, and ever since the year 1889 has been, and now is, a city organized and acting under a freeholders' charter, adopted under and by virtue of Section Eight of Article Eleven of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city, at an election held for that purpose on the 22d day of November, in the year 1889, and approved by the Legislature of the State of California on the 2d day of March, 1889 (Statutes of 1889, page 577), which charter, so rati-

field and approved, has not been amended since the date of its adoption, nor within two years from the date hereof; and

WHEREAS, The City Council of the City of Stockton being the legislative authority of said city did, by Ordinance Numbered Three Hundred and Twenty-nine of the ordinances of said city, (adopted by the City Council of said city on the tenth day of March, 1903, and approved by the Mayor of said city on the tenth day of March, 1903), and pursuant to Section Eight of Article Eleven of the Constitution of the State of California, duly propose to the qualified electors of the said City of Stockton, twenty-five certain amendments to the charter of the said city; and

WHEREAS, Said proposed amendments were, and each of them was, published for at least twenty days, (such publication commencing on the eleventh day of March, 1903, and ending on the third day of April, 1903), in the official newspaper of said city, to wit: The Daily Record, which was and is a daily newspaper printed and published and of general circulation, in the said City of Stockton; and

WHEREAS, The City Council of the City of Stockton did, (in and by said Ordinance Numbered Three Hundred and Twenty-nine, of the ordinances of said city, passed, adopted and approved, as aforesaid), submit all of the said proposed amendments to the qualified electors of the said city for their ratification, at a general municipal election to be held in said City of Stockton, on the 19th day of May, 1903, which date was at least forty days after the publication of said proposal for twenty days in said daily newspaper of general circulation in the City of Stockton, to wit: said Stockton Record; and

WHEREAS, On the 25th day of May, 1903, the City Council of the said city, duly convened for that purpose, duly and regularly canvassed the returns of the said election, and found, determined and declared that each of said twenty-five amendments had been ratified by a majority of the electors voting thereon at said election; and

WHEREAS, At said election a majority of the electors of said City of Stockton, voting at said election, voted in favor of and to ratify, and did ratify each and all of said twenty-five proposed amendments to said charter; and

WHEREAS, The said twenty-five proposed amendments, so ratified by the electors of said city at said election, are now submitted to the Legislature of the State of California, for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of Section Eight, Article Eleven of the Constitution of the State of California, and

WHEREAS, The said twenty-five amendments to the charter of said City of Stockton, ratified by a majority of the qualified electors of said city, as aforesaid, were and are in the words and figures following, to wit:

#### PROPOSED CHARTER AMENDMENT NUMBER ONE.

[Relating to time of holding general municipal elections, what officers to be elected thereat in absence of other provision, their terms and qualifications, vacancies and the filling of them, and repealing Section 215.]

That Section 6 of said charter be amended to read as follows:

Section 6 General municipal elections shall be held biennially on the third Tuesday in May, commencing with the third Tuesday in May, 1905. Except as in this charter otherwise provided, all city officers shall be elected by the qualified electors of the city and at a general municipal election and their term of office shall be two years, beginning at twelve o'clock meridian on the first Tuesday in June next after their election, and they shall serve until their successors shall be elected and qualified. In the absence of specific provision in this charter otherwise the term of every officer including the Chief of Police and Chief Engineer of the Fire Department, shall be two years. An officer shall be deemed qualified within the meaning of this section when he has taken the oath of office and filed the same, together with his official bond, if by this charter a bond is required of him.

That Section 215 of said charter be amended to read as follows:

Section 215 If any officer of the city shall remove from the city or absent himself therefrom for more than thirty days consecutively without the permission of the City Council, or shall fail to qualify by taking the oath of office and filing his official bond, whenever such official bond is required, within ten days from the time his certificate of election or appointment is mailed or delivered to him, or shall resign or be convicted of felony, or be adjudged insane, his office shall be vacant and the vacancy filled as herein provided. The City Council, assembled for the purpose, shall have the power to appoint suitable persons to fill vacancies in any office, except as in this charter provided. The appointee shall hold for the unexpired term and until the election or appointment and qualification of his successor. A member of the Council during the term for which he shall have been elected or appointed, shall be ineligible to fill any such vacancy, except in the office of Mayor.

That Section 215 of said charter be repealed and annulled.

#### PROPOSED CHARTER AMENDMENT NUMBER TWO.

[Relating, primarily, to the constitution, government, powers and duties of the City Council and the essentials to constitute an ordinance thereof, also, to the election, term, salary, and removal of Councilmen and the means whereby one half of the Councilmen are to be chosen biennially; also, to the redistricting of the city into four wards.]

in 1905 and every fifth year thereafter; the proposal consisting of amending Sections 11, 12, 13, 14, 15, 16, 20, 21, 22 and 24 of the charter to the end of securing a harmonious amendment to said charter as to the matters included in such sections.]

That Section 11 of said charter be amended to read as follows:

Section 11. The legislative power of the City of Stockton shall be vested in a Council consisting of the Mayor and eight Councilmen.

That Section 12 of said charter be amended to read as follows:

Section 12. Councilmen shall be elected at the general municipal election. At the election held in 1905 there shall be elected one Councilman by each of the four wards of the city, and one Councilman selected from each of the four wards and elected by the city at large. The term of office of a Councilman shall be four years, beginning at twelve o'clock meridian on the first Tuesday in June next after his election, and his salary shall be fixed by the City Council at a sum not exceeding three hundred dollars per year. *Provided, however,* that of those Councilmen elected at said election in 1905, the terms of office of the Councilmen-at-Large, from the first and fourth wards, and of the ward Councilmen from the second and third wards, shall expire at the end of two years. Each Councilman shall be, at the time of his election, a resident of the ward from which he is elected or selected.

That Section 13 of said charter be amended to read as follows:

Section 13. The Council shall meet and organize on the first Tuesday of June after the election of its members, and at such other times as may be designated by resolution or ordinance. Special meetings may be called by the Mayor or five members of the Council. Five members of the Council shall be a quorum, and the affirmative vote of five members shall be necessary to pass any measure, but a less number than five may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the Council may prescribe. The action of the Council at special meetings shall be confined to the matters specified in the notice.

That Section 14 of said charter be amended to read as follows:

Section 14. The Council shall annually elect a vice-president from its own members, who may be removed by an affirmative vote of not less than five members of the Council.

That Section 15 of said charter be amended to read as follows:

Section 15. The Council shall establish rules for its proceedings. It shall have the power to punish its members for disorderly conduct in its presence, and may expel any member for malfeasance in office by an affirmative vote of five of its members. The Council shall also have the power to compel the attendance of witnesses, and the production of all papers relating to any business properly before that body.

That Section 16 of said charter be amended to read as follows:

Section 16. The Mayor, the Vice-President of the Council, and the chairman of each committee, and each and every city officer (except policemen and firemen) shall have the power to administer oaths and affirmations relating to any business brought before the Council or under consideration by their respective departments.

That Section 20 of said charter be amended to read as follows:

Section 20. Every bill after it has passed the Council, shall be certified to by the Clerk under the seal of the City of Stockton. And every bill which shall have passed the Council, and have been thus authenticated, shall be presented to the Mayor for his approval. The Mayor shall return such bill to the Council within ten days after receiving it. If he shall sign the same it shall then become an ordinance, but if he shall disapprove the bill, he shall state his objections thereto in writing. If the bill is not returned with such approval or disapproval within the time specified, it shall take effect as if he had approved the same. And every resolution carrying the appropriation of money, after it shall have been adopted by the Council, shall be subject to veto by the Mayor, the same as an ordinance.

That Section 21 of said charter be amended to read as follows:

Section 21. When a bill is returned without the approval of the Mayor, the Council shall, within thirty days thereafter, proceed to consider and vote on the same. If the bill is again passed by an affirmative vote of not less than six members, it shall take effect as if the Mayor had approved the same. If the bill shall fail on being so considered to receive six affirmative votes, it shall then be finally lost. The vote shall be taken by ayes and noes, and the result shall be entered in the minutes of the Council.

That Section 22 of said charter be amended to read as follows:

Section 22. The action of the Council will be by ordinance or resolution. To constitute an ordinance, a bill must, before final action thereon, be passed to print, and published, with the ayes and noes, for ten days; and in case of any amendment being thereafter made, must in like manner be republished as amended for not less than five days. No action providing for any specific improvement, or the granting of any privilege or involving the lease, appropriation, or disposition of public property, or the expenditure of public money (except sums of less than five thousand dollars), or the levying of any tax or assessment, or the imposing of any new duty or penalty, shall be taken, except by ordinance. The Council shall have power to provide by resolution for extraordinary expenditure in case of public disaster or distress.

That Section 24 of said charter be amended to read as follows:

Section 24. The Council shall, in the year one thousand nine hundred and five, and every fifth year thereafter, redistrict the city into four wards, making the same as nearly equal in population and as geographically compact as possible, but the city shall not be so redistricted within ninety days previous to any municipal election. *Provided, how-*



ever, that should any additions be annexed to the city, that the new territory shall be added to and made a part of the respective contiguous wards.

That Section 8 of said charter be repealed and annulled.

PROPOSED CHARTER AMENDMENT NUMBER THREE.

[Relating to the election, term, salary, powers and duties of the Mayor, and providing for a Mayor pro tem.]

That Section 31 of said charter be amended to read as follows:

Section 31. There shall be a Mayor, who shall be elected by the qualified electors of the city, at the general municipal election, and whose term of office shall be two years, beginning at 12 o'clock meridian on the first Tuesday in June next after his election, and whose salary shall be fixed by the City Council at a sum not to exceed twenty-five hundred dollars per year.

That Section 33 of said charter be amended to read as follows:

Section 33. He shall, at least once in every three months, together with others to such duty in this charter appointed, count the cash in the city treasury, and see that it corresponds with the books of the Treasurer and the books of audit.

That Section 34 of said charter be amended to read as follows:

Section 34. He shall see that all contracts and agreements with the city are faithfully kept and fully performed, and to that end shall cause legal proceedings to be commenced and prosecuted, in the name of the city, against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part. He shall have the general supervision of all city officers elected or appointed; he shall have power to suspend any city officer for a dereliction, neglect, or non-performance of duty, and shall report the same to the Council. If the Council approve of the suspension they shall declare the office vacant, or continue the suspension for such time as they may deem proper, and such vacancy shall be filled by the Council. It shall be the duty of every officer and person in the employ or service of the city, when it shall come to his knowledge that any contract or agreement with the city, or with any officer or department thereof, or relating to the business of any officer, has been, or is about to be, violated by the other contracting party, forthwith to report to the Mayor all facts and information within his possession concerning such matter, and a willful failure so to do shall be cause for the removal of such officer or employé, as in case of malfeasance in office.

That Section 35 of said charter be amended to read as follows:

Section 35. The Mayor shall be the President of the Council, but shall have no vote, except the casting vote in all cases of tie. He shall be the executive officer of the city.

That Section 36 of said charter be amended to read as follows:

Section 36. When and so long as the Mayor is temporarily unable to perform his official duties, the Vice-President of the Council shall act as Mayor pro tempore, and in case of a vacancy in the office of Mayor the member of the Council who is Vice-President of the Council when such vacancy arises shall become Mayor and remain such until the next general municipal election.

PROPOSED CHARTER AMENDMENT NUMBER FOUR

[Relating to the election, term, salary and duties of the City Clerk.]

That Section 38 of said charter be amended to read as follows:

Section 38. The City Council shall proceed on the first Tuesday in June, 1905, and biennially thereafter, to elect by a majority vote of its members, a City Clerk, whose term of office shall be two years, beginning at twelve o'clock meridian on the Monday next following his election, and whose salary shall be fixed by the City Council at a sum not to exceed eighteen hundred dollars per year. The duties of the City Clerk shall be to keep the corporate seal and all books, papers, records, bonds, and other documents belonging to the city, the custody of which is not in this charter otherwise provided for; to attend all meetings of the Council and keep a journal of its proceedings, all its by-laws, ordinances, and resolutions. He shall preserve in a book devoted exclusively to that purpose a neat and clear copy of all ordinances whatsoever, and of all resolutions of the City Council having a general importance. He shall keep all of his books properly indexed and open to public inspection when not in actual use, and perform such other duties relating to his office as the Council shall direct. The purchase of all supplies and articles not otherwise provided for in this charter shall be made upon orders signed by the City Clerk, under the direction of the City Council, and issued on properly prepared blanks. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor. He shall be ex-officio License Collector.

PROPOSED CHARTER AMENDMENT NUMBER FIVE

[Relating to the City Assessor, his election, term, salary, powers and duties.]

That Section 39 of said charter be amended to read as follows:

Section 39. There shall be a City Assessor, who shall be elected by the qualified electors of the city at a general municipal election, and whose term of office shall be four years, beginning at twelve o'clock meridian on the first Tuesday in June next after his election, and whose salary shall be fixed by the City Council at a sum not to exceed twelve hundred dollars per year (exclusive of fees, if any, allowed by law). The Assessor shall be ex-officio Treasurer and Tax Collector. It shall be the duty of the City Assessor

to prepare, between the first Monday of January and the first Monday in April in each year, and present to the City Clerk, with his certificate of its correctness, a list of all the real and personal property within the city, taxable for State and county purposes, with a true valuation thereof, which said assessment list shall conform, as near as practicable, when not inconsistent with the provisions of this charter, to the assessment list required by law to be made by the County Assessor for State and county purposes; to be present at the sessions of all Boards of Equalization mentioned in this charter, and to furnish to said Board such information as may be required, and to perform such other services in reference to the assessments of property in the city, or otherwise appertaining to his office, as the City Council, by ordinance or resolution, may require. During the session of the Board of Equalization the City Assessor shall enter upon the assessment list all the changes and corrections made by the Board, and may assess and add to said list any property in such city not previously assessed. In the assessment and listing of property for taxation, and in the collection of tax upon personal property not secured by lien upon real estate, he shall have and may exercise the same powers as are conferred by law upon County Assessors, and shall receive therefor the same fees and compensation. No change shall be made in the valuation of property fixed therein unless two days' notice be given to the taxpayer or his agent.

That Section 40 of said charter be amended to read as follows:

Section 40 As Tax Collector he shall perform the duties in this charter and by the general laws of the State provided. As Treasurer he shall receive and pay out all moneys belonging to the city, and shall keep an account of all receipts and expenditures, under such rules and regulations as may be prescribed by ordinance. He shall make a monthly statement to the Council of the receipts and expenditures of the preceding month, and shall do all things required of him by law or ordinance of said city. He shall not pay out any moneys belonging to the city, except upon claims presented, allowed, and audited in the manner provided by law.

#### PROPOSED CHARTER AMENDMENT NUMBER SIX.

[Relating to the office of City Auditor in place of the Board of Audit, providing for his election, term, duties and compensation; adjusting such office with other offices and amending Sections 41, 42, 43, 44, 46, 47, 48, 57, 59, 60, 63 and 64 and repealing Section 45 of the charter to the ends aforesaid; also, providing for estimates by the several departments of the amounts of money required by them for the next succeeding year.]

That Section 41 of said charter be amended to read as follows:

Section 41 An Auditor shall be elected at the general municipal election, whose term of office shall be four years, beginning at twelve o'clock meridian on the first Tuesday in June next after his election, and whose salary shall be fixed by the City Council at the time of fixing other salaries at a sum not exceeding eighteen hundred dollars per year.

That Section 42 of said charter be amended to read as follows:

Section 42 The Auditor shall number and keep a record of all demands approved by the City Council, or fixed by law or ordinance, showing the date of approval, amount and name of original holder, the number, on what account, and out of what fund payable. It shall be his duty to be constantly acquainted with the exact condition of the treasury. He shall, on application of any person indebted to the city, holding money payable into the city treasury, or desiring to pay money therein, certify to the City Treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall, upon the written order of the City Treasurer, directing him to issue a receipt for money paid into the city treasury, charge the City Treasurer with the amount received by him and give the person paying the same a receipt therefor. It shall be his duty to apportion among the several funds all public money at any time in the city treasury not by law or ordinance specifically apportioned and appropriated, and forthwith notify the City Treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officer all licenses and other receipts, charging them therewith and taking then receipt therefor. He shall, on the first Monday of each month, or oftener if required, report in writing to the City Council the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which shall be set forth in a plain and businesslike manner, every money transaction of the city, so that he can at any time tell the exact condition of the city's finances. He shall draw and sign all warrants upon the treasury. Every demand must, before it can be paid, be verified by the oath of the claimant or some one in his behalf, and be presented to the Auditor to be approved, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the treasury of the city is authorized by law, and if so, out of what fund, and that there is sufficient money in such fund with which to pay the same. After such examination he shall approve or reject the claim, in whole or in part, and indorse on such demand his approval or rejection over his signature, together with the date thereof. If it is approved, the fund out of which it is to be paid shall be designated. If the claim is rejected, or any part of it, unless the party presenting it is willing to take in full of the entire demand the sum offered, the Auditor shall return it, with his reasons for rejecting it, to the officer, Board or other body which originally authorized it; then, if it is allowed by a majority vote of all the members of the Board or other body authorizing it, and approved by the Mayor, it shall be audited in the same manner as if it had not been rejected; *provided*, the said Board or other body had the authority to make the expenditure out of which the claim arose. No

demand upon the city treasury shall be considered, presented for action, or acted upon, allowed or approved, unless it specifies on its face each several item composing it, and the amount and date thereof. Every demand shall be numbered and acted upon by the Auditor in the order of its presentation to him and when allowed, either in whole or in part, the warrant therefor shall be numbered and entitled to payment out of the fund on which it is drawn in the same order as allowed. No demand upon the treasury shall be allowed by the Auditor in favor of any officer or other person, or any of his assigns, who is in any manner indebted to the city, without first deducting therefrom the amount of such indebtedness, nor in favor of any officer or other person, or his assigns, having the collection, care, custody or control of public funds, unless the accounts of such officer or other person have been presented, passed, approved, and allowed as is or may be required by law; nor in favor of any officer or other person, or his assigns, who has neglected to make any oath required by law or ordinance, or other regulation of the City Council; nor in favor of any officer, or his assigns, who has failed, to the knowledge of the Auditor, to do any duty imposed upon him by law or ordinance, or other regulation of the City Council. The Auditor shall have authority to take affidavits and administer oaths necessary in the transaction of all city business, without charge, and shall perform such other duties as are imposed upon him by law or this charter. He shall at least once in every three months, together with others to such duty in this charter appointed, count the cash in the city treasury and see that it corresponds with the books of the Treasurer and the books of audit.

That Section 43 of said charter be amended to read as follows:

Section 43. The Auditor shall have the right to require from the different officers, boards, departments, and committees, all the information which they possess, and to inspect any book, contract, resolution, or other paper or document in the respective offices or departments; and it is hereby made the duty of all such officers, boards, departments, and committees to furnish and permit the same when required by the Auditor.

That Section 44 of said charter be amended to read as follows:

Section 44. He shall also have the right to examine any person presenting claims for settlement, or other witnesses, concerning any such claim.

That Section 46 of said charter be amended to read as follows:

Section 46. Not later than fifty days next before the date established by this charter for the levy of city taxes, the several departments of the city government, through their boards of control, and the several officers administering departments without boards of control, shall submit to the City Council an annual report of the receipts and disbursements of such office, department or board, showing the amounts and from what source derived, and the expenditures and for what purposes expended, together with itemized estimates of the amount of money necessary to carry on their several departments for the next succeeding year. And from the estimates thus submitted, with such deduction or additions as it may deem expedient, the City Council shall, not later than thirty days next before the date for levying city taxes, complete an itemized estimate, by departments, of the total amount of revenue necessary to carry on the city government for the next succeeding year.

That Section 47 of said charter be amended to read as follows:

Section 47. At the end of every fiscal year the Auditor shall prepare and lay before the City Council an intelligent statement of the expenditures of the city government during the year for which such report is made, showing the objects to which the revenue has been devoted, and the extent of repairs which have been made, and the public improvements which have been effected. And it shall be the duty of the City Council to cause such a number of the same to be published, as they shall declare by resolution, for gratuitous distribution among the inhabitants of the city.

That Section 48 of said charter be amended to read as follows:

Section 48. All fees (save such as may be part of his legal compensation) and all other moneys received or collected by any officer agent or employé of the city shall be paid by such officer, agent, or employé, each month, or as much oftener as the Council may require, into the city treasury for the use of the city; and no payment of salary shall be made to any officer, agent, or employé, who shall be in receipt of money payable to the city, until he shall have taken and filed with the Auditor his affidavit that he has paid into the city treasury all such fees or other moneys theretofore received by him or collected.

That Section 57 of said charter be amended to read as follows:

Section 57. After the Board of Equalization shall have completed their duties, the Auditor shall add up the columns of valuation, and enter the total valuation of each description of property in the list, and the total value of all property assessed and listed thereon; and thus equalized and added up, the Auditor shall, on the first Monday of May thereafter, deliver it to the City Council.

That Section 59 of said charter be amended to read as follows:

Section 59. As soon as the City Council have declared and levied the taxes in any year, as in the preceding section provided, the Auditor shall carry out, in a separate money column in the list, the amount of taxes assessed against each individual, firm, company, corporation, or unknown owner, and add and put down the aggregate of all taxes, as shown by the list; and as thus carried out the Auditor shall certify to its correctness, and, on or before the third Monday of May thereafter, deliver it to the Tax Collector, and shall charge him with the amount of taxes as footed up, and take his receipt therefor.

That Section 60 of said charter be amended to read as follows:

Section 60. The Collector, on receiving the assessment list certified by the Auditor, shall proceed to collect the taxes specified therein, and pay over the same into the treasury, taking a receipt therefor. For the purpose of collecting the taxes authorized by this charter, the Tax Collector shall have such powers as are given by the revenue laws of this State to collectors of State and county taxes, so far as the same are applicable. All taxes unpaid at the close of the official business on the third Monday of June shall be deemed delinquent, and he shall on said day enter upon the assessment roll a levy upon all property therein assessed, the taxes upon which remain unpaid, and shall immediately ascertain the total amount of taxes unpaid, and file in the office of the Auditor a list of all persons and property then owing taxes, verified by his oath, which list shall be known as the delinquent list.

That Section 62 of said charter be amended to read as follows:

Section 62. On the first Monday in July of each year the Tax Collector must deliver to the Auditor a complete delinquent list of all persons and property then owing taxes and in the list so delivered must be set down in numerical or alphabetical order all matters and things contained in the assessment roll and relating to delinquent persons, or property.

That Section 63 of said charter be amended to read as follows:

Section 63. The Auditor must carefully compare such delinquent list with the assessment roll, and if satisfied that it contains a full and true statement of all taxes due and unpaid, he must foot up the total amount of taxes so remaining unpaid, credit the Tax Collector therewith, and make a final settlement with him of all taxes charged against him on the assessment roll, and must require from him the Treasurer's receipt for the full amount of taxes collected.

That Section 64 of said charter be amended to read as follows:

Section 64. After settlement with the Tax Collector, as prescribed in the preceding section, the Auditor must charge the Tax Collector with the amount of taxes due on the delinquent tax list, with the five per cent added thereto, and within five days thereafter deliver the list, duly certified, to such Tax Collector.

That Section 45 of said charter be repealed and annulled.

#### PROPOSED CHARTER AMENDMENT NUMBER SEVEN.

[Relating to the election, term, salary, and duties of the City Engineer.]

That the first Section 154 of said charter, that is to say, the section next following Section 153, be amended to read as follows:

Section 154. The City Council shall proceed on the first Tuesday in June, 1905, and biennially thereafter, to elect by a majority vote of its members, a City Engineer, whose term of office shall be two years, beginning at twelve o'clock meridian on the Monday next after his election, and whose salary shall be fixed by the City Council at a sum not to exceed six hundred dollars per year, but this limitation shall not prevent him from having, for any work whatever, such fees as are or may be allowed by statute or ordinance. The City Engineer shall perform the duties prescribed by this charter, and do such other work pertaining to his profession as he may be directed to do by the City Council or that may be required by the general laws of the State of California. He shall have had at least four years' practical experience as a civil engineer. He shall have the same power in the City of Stockton in making surveys, plats and certificates as is or may be from time to time given by law to County Surveyors of the State of California, and his official acts and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are or may be given by law to those of the said County Surveyors.

It shall be the duty of the City Engineer:

1. To attend all regular meetings of the City Council and advise the Council on all engineering questions pertaining to the prosecution of all work in the department of public works.
2. To examine and report, when requested by the City Council so to do, upon any proposed improvement, repair, or change in the public works of the city.
3. To perform all civil engineering and surveying necessary in the prosecution of such public work, to prepare all plans and specifications and in a general way supervise their execution, and shall report to the City Council, in writing, all deviations from the terms of contracts during or after the fulfillment of any contract; to certify to the progress and completion of all such public work, improvement, change, or repair, and to perform such other engineering work as may be required of him by the Mayor and City Council.
4. To keep a fair and complete record of all surveys made by him, systematically arranged and indexed so as to be easily available.

#### PROPOSED CHARTER AMENDMENT NUMBER EIGHT.

[Relating to the election, term, salary, and duties of the City Attorney.]

That Section 52 of said charter be amended to read as follows:

Section 52. The City Council shall proceed on the first Tuesday in June, 1905, and biennially thereafter, to elect by a majority vote of its own members, a City Attorney, whose term of office shall be two years, beginning at twelve o'clock meridian on the Monday next after his election, and whose salary shall be fixed by the City Council at a sum not to exceed fifteen hundred dollars per year. He shall be an attorney and coun-

selor-at-law duly admitted to practice by the Supreme Court of the State, and shall have actually been engaged in the practice of his profession for a period of at least five years before his appointment. He shall attend to all suits and other matters in which the city may be legally interested. He shall give his advice or opinion, in writing, whenever required by the Mayor, City Council, Board of Education, Board of Fire and Police Commissioners, or any elected or appointed officer of the city, and do and perform all such other things touching his office as by the Council or Mayor may be required of him. The City Attorney shall draft and approve all official or other bonds required by this charter, or by ordinance, resolution, motion, or order of the City Council, except his own bond. His bond shall be drafted and approved by the Mayor. He shall at least once in every three months, together with others to such duty in this charter appointed, count the cash in the city treasury and see that it corresponds with the books of the Treasurer and the books of audit.

#### PROPOSED CHARTER AMENDMENT NUMBER NINE

[Relating to the election, term, salary, and duties of the Prosecuting Attorney.]

That Section 53 of said charter be amended to read as follows.

Section 53. The City Council shall proceed on the first Tuesday in June, 1905, and biennially thereafter, to elect by a majority vote of its members, a Prosecuting Attorney, whose term of office shall be two years, beginning at twelve o'clock meridian on the Monday next after his election, and whose salary shall be fixed by the City Council at a sum not to exceed nine hundred dollars per year. It shall be his duty to prosecute on behalf of the people all criminal cases of municipal cognizance, and all violations of city ordinances and resolutions. He shall give his advice or opinion whenever required by the Chief of Police.

#### PROPOSED CHARTER AMENDMENT NUMBER TEN.

[Relating to the election, term, salary, and duties of the Superintendent of Streets; also, making him ex-officio harbor-master, prescribing some of his duties as harbor-master, and some regulations as to harbor dues and use of wharves; the amendment of some sections and the repeal of others to harmonize.]

That the last section of the two sections of said charter numbered 154, that is to say, the section next preceding Section 155 of said charter, be re-numbered 154½ and amended to read as follows:

Section 154½. There shall be a Superintendent of Streets, who shall be elected by the qualified electors of the city, at the general municipal election, and whose term of office shall be two years, beginning at twelve o'clock meridian on the first Tuesday in June next after his election, and whose salary shall be fixed by the City Council at a sum not to exceed eighteen hundred dollars per year.

That Section 155 of said charter be amended to read as follows:

Section 155. The Superintendent of Streets shall perform the duties prescribed by this charter, and by the laws of the State of California, and such other duties as may be prescribed by law, and the Mayor and City Council. His term of office shall be two years. It shall be the duty of the Superintendent of Streets:

1. To have the general care and supervision of all public streets, sewers, levees, and wharves under such regulations and directions as the Mayor and City Council may prescribe

2. To keep himself informed of the condition of all matters relating to the Department of Streets and Wharves, and also of the lots and grounds belonging to the city and not under the jurisdiction of other departments, and report the necessities of the same to the City Council at each regular meeting

3. To attend all regular meetings of the City Council.

4. To superintend the cleaning of sewers; the sprinkling and cleaning of all accepted streets, to superintend all necessary repairs of public streets, levees, wharves and sewers not let by contract and ordered done by the Mayor and City Council, and to make and superintend such other repairs of streets, levees, wharves and sewers that are in their nature an immediate necessity to prevent injury to the public or to city property, the cost of which does not exceed \$50.00

5. To have the charge and control of the corporation yard, sewage pumping station and all personal property belonging to the Department of Streets and Wharves, under such directions and regulations as the Mayor and City Council may prescribe

6. To remove all unauthorized obstructions on the streets, wharves and levees, and to cause the arrest of all persons violating the laws and ordinances relating to said department

7. When so directed by the City Council, to superintend in detail the prosecution of any work in said department being done under contract

8. To perform such other services relating to the Department of Streets and Wharves as may be made his duty by law or ordinance.

9. To keep a set of books in which shall be separate accounts for bridges, wharves, crosswalks, culverts, public squares, improvements, miscellaneous work (and if there be other items in number and amount to justify it, separate accounts for these also). Each bridge, section of wharf, crosswalk, etc., shall be so designated as to be readily distinguished. The various items shall be summarized and posted in an intelligent manner and the books always open for reference and inspection.

10. The Superintendent of Streets shall have charge of sewers, drains, etc. He shall have authority to enter private grounds and dwellings and other buildings for the pur-

pose of ascertaining the condition of all sewers, drains, cesspools and vaults and finding any nuisance or infringement of any ordinance governing such matters, he shall proceed at once to abate the nuisance, or to enforce the ordinance.

That Section 156 of said charter be amended to read as follows:

Section 156. The Superintendent of Streets shall have full control of all employés in the Department of Streets and Wharves (except those under the jurisdiction of the Park Commissioners and those working under contract). The number to be employed from time to time shall be agreed upon by the City Council. The Superintendent of Streets may employ whom he chooses and may discharge, suspend, or replace at pleasure; he shall keep a time book with said employés, and shall turn the same into the City Clerk's office on the evening of every working day. He may, with the consent of the City Council, and at such rate of pay as they shall affix, appoint a deputy to assist him in the discharge of his duties. He shall give bonds, with two or more sufficient sureties, for the faithful performance of his duties.

That Section 158 of said charter be amended to read as follows:

Section 158. The Superintendent of Streets shall be ex-officio Harbormaster, but shall draw no salary as Harbormaster; he shall keep a set of books in which shall appear an itemized account of all receipts, showing the source from which each amount is derived. On the first Monday of each month he shall make to the City Council a detailed statement of such receipts for the preceding month, certifying to the same, and attaching thereto the City Treasurer's receipt for the full corresponding amount.

That Section 159 of said charter be amended to read as follows:

Section 159. The Harbormaster shall give prompt notice to the City Council of any defect or weakness, or any needed repairs in or about the wharves and water front. Any damage to the wharves, or buildings or material thereon belonging to the city, caused by any steamer or other water craft, shall be assessed or collected at once, or the vessel causing such damage shall be detained by the Harbormaster by due process of law.

That Section 162 of said charter be amended to read as follows:

Section 162. All harbor dues from vessels shall be collected upon their registered tonnage, and shall be deemed to be due and collectible upon the arrival of any steamer or other vessel at a wharf within the city. And no vessel shall occupy the water front or any wharf for more than six consecutive days without the consent of the Harbormaster, and without the payment of the charges established by ordinance of the City Council. All other dues or charges, of whatsoever kind, and whether against a vessel, or the owner or master thereof, or against the merchandise or cargo of such vessel, shall be deemed to be due and collectible when the vessel enters or clears, as the case may be.

That Section 163 of said charter be amended to read as follows:

Section 163. No person, corporation, or company shall erect or maintain any building upon any wharf without the consent of the City Council, evidenced by ordinance. And any ordinance granting such privilege may be repealed at the pleasure of the City Council, and such repeal shall not have the effect to create any right of action for damages against the city. And upon the repeal of any such ordinance the City Council may order the removal of any such building or structure within a definite time, to be specified in the repealing ordinance, and if the owner or person or persons in control of the same shall neglect or refuse to remove it within the specified time, then the Harbormaster shall remove the same.

That Sections 157 and 160 of said charter be repealed and annulled.

#### PROPOSED CHARTER AMENDMENT NUMBER ELEVEN

[Relating to the election, term, powers and duties of the Board of Education, the levy of school taxes by the Council and repealing Sections 84, 88, 97, 98, 100 and 101.]

That Section 81 of said charter be amended to read as follows:

Section 81. The government of the School Department of the city shall be vested in a Board of Education, to consist of five members, to be called School Directors, and who shall receive no compensation. One School Director from each ward, and one from the city at large, shall be elected by the qualified electors of the whole city, at the regular municipal election, and shall hold office for a term of four years, and until their successors are elected and qualified.

That Section 83 of said charter be amended to read as follows:

Section 83. The powers and duties of the Board of Education are as follows:

1. To establish and maintain public schools, including high schools; to change, consolidate and discontinue the same.
2. To manage and control the school property.
3. To employ, pay and dismiss teachers, janitors, school census marshals, and such persons as may be necessary to carry into effect the powers and duties of the Board, and to fix, alter, allow, and order paid their salaries or compensation, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid; *provided*, that no election of a teacher or other person employed by the Board shall be construed as a contract, either as to the duration of time or amount of wages of such person.
4. To make, establish and enforce all necessary rules and regulations for the government and progress of public schools, and for the investigation of charges against any person in the employ of the department and to carry into effect the laws relating to education.

5 To establish and regulate the grade of schools, and determine the course of study, the mode of instruction and what text-books, other than those published by the State, shall be used in said schools; but any text-book adopted by the Board shall not be changed within a period of four years after its adoption.

6 To provide for the School Department all necessary supplies, and incur such other incidental expenses as may be necessary for the welfare of the department.

7 To build, alter, repair, rent and provide school houses, and to furnish them with proper school furniture, apparatus, and appliances, and to insure any and all school property.

8 To purchase, sell, lease, or exchange school lots; to take charge of any and all real estate and personal property that may have been, or that may be hereafter acquired for the use and benefit of the public schools of the city, and to make, in the name of the city, conveyances of all such real estate belonging to the city and sold by the Board of Education; *provided*, that no real estate shall be bought, sold, or exchanged without the concurrence of four fifths of the members of the Board and the consent of the City Council, evidenced by ordinance; *and, provided further*, that the proceeds of any such sale of real estate or personal property shall go into the general school fund of the city; and the City Council is hereby authorized and required to make over to said Board of Education, upon an application in writing by said Board, through its President and Secretary, by good and sufficient deeds of conveyance, all property, both real and personal, now held by said City Council in trust for said city, for the use and benefit of said public schools.

9. To grade, fence and improve all school lots, and in front thereof; to grade, sewer, plank or pave, and repair streets, and to construct and repair sidewalks.

10. To sue for any and all lots, lands and property belonging to or claimed by said School Department, and to prosecute and defend all actions at law, or in equity, necessary to recover and maintain the full enjoyment and possession of said lots, land and property.

11 To determine annually the amount of taxation for the establishment of free public schools therein, and for carrying into effect all provisions of law regarding public schools; and the amount so determined by said Board of Education, not exceeding twenty cents on the one hundred dollars of valuation on the assessment roll, shall be reported in writing to the City Council. This report shall specify the proper items of the amount of money required to pay all salaries, and all fixed and incidental expenses, including the cost of erecting new buildings and of repairing old ones. The City Council is hereby authorized and required to levy and cause to be collected, at the time and in the manner of levying and collecting other city taxes, the amount of taxation so determined and reported to the City Council by the Board of Education as school tax, upon all taxable property in the city, and said tax shall be in addition to all other amounts levied for city purposes, *provided*, that if an emergency shall arise when, in the opinion of the Board of Education, a greater tax than twenty cents on the one hundred dollars will be required to maintain the public schools, or to repair old buildings, or to erect new ones, the Board may recommend to the City Council an increased tax levy (not to exceed in the aggregate thirty cents on the one hundred dollars), and if the City Council shall sanction the same it shall pass an ordinance so fixing the rate for that particular year.

12. To establish regulations for the just and equal disbursement of all moneys belonging to the public school fund

13. To prohibit any child under six years of age from attending public school.

14. To examine and allow, in whole or in part, every demand payable out of the school fund, or to reject any such demand, for good cause, of which the Board shall be the sole judge.

15 To admit non-resident children to any of the departments of the schools at their discretion, upon the payment, at such time as the Board may direct, of tuition fees, to be fixed by the Board

16. To dispose of at public or private sale such personal property as shall be no longer required by the department.

17. To exclude from the schools and school libraries all books, publications or papers of a sectarian, partisan, or denominational character.

18. To furnish books for children of parents unable to furnish them; and all books so furnished shall belong to the city, and shall be kept in the libraries of the school when not in use.

19 To use and apply the school funds of the city for the purposes herein named, and for no other purpose whatever.

20. And, generally, to do and perform such other acts as may be required by general law applicable to the city, and as may be necessary and proper to carry into force and effect the powers conferred on said Board, and to increase the efficiency of the public schools in the city.

That Sections 84, 88, 97, 98, 100 and 101 of said charter be repealed and annulled.

#### PROPOSED CHARTER AMENDMENT NUMBER TWELVE.

[Relating to election of Library Trustees]

That Section 103 of said charter be amended to read, inclusive of the caption, as follows:

#### *Board of Library Trustees.*

Section 103 The public libraries created or existing in this city shall be managed and controlled by a Board of Library Trustees, consisting of five members, to be elected

by the City Council, to serve five years, from the first day of July next succeeding the date of their election; *provided*, that the Council at its last regular meeting in June, 1905, shall elect one Trustee to serve one year, one to serve two years, one to serve three years, one to serve four years, and one to serve five years, and at the last regular meeting in June each year thereafter the Council shall elect one Trustee. Said Board of Library Trustees shall have and possess such powers and shall perform such duties as are now or may hereafter be prescribed by the statutes of the State of California, or by ordinances of the City of Stockton.

PROPOSED CHARTER AMENDMENT NUMBER THIRTEEN.

[Relating to the Police and Fire Departments, to the constitution, election, powers and duties of the Board of Police and Fire Commissioners, to the appointment, regulation and duties of the officers and employes of said Board, and to the salaries, compensation and expenses in said department, and to other matters of said departments.]

That Section 131 of said charter be amended to read as follows:

Section 131. The Police and Fire Departments shall be under the management of a Board of three Commissioners to be elected by the Council from the qualified electors of the city, but no member of the City Council shall be eligible to be elected a member of said Board. They shall serve without compensation, and hold office for the term of three years, *provided*, that at the first election one Commissioner be elected for a term of one year, and one Commissioner for a term of two years, and thereafter one Commissioner annually at the second regular Council meeting in July. A majority vote of all the members of the City Council shall be necessary to elect. Said Board shall be known and designated as the Board of Police and Fire Commissioners. In case of a vacancy on the Board by reason of death, resignation or otherwise, the Council shall elect a Commissioner for the unexpired term.

That Section 132 of said charter be amended to read as follows:

Section 132. The Commissioners shall annually, on the third Monday of August, organize as a Board by electing one of their number President, and a Secretary, who shall not be a member of the Board. The Board shall establish rules and regulations governing its proceedings and for the regulation and conduct of its officers, clerks, and employes; and may require bonds from its subordinates for the faithful performance of their duties.

That Section 135 of said charter be amended to read as follows:

Section 135. The officers, members and employes of the Police and Fire Departments shall be appointed by the Board, but no appointment or removal shall be made for political purposes, nor shall any removal be made except for cause established to the satisfaction of the Board, after due investigation and trial as herein provided. The salaries of officers, clerks, and employes of the Board shall be fixed from time to time by the City Council, in its discretion or recommendation of the Board, but the salary of the Chief of Police shall not exceed eighteen hundred dollars per year; that of the Chief of the Fire Department shall not exceed eighteen hundred dollars per year; that of the policemen shall not exceed twelve hundred dollars per year, and that of an employe in the Fire Department shall not exceed twelve hundred dollars per year.

That Section 138 of said charter be amended to read as follows:

Section 138. The board shall annually report to the City Council an estimate of the amount of money that will be required to pay all salaries and expenses of the Police Department and of the Fire Department for the ensuing year, specifying in detail the proper items for which the same will be required.

That Section 143 of said charter be amended to read as follows:

Section 143. Any officer, member, or employe of the Police or Fire Department, guilty of any legal offense, inefficiency, neglect of duty, absence without leave, breach of discipline, disobedience of orders, violation of rules, or any conduct injurious to public peace or welfare, or detrimental to the department of which he may be an officer, member or employe, shall be liable to be punished by reprimand, forfeit of pay for a specified time, suspension or dismissal from the department of which he may be an officer, member, or employe; but not more than thirty days' pay shall be forfeited for any one offense. All moneys so forfeited shall be paid into a fund to be established and maintained, under such regulations as the Board may adopt, for the benefit of the sick and disabled members, and the families of deceased members, of the department of which the offender may be an officer, member or employe. The Board shall annually render to the City Council a verified itemized account of all moneys so received and disbursed during the preceding year.

That Section 145 of said charter be amended to read as follows:

Section 145. The policemen constituting the police force and the drivers, engineers, hosemen, and other employes constituting the working force of the Fire Department at the time when this charter shall be submitted to the vote of the people, shall be retained in their several positions, unless removed for cause, as provided herein.

PROPOSED CHARTER AMENDMENT NUMBER FOURTEEN.

[Repealing Sections 104 to 130 both inclusive, the same being the entire "Judicial Department" and chiefly relating to the "Municipal Court," so called.]

That said charter be amended by repealing and striking out therefrom Sections 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129 and 130, and, also, the caption to said sections, viz: the words, "Judicial Department."



## PROPOSED CHARTER AMENDMENT NUMBER FIFTEEN.

[Repealing Sections 165 to 200 both inclusive, such sections being the General Street Act, known as the "Vrooman Act," as the same was at the time of framing and ratifying the charter in 1888.]

That said charter be amended by repealing and striking out therefrom Sections 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199 and 200.

## PROPOSED CHARTER AMENDMENT NUMBER SIXTEEN.

[Being a new section (103½) relating to the establishment, maintenance, constitution, powers and duties of a Park Commission.]

That said charter be amended by adding thereto, under the caption "Park Commission," a new section, numbered 103½, and in the words and figures following:

*Park Commission.*

Section 103½. All tracts, squares, and lots of land dedicated to public use, donated to or acquired by the City of Stockton for the purposes of public parks or commons, and all trees planted and growing in the public highways of said city, or that may hereafter be planted and grown in said highways, shall be under the supervision, management, care and control of a Board of five members, who shall be styled "The Park Commission."

1. The members of the Park Commission shall be elected by the City Council to serve five years from the first day of July next succeeding the date of their election; *provided*, that the Council, at its last regular meeting in June, 1905, shall elect one Park Commissioner to serve one year, one to serve two years, one to serve three years, one to serve four years and one to serve five years, and at the last regular meeting in June each year thereafter, the Council shall elect one Park Commissioner.

2. Members of the Park Commission shall receive no compensation for their services. They shall receive no financial benefit from the administration of the Commission and no Commissioner shall be interested in any contract entered into by the Commission, or directly, or indirectly receive any of the Park Commission funds for materials, supplies or labor.

3. Said Commissioners shall organize as a board by electing one of the members President, and the election of a Secretary, who may be a member of the Commission. The President shall hold his office for one year and until his successor is elected. It shall require the presence of three members to constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

4. The Park Commission shall have the full and exclusive power to govern, manage direct and regulate the public parks, squares, commons and the trees on the public streets, subject to the provisions of this charter and to such ordinances as may be adopted by the City Council, to expend the moneys appropriated by the Council or derived from any source, for the purpose of managing and improving the public grounds and planting, protecting and preserving the trees on the public streets; to employ all labor and let all contracts necessary to manage, care for, protect, and improve said parks and said trees.

5. The Park Commission shall adopt rules and regulations for the government of the parks and trees under its control, but said rules and regulations must be approved by the City Council to become effective.

6. The City Council is hereby authorized and empowered to levy and collect each year, in the mode prescribed by law for the levy and collection of taxes, a tax not less than three cents upon each one hundred dollars assessed valuation of taxable property within the City of Stockton for the purpose of preserving, maintaining, and improving the parks, grounds and trees under the control of the Park Commission. All moneys collected and arising from said tax, and from other sources for said purposes, shall be paid by the Tax Collector or other officer collecting the same, into the treasury of said city, and shall be deemed to be thereupon appropriated and set apart for any salary or expenditure incurred in the management, maintenance, preservation and improvement of said parks, grounds and trees.

## PROPOSED CHARTER AMENDMENT NUMBER SEVENTEEN.

[Relating to the control of the Department of Streets and Wharves, to contracts for work, material and supplies therein, inclusive of daily labor.]

That Section 146 of said charter be amended to read as follows:

Section 146. The Department of Streets and Wharves shall be under the control of the City Council.

That Section 147 of said charter be amended to read as follows:

Section 147. The Department of Streets and Wharves shall embrace the control of the water front and wharves; of the streets, sidewalks, bridges and public thoroughfares; of the public grounds; of the sewer system, drainage and sewers; of water courses and channels within the city; of the lighting of streets and public buildings, and of everything of a public nature pertaining to said subjects, or to either of them.

That Section 148 of said charter be amended to read as follows:

Section 148. All public work in said department and all materials and supplies to be furnished for public use shall be ordered and furnished by the City Council under written contract, except as hereinafter provided. Before awarding any contract for

doing any of such work or furnishing any of such materials or supplies for the city, the Council shall cause notice to be posted conspicuously on or near the Council Chamber door for ten days, and published not less than five days in a daily newspaper published in the city, inviting sealed proposals for the said work or materials or supplies, *provided, however*, that if the cost of said work or materials or supplies is less than \$600, notice inviting sealed proposals for said work or material or supplies may be given by posting notices for six days conspicuously in front of the Council Chamber door and the Superintendent of Streets' office, and in one other public place to be designated by the City Council, *and provided further*, that if the cost of any such work, material or supplies is less than \$100.00, the contract for the same may be written or otherwise, and may be let without advertising for sealed proposals, but no piece of repair work or improvement, or bill of materials or supplies, or labor, or materials and labor on any piece of repair work or improvement, shall under any circumstances be subdivided for the purpose of bringing the cost within the limits heretofore in this section provided, and any claims so subdivided shall not constitute a legal charge against the city, *and provided further*, that should the city be in great and immediate danger from any cause, or the public safety so require, the Council may, in its discretion, contract for such work as may be necessary to avoid such danger, without said notices, posting or publication.

1. Said notice or advertisement and notice shall invite sealed proposals, to be delivered up to a certain day and hour, at the office of the City Clerk of the City Council, for furnishing the supplies and materials and for work to be done, the materials for the proposed work, or for doing said work, or both, as may be deemed best by the City Council, and shall contain a general description of the work to be done, the materials or supplies to be furnished, the time within which the work is to be commenced and when to be completed, and the amount of bonds to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the Clerk of the City Council for full detail and description of said work and materials. All proposals offered shall be accompanied by a check, certified by a responsible bank, payable to the order of the City Clerk, or by coin of the United States, for an amount not less than ten per cent of the aggregate of the proposal, and no proposal shall be considered unless accompanied by such check or coin.

2. The City Council shall, in open session, open, examine, and publicly declare all bids, and an abstract of each bid shall be recorded in the minutes of the City Council by the Clerk. The City Council shall thereupon, or at such other time as the City Council may adjourn to, award the contract to the lowest bidder, except as otherwise herein provided, and said Council may reject any and all bids and may reject the bid of any party who has been delinquent or unfaithful in any former contract with the city, and all bids other than the lowest regular bid; and on accepting said lowest bid, shall thereupon return to the proper parties the checks or coin corresponding to the bids rejected. The check accompanying the accepted bid shall be held by the Clerk of the City Council until the contract for doing the said work, or furnishing said materials or supplies, as hereinafter provided, has been entered into, whereupon said certified check or coin shall be returned to said bidder. If said bidder fail or refuse for ten days after the award to enter into the contract to do said work or furnish said materials or supplies as herein provided, then the said certified check or coin accompanying his bid and the amount therein mentioned, shall be forfeited to the city and shall be collected and paid into the street contingent fund.

3. All contracts shall be drawn under the supervision of the City Attorney, and shall contain detailed specifications of the work to be done, the manner in which it shall be executed, and the quality of the materials to be used, or the quality and quantity of the materials or supplies to be furnished. No change or modifications in the plans or specifications, or quantity or quality of the materials or supplies to be furnished, shall be made after proposals for doing the work or furnishing said materials or supplies have been called for, except by a vote of six members of the City Council. All contracts shall be signed in duplicate, one of which, with specifications and drawings, if any, of the work to be done, and the materials to be furnished, shall be filed with the City Council, and the other shall be delivered to the contractor. At the same time with the execution of said contract, said contractor shall execute to said city, and deliver to the Clerk of the City Council, a bond in the sum named in the notice for proposals, with two or more sufficient sureties, to be approved by the Mayor, or shall deposit with the City Clerk a certified check upon some solvent bank for said amount, for the faithful performance of said contract. The qualifications of such sureties shall be the same as of sureties upon the official bonds of county officers. The contract shall specify the time within which the work shall be completed, or materials furnished, and when to be completed, or during what time or when the supplies shall be furnished, as specified in the notice inviting proposals therefor. The City Council may extend said time, but in no event for more than ninety days beyond the time originally fixed for its completion, except by consent of seven members of the City Council. In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as is herein provided, his contract shall be void, and the City Council shall not pay or allow to him any compensation for any work done or supplies furnished by him under said contract beyond such sum as, in the judgment of the City Council, the work done or materials furnished are actually worth to the city, less the detriment suffered by the city by such loss of time in the completion of the same. The Mayor shall be, and is hereby constituted the proper officer to execute on behalf of the city all contracts entered into in the Department of Streets and Wharves.

That Section 150 of said charter be amended to read as follows:

Section 150 All supplies and articles for said department shall be obtained upon orders signed by the Superintendent of Streets, under the direction of the City Council, and issued on properly prepared blanks. These orders must be made in duplicate, and duly numbered, with the words, "To be returned with the bill of articles or supplies named in this order," plainly printed thereon; one to be retained on file in the Superintendent of Streets' office, one to be returned with the bill of the merchant or dealer who has filled the same, to the City Clerk, and so submitted to the City Council, and it shall be the duty of the Superintendent of Streets to see that such supplies and articles are actually delivered to the city, and that the prices charged are not in excess of the current market prices, quantity and quality considered.

That Section 151 of said charter be amended to read as follows.

Section 151. All claims for daily labor in said department, other than those for labor performed under contracts, shall be paid weekly. Said claims shall be made on properly prepared blanks, certified to and signed by the claimant, and certified as correct by the Superintendent of Streets and the Mayor. Thereupon the Auditor shall draw his warrant for the amount, and charge the same to the proper account. The Superintendent of Streets shall file with the City Clerk a weekly report to the City Council, showing the names of such claimants, the nature of their services performed and the amount of each claim.

That Sections 149, 152 and 153 of said charter be repealed and annulled.

#### PROPOSED CHARTER AMENDMENT NUMBER EIGHTEEN.

[Relating to taxation generally, including levy, assessments, and some provisions as to the duty of Assessor and equalization.]

That Section 54 of said charter be amended to read as follows:

Section 54 The City Council shall have full power and authority to assess, levy, and collect annually taxes upon all the property within the city taxable for State purposes not exceeding one and one-half per cent upon the assessed value thereof, which shall be paid into the general fund for current expenses. They shall provide for the payment of the principal and interest of the bonded indebtedness, if any, of such city, and for the payment of the other indebtedness of such city not funded; and they may each year levy, assess, and collect an additional tax upon the taxable property as aforesaid, not exceeding two per cent in any one year, which, when collected, shall be paid into a fund to be disbursed as follows:

1. To pay the interest on said bonds
2. To a fund for the payment of the principal thereof, and,
3. To meet any indebtedness as aforesaid not funded. And the City Council in making said levy shall estimate the proportion requisite for each fund, and the same shall be expended under the direction of the City Council, for the purpose aforesaid, and for no other purpose. Said tax shall be levied, assessed, and collected upon all property liable to taxation within such portion and such limits, and so much of the territory of such city as shall be liable therefor under the laws and charters in existence at the time of the organization of such city under this Act; and if by reason of extension of territory or from any cause, a portion only or a certain district of such city be liable under said laws and charters for the payment of the bonded and other indebtedness above named or any portion of either thereof, the City Council in levying such tax shall make such levy upon and against the property which is situated and persons who may reside in the territory of such city liable in each case for the payment of such indebtedness or any particular class or portion thereof, according to such existing laws and charters. The City Council shall also have power to raise annually, by tax upon all the property within the city taxable for State purposes whatever amount of money may be requisite for the support of free public schools therein, including high schools, and providing and furnishing houses therefor; but the tax provided for in this section shall not exceed thirty cents on each one hundred dollars' valuation upon the assessment roll in any one year; and shall in like manner raise by tax a fund for the establishment and maintenance of a free public library and reading room, such tax not to exceed in any one year the rate of ten cents on each one hundred dollars' valuation and not less than three cents thereon.

That Section 55 of said charter be amended to read as follows:

Section 55. And it shall be the duty of the City Assessor to prepare, between the said first Monday in January and the first Monday in April following in each year, and present to the City Clerk, with his certificate of its correctness, a list of all the real and personal property within the city taxable for State and county purposes, with a true valuation thereof, which said assessment list shall conform, as near as practicable, when not inconsistent with the provisions of this charter, to the assessment list required by law to be made by the County Assessor for State and county purposes; also, to make all assessments for the improvement of streets as herein or by ordinance provided, to be present at the sessions of all Boards of Education mentioned in this charter, and to furnish to said Board such information as may be required, and to perform such other services in reference to the assessments of property in the city, or otherwise appertaining to his office, as the City Council, by ordinance or resolution, may require. During the session of the Board of Equalization the City Assessor shall enter upon the assessment list all the changes and corrections made by the Board, and may assess and add to said list any property in such city not previously assessed. In the assessment and listing of property for taxation, and in the collection of tax upon personal property not

secured by lien upon real estate, he shall have and may exercise the same powers as are conferred by law upon County Assessors, and shall receive therefor the same fees and compensation. The taxes so levied shall be a lien upon the property assessed, from the first Monday in January, at twelve o'clock m. Each taxpayer shall be required to make and deliver to the City Assessor a statement, under oath, setting forth specifically all the real and personal property owned by said taxpayer, or in his possession or under his control, at twelve o'clock, meridian, on the first Monday of January.

PROPOSED CHARTER AMENDMENT NUMBER NINETEEN.

[Relating to the matters as to which the City Council shall have power to pass ordinances]

That Section 30 of said charter be amended to read as follows:

Section 30. The Council shall have power to pass ordinances:

1. To establish or alter the grades of, and to open, lay out, close, straighten, widen, or otherwise improve or regulate streets, alleys, lanes, and sidewalks upon the same; determine the width of sidewalks and streets, and the grade of the same, and to provide for acceptance of the streets when constructed and completed, in accordance with such regulations as the Council may adopt. Also, to open, lay out, and construct, alter, repair, and vacate walks, crosswalks, avenues and thoroughfares in or over any plaza, park, or grounds belonging to or under the control of the city.

2. To regulate or prohibit traffic and sales in streets, highways, and public places; to prevent encroachments upon, or obstructions to the same, and to require their removal.

3. To regulate the laying of telegraph or telephone wires in or upon the public streets, erecting of gas and electric lights therein, the numbering of houses on the streets and avenues; the naming of the streets, avenues, public places, and thoroughfares; the crossing of streets, avenues, sidewalks, and gutters; the use of streets and sidewalks for signs, signposts, awnings, awning-posts, horse-troughs, telegraph-posts, and other purposes; the exhibiting of banners, placards, or flags, in or across the street or from houses or other buildings, public cries, advertising and other noises, steam whistles, and the ringing of bells in the street; the use of the streets and public places for foot passengers, animals, vehicles, cars and locomotives.

4. To regulate the building and repairing of sewers; and it shall establish a general and comprehensive system of sewers in the city.

4½. To regulate and control the planting, cutting and removing of shade and ornamental trees on the streets, sidewalks, and public thoroughfares of the city.

5. To provide for and regulate street pavements, crosswalks, curbstones, grades, gutters, sewers, lighting, oiling and watering of the streets, avenues and public places.

6. To regulate dispensaries, hospitals, markets, and other public institutions.

7. To provide for the construction and repair of bridges, wharves, docks, piers, slips, ferries and public places.

8. To fix, regulate, and collect tolls, wharfage, and dockage.

9. To regulate the moving and anchoring of vessels within the waters of the city, and to prevent obstruction to the free navigation of the same.

10. To make regulations for preventing and extinguishing fires, establishing fire districts, preventing the erection or repairing of wooden buildings or any buildings composed of combustible material therein, and for restricting the height of buildings or structures. To make such rules and regulations concerning the construction and use of buildings as may be necessary for the safety of the inhabitants, to provide for the examination, approval, or disapproval of the plans and specifications of all buildings about to be constructed, and to prevent the construction thereof contrary to the provisions of any ordinance; to provide for the examination of all buildings, and the removal thereof if found unsafe or constructed contrary to ordinance.

11. To declare what shall constitute a nuisance, and abate the same.

12. To provide and maintain a morgue.

13. To prohibit or suppress all houses of ill-fame, all occupations, houses, places of amusement, exhibition, and practices which are against good morals, and contrary to public order and decency, or dangerous to the public safety.

14. To regulate or prohibit the sale, storage, and use of powder, fireworks, dynamite, nitro-glycerine, and other explosive or combustible materials and substances, the places of their manufacture, storage, and their transportation.

15. To regulate the maintenance of acid works, slaughter houses, wash houses, laundries, tanneries, offensive trades, and all other manufactories, works, and businesses of every description that may endanger the public safety, health, or comfort, and to restrict the prosecution thereof to such fixed limits as may seem proper, or exclude such works and business from the city.

16. To prevent or regulate the running at large of any animals; to establish a pound, and to authorize the destruction or impounding of any animals running at large, and to appoint a poundmaster, defining his term of service, his powers and duties and fix his compensation.

17. To provide for the public printing, and to provide suitable rooms and buildings for the courts, boards, and officers of the city, and such furniture, fuel, lights, and stationery, and other supplies of any kind necessary for the convenient transaction of public business, but nothing in this subdivision shall prevent action by resolution where the amount of expenditure is within the amount specified in the exception clause of Section 22.

18. To regulate the construction, repair, and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

19. To prevent throwing into any stream, creek, or bay, or any body of water, from vessels, wharves, or other places, any dirt, ballast, ashes, garbage, dead animals, or other materials that may obstruct the same or pollute the waters thereof.

20. To regulate or prohibit the use of steam, gasoline, electric, and other engines, the location of telegraph and telephone poles and wires, awnings, and hanging signs, and the construction of entrances to cellars and basements from sidewalks.

21. To establish hack stands, and regulate the rates and charges of hacks and other licensed vehicles.

22. To regulate the entrance to and exit from theaters, lecture rooms, public halls, and churches, and the number and construction of such entrances and exits, and to prohibit the placing of chairs, stools, benches, or other obstacles in the aisles of such buildings.

23. To maintain and regulate a fire alarm and police telegraph.

24. To regulate and control the business of pawnbrokers, junk dealers, intelligence offices, and prescribe the mode of conducting the same.

25. To fix and determine, annually, the rates of compensation to be collected by any person, company, or corporation in the city for the use of water supplied to the city or the inhabitants thereof; to fix and determine the rate of compensation to be charged and collected by any person, company, or corporation in this city for the use of telephones, and determine the maximum rate or compensation to be charged by any person, company, or corporation supplying gas, electric or other illuminating power in this city, and to prescribe penalties for the violation of all ordinances passed in reference to matters contained in this subdivision.

26. To regulate the quality, capacity, and location of electric wires, water and gas pipes, mains, and fire-plugs, and to provide for and regulate the construction and repair of hydrants, fire-plugs, cisterns, pumps, and such other appliances as may be requisite to utilize the distribution of water, electricity, and gas in the streets, public places, and public buildings.

27. To regulate the speed and conduct of railway engines, and to require railway companies either to station flagmen or place sufficient warning signals and signal bells at street crossings.

28. To grant franchises permitting any company or corporation to lay and maintain tracks, and to pass with steam railroads, operated by steam or other motive power, along, upon, and across, or elevated above or placed below any streets of the city; *provided*, that the free use of said streets shall not be unnecessarily obstructed thereby; and such franchises shall be granted only after notice published for two weeks and by ordinance passed by the votes of six members of the Council. Such grants shall be without prejudice to the rights of the owners of property to compensation for damages.

29. The grant of a franchise shall be a delegation of the right to condemn private property for public uses upon compensation being made therefor as provided by law.

30. To grant the right to construct, and to regulate and control the construction thereof, to railroad corporations, of pipes, tubes, conduits, signal bells, warning signs, wires, and other electric, telegraph, and mechanical appliances, in, along, over, across, and under the streets; *provided*, that said appliances be so constructed as not to interfere with the free use of the sidewalks and streets.

31. To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of at least two feet upon each side of the tracks occupied by the company.

32. To determine fines, forfeitures, and penalties for the violation of any ordinance or any provision of this charter.

33. To make all needful rules to govern the official conduct and duties of all officers of the city whose duties are not defined by this charter, and to fix and regulate the charges and fees of all such officers, where the fees are not otherwise fixed, and to compel the payment of all such charges and fees into the city treasury.

34. To provide for the appointment of special superintendents on work being done under contract.

35. To grant franchises for the construction of street railroads on and along the streets of the city; *provided*, that whenever application is made for such franchises the Council shall by resolution cause a notice of such application to be published for twenty days, and shall in said notice specify the route along which it is proposed to construct such road, and shall offer to grant the franchise to the persons, company, or corporation that shall agree to pay to the City of Stockton at the expiration of five years after said railroad is completed, and thereafter semi-annually, the largest percentum of the gross receipts of such road, according to a verified statement of the same; *and, provided further*, that in all grants of franchises for street railroads it shall be made a condition that single fares on such roads shall not exceed five cents, and that only such rails shall be laid down as are the most approved pattern for street railways operated by horses, mules, cables, or other motors than steam. The Council may reject all bids, and may refuse to grant a franchise for the proposed route; and, in case no bids are made, may, in their discretion, grant a franchise for such period as may be deemed most expedient. Franchises for street railroads to be operated by horses or mules shall not exceed twenty-five years; *provided, further*, that all applications for franchises under this section shall be accompanied by a deposit sufficient to pay advertisements and other

necessary expenses to the final action of the City Council on such application; and such sum shall be applied to such purposes.

35. To establish and regulate the issuing and granting of municipal licenses and the collection of license taxes.

36. To establish a city hospital and to provide for its maintenance.

37. To acquire lands for public parks, and to improve and maintain such lands for the benefit of all the inhabitants of the city, and also to acquire lands for public buildings and other public uses.

38. To provide water for the uses of the city and its inhabitants, and lay pipes for the distribution of water.

39. To provide for the execution of all trusts confided to the city.

40. To offer rewards, not exceeding five hundred dollars, for the arrest and conviction of any person or persons who may have committed a felony in said city.

41. To provide an urgent necessity fund, not exceeding five hundred dollars a year, to be expended under direction of the Mayor.

42. To establish such industrial schools, houses of correction, workshops, homes for confirmed inebriates, and such other institutions as may be deemed proper, and to provide for the support, maintenance, and management of the same.

43. To grant to the charitable associations of the City of Stockton a sum not to exceed one hundred and fifty dollars per month.

44. To regulate the custody, leasing, and sale of all the property of the municipality, and such lost, stolen, or unclaimed property as may be in the possession of the police or other officers of the city.

45. To regulate all parades and processions, and to determine what parades or processions upon the streets shall not be lawful and to declare the same a nuisance.

46. To make all rules and regulations necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this charter or by general laws in said city.

47. To make and enforce all such local, police, sanitary, and other regulations as are not in conflict with general laws and the provisions of this charter.

48. To appropriate out of the general fund of the city a sum not to exceed one thousand dollars in any one year to be used in public entertainments and the celebrations of any legal holidays.

49. To provide for a health officer and other sanitary officers, and prescribe their powers and duties.

50. To provide for the removal of human remains from the city, and for the establishment of cemeteries.

51. To acquire, construct, purchase, lease, own, control, maintain, and operate such public utilities and properties as shall be deemed to be for the best interests of the city.

52. To establish, maintain, regulate, and provide for the distribution for the relief of such exempt members of the "Old Volunteer Fire Department" of the City of Stockton as shall have become incapacitated in course of duty in said department or debilitated by age or sickness, a fund to be known as the Firemen's Relief Fund, and to so provide in the tax levy as that such levy shall yield each year as and for such fund a sum not less than five hundred dollars.

#### PROPOSED CHARTER AMENDMENT NUMBER TWENTY.

[Relating to the Council's power to fix and the time for fixing compensation of officers and employes]

That Section 50 of said charter be amended to read as follows:

Section 50. The compensation of officers and employes of the city shall be fixed by the City Council at the first regular meeting in April next preceding the general municipal election; but if in any case there be no other applicable limitation of the amount which the Council may fix, the Council shall fix no greater amount than the maximum in the same case prescribed by the former Section 50, of which this is amendatory.

#### PROPOSED CHARTER AMENDMENT NUMBER TWENTY-ONE.

[Relating to the wording, use, abandonment and forfeiture of franchises]

That Section 202 of said charter be amended to read as follows:

Section 202. No grant of any franchise by the City Council shall have any validity or effect unless the wording of the same is in specific terms and not in general terms, nor unless the person or persons to whom the same is made shall within six months thereafter, actually and in good faith, and not colorably, commence the exercise or enjoyment of the same, there being no legal impediment thereto. When any franchise shall have been in disuse, in whole or in part, for the period of one year, there being no legal impediment to the use thereof, it shall be deemed abandoned and forfeited to the extent of such disuse, and the said franchise, or that part thereof so in disuse, shall no longer be exercised or enjoyed; *provided*, that the disuse of any portion of the franchise, unless permission be before obtained of the City Council, shall be deemed a forfeiture of the whole.

#### PROPOSED CHARTER AMENDMENT NUMBER TWENTY-TWO.

[Relating to contracts for work and supplies exceeding \$600, and to sales and leases of city property and notices thereof and the posting of notices in general.]

That Section 201 of said charter be amended to read as follows:

Section 201. Unless otherwise provided in this charter, all contracts for work, or

supplies of any kind for more than six hundred dollars, shall be let to the lowest bidder, after notice given, by posting the same for ten days, and by publishing the same for five days, and all sales or leases of property belonging to the city shall be by public auction to the highest bidder, upon such terms and conditions as the City Council may by ordinance direct, and after like notice given.

That Section 213 of said charter be amended to read as follows:

Section 213. Whenever this charter provides for the posting of notices, such notices shall be posted in three public places, to be designated by the City Council.

#### PROPOSED CHARTER AMENDMENT NUMBER TWENTY-THREE

[Relating to fund for permanent water front improvements.]

That Section 164 of said charter be amended to read as follows:

Section 164. For the purpose of providing for permanent water front improvements four (4) per cent of the revenue actually collected for general purposes shall be set aside and applied to the construction of permanent wharf along the channels fronting on public streets and levees within the corporate limits of the city.

#### PROPOSED CHARTER AMENDMENT NUMBER TWENTY-FOUR

[Relating to contracts for lighting streets, public buildings, places and offices, and to the form, execution, countersigning and registry of contracts generally.]

That Section 27 of said charter be amended to read as follows:

Section 27. No contract for lighting streets, public buildings, places, or offices, shall be made to pay for power or for gas, electric lights, or any other illuminating material at a higher rate than is charged to any other consumer.

That Section 29 of said charter be amended to read as follows:

Section 29. All contracts must be in writing, executed in the name of the city, and by an officer authorized to make the same. The form and legality of all contracts shall be submitted to and passed upon by the City Attorney. Every contract must be countersigned by the City Clerk, numbered, and registered in a book kept for that purpose.

#### PROPOSED CHARTER AMENDMENT NUMBER TWENTY-FIVE

[Relating to redemption from tax sales.]

That Section 75 of said charter be amended to read as follows:

Section 75. A redemption of the property sold may be made by the owner or any party in interest at any time prior to the execution of a deed of conveyance by the Tax Collector to the purchaser.

#### STATE OF CALIFORNIA, COUNTY OF SAN JOAQUIN, CITY OF STOCKTON—SS

This is to certify that we, C. E. Williams, Mayor of the City of Stockton, and Geo. S. Wheatly, City Clerk of the City of Stockton, have compared the foregoing proposed and ratified twenty-five amendments to the charter of the City of Stockton with the original ordinance proposing said amendments and submitting the same to the qualified electors of said city, at a general city election called and held in said city on Tuesday, the nineteenth day of May, in the year one thousand nine hundred and three, and find that the foregoing is a full, true, correct and exact copy thereof; and we further certify that the facts, as set forth in the preamble preceding said amendments to said charter, are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City of Stockton, this 31st day of December, 1904

C. E. WILLIAMS,

Mayor of the City of Stockton.

GEO. S. WHEATLY,

City Clerk of the City of Stockton.

[SEAL]

Now, therefore, be it

*Resolved, by the Senate of the State of California, the Assembly thereof concurring, (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That the said twenty-five amendments to said charter of said City of Stockton, as presented and submitted to and adopted and ratified by the qualified electors of said city, be, and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the charter of said City of Stockton*

Senate Concurrent Resolution No. 4 was read.

The roll was called, and Senate Concurrent Resolution No. 4 adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Beardslee, Beckett, Boyle, Burge, Busick, Chandler, Coyle, Creighton, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Hawkins, Held, Houser, John, Johnson, Johnstone, King, Lumley, Lynch, Maxwell, McCartney, McGowan, McKenney, Mitchelltree, Moore, Olmsted, Perkins, Pyle,

Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—47  
 NOES—None

Resolution ordered transmitted to the Senate.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

##### ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1905.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Bill No. 80—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and the best methods of preserving the forests thereof, and to make an appropriation for the expenses of such investigations—have had same under consideration and report the same back, and recommend that it do pass.

AMERIGE, Chairman

Assembly Bill No. 80 referred to Committee on Ways and Means.

#### INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

The following bill was introduced:

By Mr. Amerige: Assembly Bill No. 641—An Act making an appropriation of \$5,000 to be used by the Governor, Attorney-General, and Secretary of State (comprising the Board of Examiners) in defense of the interest of the State and the political subdivisions thereof in suits involving the right to use oil upon the public highways.

Read first time, and referred to Committee on Agriculture.

##### SPECIAL ORDERS.

Assembly Bill No. 540—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal and providing for their salaries.

Bill read third time.

Mr. Treadwell moved that a select committee of one be appointed to amend Assembly Bill No. 540, as follows:

In line 8 of the printed bill strike out the words "twenty-four," and insert in lieu thereof the word "eighteen"; also strike out of lines 6 and 7 the words "one deputy clerk at twelve hundred dollars per annum." Also in line 8, after "stenographer," insert the words "who shall be a deputy clerk."

Motion carried.

Mr. Waste was appointed as such select committee.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 540—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal and providing for their salaries—with instructions, does now report that the instructions of the Assembly have been carried out.

WASTE, Committee.

Report of select committee adopted

Assembly Bill No. 540 ordered to reprint and reëngrossment.

Mr. Waste moved that Assembly Bill No. 540 be sent to the printer with a rush order.

Motion carried.



Assembly Bill No. 541—An Act fixing the salaries of three Assistant Reporters of the Decisions of the Supreme Court and District Courts of Appeal.

Passed on file.

Assembly Bill No. 542—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Beckett, Boyle, Burge, Busick, Chandler, Coyle, Creighton, Devlin, Drew, Ellis, Estudillo, Gans, Goodrich, Hawkins, John, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, McCartney, McKenney, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 90—An Act to amend Sections 771, 778, and 779 of the Political Code, relating to the publication of the opinions of the Supreme Court and of the District Courts of Appeal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Amerige, Anthony, Atkinson, Beckett, Bliss, Boyle, Burge, Busick, Chandler, Coyle, Creighton, Devlin, Drew, Ellis, Estudillo, Gans, Goodrich, Hawkins, John, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, Manwell, McCartney, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 91—An Act to amend Section 767 of the Political Code, relating to the appointment and term of office of the Reporter and the Assistant Reporters of the Decisions of the Supreme Court and of the District Courts of Appeal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYE—Messrs. Amerige, Anthony, Atkinson, Beckett, Bliss, Boyle, Burge, Busick, Chandler, Coyle, Creighton, Devlin, Drew, Ellis, Estudillo, Gans, Goodrich, Hawkins, John, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, Manwell, McCartney, McKenney, Moore, O'Brien, Olmsted, Perkins, Pyle, Stanton, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—43.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

#### REFUSED LEAVE OF ABSENCE.

Mr. Jones moved that he be granted leave of absence for the remainder of the morning session.

Motion lost.

Assembly Bill No. 92—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

Bill read third time.

## SELECT COMMITTEE AMENDMENT.

Mr. Treadwell moved that a select committee of one be appointed to amend Assembly Bill No. 92, as follows:

Before the word "twelve," in line 8 of the printed bill, insert the following: "one at twenty-four hundred dollars, and two at."

Also: At the end of the bill, add the following: "Section 2. This Act shall take effect immediately."

Motion carried.

Mr. Treadwell was appointed as such select committee.

## REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 92—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court—with instructions, does now report that the instructions of the Assembly have been carried out.

TREADWELL, Committee.

Report of the select committee adopted.

Assembly Bill No. 92 was ordered to reprint and reëngrossment.

Mr. Treadwell moved that Assembly Bills Nos. 540 and 92 be sent to the printer with rush order, to retain their places on file, under the head of special orders.

Motion carried.

## THIRD-READING FILE—(RESUMED).

Assembly Bill No. 70—An Act to amend Section 1277 of the Code of Civil Procedure of the State of California, relating to fixing time for hearing applications for the change of name, and publication of notice therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Atkinson, Beardslee, Beckett, Boyle, Burke, Busick, Chandler, Coyle, Devlin, Drew, Duryea, Ellis, Gans, Goodrich, Hawkins, Held, Houser, John, Johnson, Johnstone, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, O'Brien, Olmsted, Perkins, Pyle, Stanton, Strobbridge, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to Senate.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

## ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1905.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts has had referred to it the accompanying resolution by Mr. Burke—Authorizing the Controller to draw his warrant on the Contingent Fund of the Assembly for the sum of \$2,562.95 in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, in payment of the bills hereto attached

We have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

DURYEA, Acting Chairman.

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to

pay the same, for the sum of two thousand five hundred and sixty-two and ninety-five one-hundredths dollars (\$2,562 95), in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached :

A. J. Johnston Company.....	\$551 20
W. F. Purnell.....	122 00
F. R. Pulford.....	118 50
Siller Bros.....	10 00
Capital Manufacturing Company.....	20 00
A. J. Johnston Company.....	29 00
John Breuner Company.....	462 35
Kane & Trainor Ice Company.....	21 00
Capital Artesian Water Company.....	30 00
Capital Manufacturing Company.....	114 50
John Breuner Company.....	153 45
A. S. Baker.....	42 00
Locke & Lavenson.....	77 80
Wasserman-Kaufman Company.....	85 95
B. Wilson & Co.....	15 00
Post Office.....	5 20
News Publishing Company.....	705 00
Total.....	\$2,562 95

Mr. Duryea moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Anthony, Atkinson, Beardslee, Beckett, Boyle, Burge, Burke, Busick, Chandler, Coyle, Creighton, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Hawkins, Held, Houser, John, Johnson, Johnstone, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, O'Brien, Olmsted, Perkins, Pyle, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—48.

NOES—None

#### RECESS.

At twelve o'clock and twenty minutes P. M., on motion of Mr. McCartney, a recess was declared until two o'clock and thirty minutes P. M. this day.

#### REASSEMBLED.

At two o'clock and thirty minutes P. M. the Assembly reconvened. Speaker Prescott in the chair.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 71—An Act to amend Chapter IX, of Title XI, of Part III of the Code of Civil Procedure of the State of California, relating to the conveyance of real estate by executors and administrators in certain cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Beardslee, Beckett, Boyle, Busick, Chandler, Coghlan, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Hawkins, Held, Houser, John, Johnson, Johnstone, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Mitcheltree, O'Brien, Olmsted, Perkins, Pyle, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—45.

NOES—None

Title read.

## TITLE AMENDED.

Mr. Treadwell moved to amend the title as follows:

By inserting after the word "estate," in line 4 of the title, the words "and personal property."

Amendment adopted.

Bill ordered to reprint and reëngrossment.

Assembly Bill No. 121—An Act to amend Section 3654 of the Political Code, relating to the disposition of assessment books, maps, etc.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Beardslee, Beckett, Boyle, Burge, Busick, Chandler, Coghlan, Coyle, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Hawkins, Held, Houser, John, Johnson, Johnstone, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Mitcheltree, O'Brien, Olmsted, Perkins, Pyle, Strobridge, Strobl, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 114—An Act granting to students, to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

Mr. Coghlan moved to re-commit Assembly Bill No. 114 to the Committee on Education.

Mr. Houser raised the point of order that the Assembly could not re-commit a bill on third reading.

The Chair decided the point of order as well taken.

## TO REFER BILL TO SELECT COMMITTEE.

Mr. Coghlan moved to refer Assembly Bill No. 114 to a select committee of five for the purpose of investigating the standing and status of the University of Southern California College of Law.

Motion lost.

Assembly Bill No. 114 was read the third time and passed on file.

Assembly Bill No. 152—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

Passed on file.

## MR. WALSH CALLED TO THE CHAIR.

At three o'clock and twenty-five minutes P. M., the Speaker called Hon. P. M. Walsh, of Alameda, to the chair.

Assembly Bill No. 46—An Act to amend an Act entitled "An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Bill read third time.

## SELECT COMMITTEE AMENDMENT.

Mr. McCartney moved that a select committee of one be appointed to amend Assembly Bill No. 46, as follows :

Amend by striking out all of printed bill after the word "follows," on line 1, first page, and inserting in lieu thereof the following :

"Section 10. Holidays, within the meaning of this Code, are every Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the first Monday in September, the twenty-fifth day of December, every day on which an election is held throughout the State, and every day appointed by the President of the United States or by the Governor of this State for a public fast, thanksgiving, or holiday. If the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September or the twenty-fifth day of December fall upon a Sunday, the Monday following is a holiday. Every Saturday from twelve o'clock noon until twelve o'clock midnight is a holiday as regards the transaction of business in the public offices of this State, and also in political divisions thereof where laws, ordinances, or charters provide that public offices may be closed on holidays, *provided*, this shall not be construed to prevent or invalidate the issuance, filing, service, execution, or recording of any legal process or written instrument whatever on such Saturday afternoons."

Motion carried.

Mr. McCartney was appointed such select committee.

## REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 46—An Act to amend an Act entitled "An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays—with instructions, does now report that the instructions of the Assembly have been carried out.

McCartney, Committee

Report of select committee adopted.

Bill ordered to reprint and reengrossment.

Assembly Bill No. 48—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Bill read third time.

## SELECT COMMITTEE AMENDMENT.

Mr. McCartney moved that a select committee of one be appointed to amend Assembly Bill No. 48, as follows:

Amend by striking out all of said printed bill after the word "follows" on line 2, first page of printed bill, and inserting in lieu thereof the following:

"Section 10. Holidays, within the meaning of this Code, are every Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the first Monday in September, the twenty-fifth day of December, every day on which an election is held throughout the State, and every day appointed by the President of the United States or by the Governor of this State for a public fast, thanksgiving or holiday. If the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September or the twenty-fifth day of December fall upon a Sunday, the Monday following is a holiday. Every Saturday from twelve o'clock noon until twelve o'clock midnight is a holiday as regards the transaction of business in the public offices of this State, and also in political divisions thereof where laws, ordinances, or charters provide that public offices may be closed on holidays; *provided*, this shall not be construed to prevent or invalidate the issuance, filing, service, execution, or recording of any legal process or written instrument whatever on such Saturday afternoons."

Motion carried.

Mr. McCartney was appointed such select committee.

## REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 48—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays—with instructions, does now report that the instructions of the Assembly have been carried out.

MCCARTNEY, Committee.

Report of select committee adopted.

Bill ordered to reprint and reengrossment.

Assembly Bill No. 49—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Bill read third time.

## SELECT COMMITTEE AMENDMENT.

Mr. McCartney moved that a select committee of one be appointed to amend Assembly Bill No. 49, as follows :

Amend by striking out all of said printed bill after the word "follows," on line 2, first page, printed bill, and inserting in lieu thereof the following:

"Section 10. Holidays, within the meaning of this Code, are every Sunday, the 1st day of January, the 22d day of February, the 30th day of May the 4th day of July, the 9th day of September, the first Monday in September, the 25th day of December, every day on which an election is held throughout the State, and every day appointed by the President of the United States, or by the Governor of this State, for a public fast, thanksgiving, or holiday. If the 1st day of January, the 22d day of February, the 30th day of May, the 4th day of July, the 9th day of September, or the 25th day of December, fall upon a Sunday, the Monday following is a holiday. Every Saturday, from twelve o'clock noon until twelve o'clock midnight, is a holiday as regards the transaction of business in the public offices of this State, and also in political divisions thereof where laws, ordinances, or charters provide that public offices may be closed on holidays; *provided*, this shall not be construed to prevent or invalidate the issuance, filing, service, execution, or recording of any legal process, or written instrument whatever, on such Saturday afternoons."

Motion carried.

Mr. McCartney was appointed such select committee.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 49—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays—with instructions, does now report that the instructions of the Assembly have been carried out

MCCARTNEY, Committee

Report of select committee adopted.

Bill ordered to reprint and reengrossment.

Assembly Bill No. 88—An Act to amend Section 1577 of the Political Code of the State of California, relating to the formation of new school districts.

Bill read third time and passed on file.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following assembly concurrent resolution has been correctly engrossed, viz:

Assembly Concurrent Resolution No. 5—Approving ten amendments to the Charter

of the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, which said ten amendments were submitted to vote of and ratified by the qualified electors of said city at a general municipal election at which the same were duly submitted, said election being held on December 1, 1903.

DEVLIN, Chairman.

Assembly Concurrent Resolution No. 5 ordered transmitted to the Senate.

Assembly Bill No. 57—An Act to amend Section 1560 of the Political Code of the State of California, relating to the public schools.

Passed on file.

Assembly Bill No. 45—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in the cities of the first and one-half class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of said officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorneys, their appointment and term of office.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Beardslee, Boyle, Burge, Burke, Busick, Chandler, Cogblan, Coyle, Creighton, Devlin, Drew, Duryea, Ellis, Gans, Goodrich, Hawkins, Held, John, Johnson, Johnstone, King, Lumley, Lynch, Manwell, McCartney, McKenney, Mitcheltree, O'Brien, Olmsted, Perkins, Pyle, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, and Whiting—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 56—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justice courts and justices.

Passed on file.

Assembly Bill No. 227—An Act to amend Section 1 of an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, relating to the burial of soldiers who served in the war with Spain and in the Philippine insurrection.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Beardslee, Beckett, Bliss, Boyle, Burge, Burke, Busick, Chandler, Cogblan, Coyle, Devlin, Drew, Duryea, Ellis, Gans, Goodrich, Hawkins, Held, Houser, John, Johnson, Johnstone, Lumley, Lynch, McCartney, McGowan, McKenney, Mitcheltree, O'Brien, Olmsted, Perkins, Pyle, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### ORDERED TO SPECIAL FILE.

Mr. Drew moved that Assembly Bills Nos. 6, 215, 264, and 265, all reported on by the Committee on Revision and Reform of Laws, be placed on the special file.

Motion carried, and such was the order.

## NOTICE OF RECONSIDERATION.

Mr. Treadwell gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 121 was this day passed.

## RECONSIDERATION OF VOTE RECOMMITTING BILL.

Mr. Atkinson moved to reconsider the vote whereby Assembly Bill No. 120—An Act to amend Section 1253 of the Political Code of the State of California, relating to elections—was recommitted to the Committee on Elections and Election Laws, and that the same be withdrawn from said committee.

Motion carried.

Mr. Atkinson moved that Assembly Bill No. 120 be ordered on second-reading file.

Motion carried, and such was the order.

## THIRD-READING FILE—(RESUMED).

Assembly Bill No. 214—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualifications of judges.

Passed on file.

Assembly Bill No. 199—An Act to amend Section 890 of the Code of Civil Procedure of the State of California, relating to judgments of dismissal without prejudice.

Passed on file.

Assembly Bill No. 95—An Act to amend Section 890 of the Code of Civil Procedure, relating to proceedings in justices' courts.

Passed on file.

Assembly Bill No. 54—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justice courts.

Passed on file.

Assembly Bill No. 55—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Passed on file.

Assembly Bill No. 281—An Act to amend the Political Code by adding thereto a new section, to be numbered 421.

Passed on file.

Assembly Bill No. 156—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the inquiry into the aggravation or mitigation of punishment, the imposition or execution of sentence, and the suspending thereof by probation on plea or verdict of guilty.

Passed on file.

Assembly Bill No. 157—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1878, by amending Section 131 thereof, relating to powers and duties of the courts in providing for the creation, and appointment, and term of office of boards, to be known as "probation committees," providing for the creation and appointment of probation officers, prescribing their terms of office, duties, and powers, and fixing their salaries.

Passed on file.



Assembly Bill No. 160—An Act to amend an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards, and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903.

Passed on file.

Assembly Bill No. 22—An Act to amend Section 585 of the Code of Civil Procedure, relating to the cases in which judgment may be had upon the failure of a defendant to answer.

Passed on file.

Assembly Bill No. 20—An Act to repeal two sections of the Code of Civil Procedure, each being numbered 1161, approved April 1, 1878, and to substitute therefor a new section, to be numbered 1161, relating to unlawful detainer.

Passed on file.

Assembly Bill No. 98—An Act to amend Section 1310 of the Civil Code, relating to lapsed legacies.

Passed on file.

Assembly Bill No. 27—An Act to amend Section 147 of the Civil Code, relating to the power of the court to dispose of homestead and community property in divorce proceedings, and creating presumption of ownership in the absence of such disposition.

Passed on file.

Assembly Bill No. 107—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1760, relating to giving special notice to relatives and wards during the administration of ward's estate.

Passed on file.

Assembly Bill No. 108—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1380, relating to giving special notices to heirs, devisees, legatees, and creditors during the administration of estates of decedents.

Passed on file.

Assembly Bill No. 58—An Act to amend Section 611 of the Civil Code, relating to the issuance of bonds by cemetery corporations.

Passed on file.

Assembly Bill No. 4—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 580 thereof, relating to banking corporations.

Passed on file.

Assembly Bill No. 127—An Act to provide for the proper naming of trees, seeds, plants, and vines, sold, offered, or exposed for sale in this State, and providing a penalty for the violation of this Act.

Passed on file.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

## ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1905.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 365—An Act to amend an Act entitled an Act to amend an Act entitled "An Act to establish a State Reform School for juvenile offenders and to make an appropriation therefor," approved March 11, 1889, by amending the title to said Act and by amending Sections 1, 4, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by adding three new sections thereto, to be numbered respectively Sections 16a, 16b, and 16c, relating to a change in the name of the institution, and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State school located and established under the aforesaid Act and now maintained by the State of California at Whittier, in the County of Los Angeles therein, approved March 23, 1893—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 361—An Act regulating the commitment of criminals to the State Prison at San Quentin and the State Prison at Folsom—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 368—An Act to amend an Act entitled an Act relating to commitments to the State School at Whittier and the Preston School of Industry, fixing the authority to examine and commit to such schools with the superior judges of counties, and fixing the responsibilities for which commitments are made to the State for the maintenance of the persons committed therefrom, providing for the manner of payment therefor, and fixing the responsibilities of parents to the counties for which their children are committed, approved March 26, 1895—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 360—An Act regulating the grading of prisoners in the State Prison at San Quentin, in the State Prison at Folsom and the Preston School of Industry at Ione—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 364—An Act to amend Sections 439 and 441 of the Political Code, relating to the office of the Controller of State, his deputy and assistants, the salaries of the deputies and assistants, and to repeal all laws in conflict therewith—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Assembly Bill No. 363—An Act amending an Act entitled "An Act to establish a School of Industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

McKENNEY, Chairman.

Assembly Bills Nos. 365, 361, 366, 360, 364, and 363 ordered on second-reading file.

## ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1905.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 277—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 113—An Act to repeal Article XVII, Chapter III, Title III, Part III, of the Political Code of the State of California, relating to city boards of examination—have had the same under consideration, and respectfully report the same back and recommend that same do not pass.

CREIGHTON, Temporary Chairman.

Assembly Bills Nos. 277 and 113 ordered on second-reading file.

## ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1905.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 175—An Act fixing a limit of time within which a purchaser at a delinquent tax sale shall apply for a tax deed—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 89—An Act to amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 176—An Act to amend Section 3788 of the Political Code of the State of California, relating to the redemption of lands from tax sales—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 415—An Act to repeal Section 2652, entitled "An Act to establish a Political Code," relating to road poll-tax—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GOODRICH, Chairman.

Assembly Bills Nos. 175, 89, 176, and 415 ordered on second-reading file.

SECOND-READING FILE—SUBSTITUTION OF BILL.

Mr. McCartney moved that Assembly Bill No. 47 be substituted on the file for Assembly Bill No. 32.

Motion carried.

Assembly Bill No. 47—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 4235 of said Code, relative to the recording of instruments.

During the second reading of bill the following committee amendments were offered:

COMMITTEE AMENDMENT No. 1.

Amend by striking out all of Section 2.

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by striking out all the words, beginning with the word "he" on line 3, page 1 of the printed bill, and ending with the word "typewritten" on line 5, and insert the following words: "He must, upon the payment of his fees for the same, record separately, in large and well-bound separate books, either sewed books or an insertable leaf, which when placed in the book cannot be removed, in a fair hand or in typewriting."

Amendment adopted.

Bill read second time and ordered to reprint, engrossment, and on third-reading file.

BILL WITHDRAWN.

Mr. McCartney asked for and obtained consent to withdraw Assembly Bill No. 32—An Act to amend an Act entitled "An Act to amend the Civil Code by adding a new section, to be designated Section 1313," approved March 18, 1874, by amending Section 1313, relative to charitable and benevolent bequests.

Consent granted and bill withdrawn.

BILL RE-REFERRED.

Mr. Duryea moved that Assembly Bill No. 329—An Act to amend Sections 684 and 685 of the Political Code, relating to the State Board of Examiners, the appointment of an assistant to the secretary of said board, and for the appointment of four clerks of said board, and fixing their compensation—be re-referred to the Committee on Ways and Means.

Motion carried and bill re-referred.

## SECOND-READING FILE—(RESUMED).

Assembly Bill No. 162—An Act to appropriate \$590 to pay the claim of N. Weisbaum against the State of California.

Passed on file.

Assembly Bill No. 163—An Act to appropriate \$815 to pay the claim of C. A. Weaver against the State of California.

Passed on file.

Assembly Bill No. 104—An Act to appropriate \$3,350 to pay the claim of John F. Pryor against the State of California.

Passed on file.

Assembly Bill No. 161—An Act to appropriate \$2,085 to pay the claim of C. Weisbaum against the State of California.

Passed on file.

Assembly Bill No. 164—An Act to appropriate \$640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California."

Passed on file.

Assembly Bill No. 211—An Act to appropriate out of the State school book fund of the State Treasury the sum of \$4119.17 to pay the claim of Bonestell, Richardson & Co.

Passed on file.

Assembly Bill No. 228—An Act making an appropriation for the payment of division and brigade N. G. C. headquarters allowances for the fifty-fifth and fifty-sixth fiscal years.

Passed on file.

Assembly Bill No. 216—An Act to amend Sections 47 and 49 of the Civil Code and to add four new sections thereto, to be numbered 51, 52, 53 and 54, all relating to personal rights.

Passed on file.

Assembly Bill No. 262—An Act to amend Sections 94, 106, 136, 137, and 146, and to repeal Section 144 of the Civil Code, all relating to divorce.

Passed on file.

Assembly Bill No. 263—An Act to amend Sections 164 and 170 of the Civil Code, all relating to husband and wife.

Passed on file.

Assembly Bill No. 123—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Passed on file.

Assembly Bill No. 9—An Act to amend an Act to establish a Political Code, approved March 12, 1872, by amending Section 4080, relating to the planting and preservation of shade and ornamental trees.

Passed on file.

Assembly Joint Resolution No. 1—Relative to the establishment of a National Park at "The Pinnacles," in San Benito County, State of California.

Passed on file.

Assembly Bill No. 151—An Act making an appropriation for searching for beneficial insects.

Passed on file.

Assembly Bill No. 345—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Bill read second time.

Assembly Bill No. 345 ordered to engrossment and third reading.

Assembly Bill No. 315—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to the issuance of writs of attachment issued from justices' courts, and providing that several writs may be issued at the same time to the sheriffs or constables of counties other than the one in which said justice's court may be situated.

Passed on file.

Assembly Bill No. 84—An Act to amend Section 1 of an Act to regulate the practice of veterinary medicine and surgery in the State of California.

During second reading of bill the following committee amendments were offered:

COMMITTEE AMENDMENT No. 1.

Amend the title to read as follows: An Act to amend Section 1 of an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893; amended March 20, 1903.

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Strike out all after the enacting clause and insert the following:

"SECTION 1 Section one (1) of an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended March 20, 1903, is amended to read as follows:

"Section 1 It shall be unlawful for any person or persons to practice veterinary medicine and surgery in the State of California, without having previously obtained a diploma from a college duly authorized to grant such to students in veterinary medicine and surgery, or to those who have passed satisfactory examinations before the State Veterinary Medical Board, as hereinafter provided for; *provided*, that any person who has practiced veterinary medicine and surgery in this State or elsewhere for a period of twenty-five (25) years and over, and who is at the time engaged in the practice of his profession, and who shall present satisfactory proof of such facts to the State Veterinary Medical Board, shall be granted a diploma upon the payment of the fee required of all persons not holding a diploma from a duly authorized college; *provided*, that nothing in this Act shall prevent the medical or surgical treatment of stock by the owners or employés of owners, or by neighbors who do not assume to be practitioners of veterinary medicine or surgery."

Amendment adopted.

Bill read second time and ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 158—An Act authorizing certain corporations to act as guardians of the persons of abandoned, dependent, and certain other children; with power as such guardians to consent to the adoption of such children; providing for their appointment as such guardians, with the notice to be given and fees remitted.

During the second reading of bill the following committee amendments were offered:

COMMITTEE AMENDMENT No. 1.

Strike out the title to the bill and insert in lieu thereof the following:

"An Act to add five new sections to the Civil Code to be known as sections six hundred and six, six hundred and six *a*, six hundred and six *b*, six hundred and six *c*, six hundred and six *d*, relating to the authorizing of certain corporations to act as guardians of the persons of abandoned, dependent, and certain other children, with power as such guardians to consent to the adoption of such children; providing for their appointment as such guardians, with the notice to be given and fees remitted."

Amendment adopted.

## COMMITTEE AMENDMENT No. 2.

Strike out all after the enacting clause, and insert in lieu thereof the following:

"Section 1. A new section is hereby added to the Civil Code, to be known as Section 606, to read as follows:

"606. Any corporation which has been, or shall be incorporated under the laws of this State embracing within the purposes for which it was incorporated the care, custody, control, maintenance, or securing of homes for foundlings, orphans, half orphans, or abandoned, or dependent children, or which may be authorized by its articles of incorporation to act as guardian of the persons of foundlings, orphans, half orphans, abandoned, or dependent children, may become the guardian of the person of any child in this State who is an abandoned, or dependent child, or who has been left in the care or custody of such corporation for more than one year without provision made for its support, or who is a foundling under the age of two years, or whose living parent or parents by written authority shall assign the custody of said child to such corporation, or whose living parent or parents have been deprived of civil rights, or adjudged guilty of adultery, cruelty, vagrancy, or habitual intemperance in the use of intoxicants, or judicially deprived of the custody of the child on account of cruelty or neglect; and whenever such corporation has been appointed and has qualified as such guardian, such corporation is hereby authorized and empowered to consent in the courts of this State, in place of and instead of the parent or parents of said child, to the adoption of such child under the laws, and in the manner provided for the adoption of children.

"Section 2. A new section is hereby added to the Civil Code, to be known as Section six hundred and six a, to read as follows:

"606a. Such corporation must apply by petition to the Superior Court of the county of which said child is a resident or inhabitant, or in which said child may be found, for an order of such court declaring all rights of the parent or parents of said child to the custody of said child, to be forever barred and terminated, and appointing said corporation guardian of said child, and granting said corporation full power to consent to the adoption of said child, as said corporation shall determine, and such petition must be duly verified by the president or other officer of said corporation.

"Section 3. A new section is hereby added to the Civil Code, to be known as section six hundred and six b, to read as follows:

"606b. On the filing of said petition the clerk of the court must set the same for hearing by the court, upon some day not less than five nor more than twenty days from the filing of said petition, and shall issue a citation which shall be personally served on one or both of the parents of said child, if either can, with diligent search, be found within the State, not less than two days before the time of the hearing of said petition, requiring them, and the person having the care and custody of said child, to appear at the time of the hearing of said petition, to be specified in such citation, and to show cause, if any they have, why the court should not make the order declaring all rights of said parent or parents to the custody of said child to be forever barred and terminated, and appointing said corporation guardian of said child, with full power to consent to the adoption of said child, as said corporation shall determine; and a copy of said citation shall in all cases be personally served upon the person, if any there be, within the county, having the care or custody of said child, at least two days before the day of the hearing. If the residence of either one or both of the parents of said child is known to the officer verifying such petition, and is outside the State, a copy of said citation shall be deposited in the United States postoffice in a sealed envelope with the postage thereon prepaid, addressed to said parent or parents, at their said residence, at least five days before the day of the hearing. If the parents of said child can not with diligent search be found and served within the State, or if such parents be or reside outside this State, notices of the time and place of said hearing shall be posted in three public places within the county, at least five days before the day of hearing; or in lieu of such posting, the court may, in its discretion, order such notice to be published in a newspaper of the county, and copies of such notice to be deposited in the United States postoffice, with the postage prepaid thereon, addressed to such of the relatives of said minor, residing within the county, as the court shall designate at least five days before the day of the hearing; provided that such citation shall not be necessary, if the surviving parents shall join in said petition.

"Section 4. A new section is hereby added to the Civil Code, to be known as section six hundred and six c, to read as follows:

"606c. If at the hearing of said petition the proof be made to the satisfaction of the court that due notice of said hearing has been given by citation in all respects in accordance with the preceding section then the court shall proceed with the hearing of said petition, and may, in its discretion, grant the relief prayed for in said petition.

"Section 5. A new section is hereby added to the Civil Code, to be known as section six hundred and six d, to read as follows:

"606d. All court fees and library taxes on all proceedings under Sections 606, 606a, 606b, 606c, of this Code are hereby remitted."

Amendment adopted.

Bill read second time and ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 182—An Act to amend Section 1593 of the Political Code of the State of California, relating to the elections of school trustees.

Bill read second time and ordered to engrossment and on third-reading file.

Assembly Bill No. 183—An Act to amend Section 1615 of the Political Code of the State of California, relating to the organization of a new school district.

During the second reading of bill the following committee amendments were offered:

COMMITTEE AMENDMENT NO. 1.

Amend by inserting after the enacting clause the following: "Section 1. Section 1615 of the Political Code is hereby amended to read as follows:"

Amendment adopted.

COMMITTEE AMENDMENT NO. 2.

Amend page 1 of the printed bill by adding a new section, to be known as Section 3, which said section shall read as follows:

"Section 3. This Act shall take effect and be in force from and after its passage."

Amendment adopted.

Bill read second time and ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 101—An Act to amend Section 1489 of the Political Code, relating to State normal schools.

During the second reading of bill the following committee amendment was offered:

COMMITTEE AMENDMENT.

Amend by striking out the words "Governor" in line 33, second page of printed bill, and inserting in lieu thereof the following: "State Superintendent of Public Instruction."

Amendment adopted.

Bill read second time and ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 249—An Act to amend Section 1621 of the Political Code, relating to boards of school trustees and city boards of education.

Passed on file.

Assembly Bill No. 297—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of Public Instruction.

Passed on file.

Assembly Bill No. 295—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377b, making it a misdemeanor to refuse or neglect to conform to the rules, orders, or regulations of the State Board of Health concerning the pollution of water used or intended to be used for human or animal consumption.

Bill read second time and ordered to engrossment and on third-reading file.

Assembly Bill No. 294—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377c, making it a misdemeanor to refuse or neglect to conform to the

rules, orders, and regulations of the State Board of Health, concerning the pollution of ice used or intended for public consumption.

Bill read second time and ordered to engrossment and on third-reading file.

Assembly Bill No. 298—An Act to amend Chapter I of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, by adding a new section thereto, to be numbered Section 9, relating to the powers and duties of City Recorders and City Clerks, respecting the registration of deaths and the issuance and registration of burial and disinterment permits.

Bill read second time and ordered to engrossment and on third-reading file.

Assembly Bill No. 300—An Act to amend Article I, Chapter II, Title VII, of Part III of the Political Code of the State of California, by adding a new section thereto, to be numbered Section 2984, for the enforcement of the rules, orders, and regulations of the State Board of Health within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities and towns in relation to the State Board of Health.

Bill read second time and ordered to engrossment and on third-reading file.

Assembly Bill No. 301—An Act to amend Subdivision 20, of Section 25, of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to health officers and health regulations, and the powers of Boards of Supervisors in connection therewith.

Bill read second time and ordered to engrossment and on third-reading file.

Assembly Bill No. 302—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377a, making it a misdemeanor to violate, or refuse, or neglect to conform to the rules, orders, and regulations of the State Board of Health respecting the quarantine, disinfection, or isolation of persons, animals, things, or places, or the prevention or abatement of contagious or infectious diseases.

Bill read second time and ordered to engrossment and on third-reading file.

Assembly Bill No. 323—An Act to amend an Act entitled "An Act to establish a system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131a, relating to the powers and duties of the County Recorder, respecting the registration of marriages, births, and deaths.

Bill read second time and ordered to engrossment and on third-reading file.

Assembly Bill No. 122—An Act to regulate the work and hours of employes engaged in selling retail drugs and medicines and compounding physicians' prescriptions, and providing a penalty therefor.

Bill read second time and ordered to engrossment and on third-reading file.

Assembly Bill No. 269—An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under



certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof.

Bill read second time and ordered to engrossment and on third-reading file.

Assembly Bill No. 248—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley and the land embracing the Mariposa Big Tree Grove.

Bill read second time and ordered to engrossment and on third-reading file.

Assembly Bill No. 93—An Act making an appropriation to pay the judgment of J. R. Hanify against the State of California.

Passed on file.

Assembly Bill No. 105—An Act to appropriate the sum of \$150 to pay the claim of I. E. Cohn against the State of California.

Passed on file.

Assembly Bill No. 271—An Act making an appropriation of \$650 to pay the claim of D. D. Fish.

Passed on file.

Assembly Bill No. 246—An Act to appropriate the sum of \$4,150 to pay the claim of the Citizens' National Bank of Los Angeles.

Passed on file.

Assembly Bill No. 138—An Act to appropriate money for the construction of a refrigerating plant at the Preston School of Industry.

Passed on file.

Assembly Bill No. 132—An Act to appropriate money for the maintenance and improvement of the water system at the Preston School of Industry.

Passed on file.

Assembly Bill No. 136—An Act appropriating money for building an assembly hall at the Preston School of Industry.

Passed on file.

Assembly Bill No. 137—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Passed on file.

Assembly Bill No. 135—An Act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry.

Passed on file.

Assembly Bill No. 134—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry.

Passed on file.

Assembly Bill No. 133—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Passed on file.

Assembly Bill No. 36—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county and township officers, and providing for the appointment of certain deputy county officials.

During the second reading of bill the following committee amendments were offered:

COMMITTEE AMENDMENT No. 1.

Amend by striking out the word "actual" on line 77, third page, printed bill, and inserting in lieu thereof the word "necessary."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by striking out all of Section 2 on lines 84 and 85, third page, printed bill.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 87—An Act making an appropriation to repay the Regents of University of California.

Passed on file.

Assembly Bill No. 169—An Act to create a department of music in the University of California.

Passed on file.

Assembly Bill No. 336—An Act to repeal Section 403 of the Civil Code, and to add a chapter to Title I of Part IV of Division I of the Civil Code, all relating to general provisions affecting corporations.

During the second reading of bill the following committee amendment was offered:

COMMITTEE AMENDMENT.

Amend by inserting the word "does" in line 17, page 2 of the printed bill, after the word "nor."

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 335—An Act to repeal Section 399 and to amend Sections 400 and 401 of the Civil Code, relating to the dissolution and extension of the term of existence of corporations.

During the second reading of bill the following committee amendment was offered:

COMMITTEE AMENDMENT.

Amend by adding after the word "Code" a comma, and the words "to be known as Chapter V," in line 3 of the title of the printed bill.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 334—An Act to amend Sections 388, 397, 392, and 393 of the Civil Code, relating to the sale of franchises under execution.

Passed on file.

Assembly Bill No. 333—An Act to amend Sections 320, 323, and 325 of the Civil Code, relating to stockholders in corporations.

During the second reading of bill the following committee amendment was offered:

COMMITTEE AMENDMENT.

Amend by striking out the word "it" and inserting the word "its" before the word "debts" in line 46, page 2 of the printed bill

Amendment adopted.

Bill read second time and ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 332—An Act to repeal Title IV, of Part III, of Division I, and each and every section of said title, and to substitute a new Title IV to take the place thereof in said Code, relating to masters and apprentices.

During the second reading of bill the following committee amendment was offered:

COMMITTEE AMENDMENT.

Amend by striking out the word "default" and inserting the word "death" in line 54, page 2, of the printed bill.

Amendment adopted.

Bill read second time, and ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 331—An Act to amend Sections 299, 302, 304, 309, 310, 311, 312, 314, and 315 of the Civil Code, all relating to corporations.

Bill read second time, and ordered to engrossment and on third-reading file.

Assembly Bill No. 266—An Act to amend Sections 224, 226, and 227 of the Civil Code, all relating to the adoption of children.

During the second reading of bill the following committee amendment was offered:

COMMITTEE AMENDMENT.

Amend by striking out the words "two hundred twenty-four" and the comma on line one of the title

Amendment adopted.

Bill read second time, and ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 21—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 138 of said Civil Code, relating to orders respecting custody and maintenance of minor children of the marriage in actions for divorce.

During the second reading of bill the following committee amendment was offered:

COMMITTEE AMENDMENT.

Amend by striking out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 19—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 69 of said Civil Code, relating to marriage licenses.

During the second reading of bill the following amendments were offered:

By committee:

COMMITTEE AMENDMENT.

Amend by striking out all of Section 2.

Amendment adopted.

By Mr. McCartney:

Amend by striking out all of the printed bill after the enacting clause and inserting in lieu thereof the following:

SECTION 1. Section sixty-nine of the Civil Code of the State of California is hereby amended so as to read as follows:

69. All persons about to be joined in marriage must first obtain a license therefor from the county clerk of the county in which the marriage is to be celebrated and in which the male or female resides when residents of this State, and must upon oath qualify and show as follows:

1. The identity of the parties;
2. Their real and full names and places of residence;
3. Their ages;
4. No license must be issued by the county clerk except in the county in which the male or female resides, when residents of this State;
5. No license must be granted when either of the parties applicants therefor is a habitual drunkard, epileptic, imbecile, or insane, or who at the time of making application for said license is under the influence of any intoxicating liquor, or narcotic drug;
6. No license must be issued authorizing the marriage of a white person with a negro, mulatto, or mongolian;
7. If the male is under the age of twenty-one, or the female under the age of eighteen years, the consent of the father, mother, or guardian, if such consent is given; or that such nonage person has been previously, but is not at the time married. If the male is under the age of twenty-one, or the female under the age of eighteen years, and such person has not been previously married, no license must be issued by the clerk, unless the consent in writing of the parents of the person under age, or one of such parents, or of his or her guardian is presented to him duly verified by such parents or parent or guardian; and such consent must be filed by the clerk and he must state such facts in the license. For the purpose of ascertaining all the facts mentioned and required in this section, the clerk must at the time the license is applied for examine the parties to whom the license is to be issued under oath and reduce such examination to writing to be by them subscribed.

Amendment adopted.

Bill read second time, and ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 189—An Act to further perpetuate the markings of the Government survey.

During the second reading of bill the following committee amendments were offered:

#### COMMITTEE AMENDMENT No. 1.

Amend by striking out the title and insert in lieu thereof the following:

"An Act to re-establish and further perpetuate United States Government section corners where formerly established by a Government surveyor, perpetuating the same, and providing for the expense thereof."

Amendment adopted.

#### COMMITTEE AMENDMENT No. 2.

Amend by striking out all after the enacting clause and insert the following:

"SECTION 1. When any county surveyor in the discharge of his duties as such, or otherwise, shall ascertain that any United States Government section corner has become obliterated, or is marked with a wooden stake, earth mound, or other perishable monument, he must within reasonable time after ascertaining such fact, re-establish and mark the same by placing at said corner, a monument of heavily galvanized iron pipe, or galvanized iron stake not less than two inches in diameter, and not less than two feet long.

"SEC. 2. All such monuments located in public highways shall be placed with the top not less than twelve inches below the surface of the ground, but when not located in public highways, they shall be placed with the top six inches above the surface of the ground. If the top of the monument is placed above the ground it shall be not less than four feet long.

"SEC. 3. The surveyor shall keep a record of all corners so established, showing bearings and witness objects, which record shall be open to the inspection of all persons.

"SEC. 4. The actual cost and expense of re-establishing corners provided for in Section 1 of this Act shall constitute a public charge against the county wherein the same is situated, and shall be audited and allowed the same as other claims against the county."

Amendment adopted.

Bill read second time, and ordered to engrossment, reprint, and on third-reading file.

## SENATE MESSAGE--(OUT OF ORDER).

Mr. Olmsted moved to take up the message from the Senate.  
Motion carried.

SENATE CHAMBER, SACRAMENTO, January 24, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 20—An Act to amend Section 1703½ of the Code of Civil Procedure, relating to the manner of distributing money constituting the distributive share of persons who can not be found, and whose place of residence is unknown, and to minors and incompetent persons

Also: Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 580 thereof, relating to banking corporations.

Also: Senate Bill No. 50—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their office.

LEWIS A. HILBORN, Secretary.  
By J. W. HARPER, Assistant.

Senate Bill No. 20 read first time, and referred to Committee on Judiciary.

Senate Bill No. 36 read first time.

On motion of Mr. Olmsted, Senate Bill No. 36 was ordered on second-reading file without reference to a committee, it being identical with Assembly Bill No. 4.

Senate Bill No. 50 read first time, and referred to Committee on Judiciary.

## INTRODUCTION AND REFERENCE OF BILLS--(OUT OF ORDER).

The following bills were introduced:

By Mr. Atkinson: Assembly Bill No. 642—An Act to amend Section 3460 of the Political Code, relating to commissioners to make assessment lists for reclamation districts, and of giving notice thereof to land-owners.

Read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

Also: Assembly Bill No. 643—An Act to amend Section 3491 of the Political Code, relating to election of trustees of reclamation districts.

Read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

## ADJOURNMENT.

At four o'clock and forty minutes P. M., Hon. P. M. Walsh in the chair, on motion of Mr. McCartney, declared the Assembly adjourned until Wednesday, January 25, 1905, at ten o'clock A. M.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Wednesday, January 25, 1905. }

The Assembly met at ten o'clock A. M., pursuant to adjournment.  
Hon. Frank C. Prescott, Speaker of the Assembly, in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Atkinson, Beardslee, Beckett, Bliss, Boyle, Burge, Burke, Busick, Chandler, Coghlan, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea,

Ells, Espey, Estudillo, Gans, Gates, Goodrich, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—61.

Quorum present.

#### PRAYER.

Prayer by the Chaplain, Rev. George C. King.

#### READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 24, 1905, its discontinuance was ordered, on motion of Mr. King.

#### APPROVAL OF THE JOURNAL.

The Journal of Monday, January 23, 1905, was read, corrected, and, as corrected, approved.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

##### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly engrossed: Assembly Bill No. 119—An Act to amend Section 1255 of the Political Code of the State of California, relating to ballots voted at elections.

DEVLIN, Chairman

##### ON SWAMP AND OVERFLOWED LANDS.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1905.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 194—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 193—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 380—An Act authorizing the United States Government to lower the water levels of any or all of the following lakes: Lower (or Little) Klamath Lake, Tule (or Rhett) Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc counties, and to use any part or all of the beds of said lakes for the storage of said water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also ceding to the United States all right, title, interest or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

MOORE, Chairman.

Assembly Bills Nos. 194, 193, and 380 ordered on second-reading file.

#### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Senate Bill No. 57—An Act to amend Sections 276, 277, 279, and 280 of the Code of Civil Procedure, relating to the admission to practice of attorneys and counselors—reports the same back with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 18—An Act to amend Sections 276, 277, 279, and 280 of the Code of Civil Procedure, relating to the admission to practice of attorneys and counselors—reports the same back, with the recommendation that the author have permission to withdraw the same.

Also: Assembly Bill No. 99—An Act to amend Section 1167 of the Code of Civil Procedure, relating to summons in summary proceedings for obtaining possession of real property—reports the same back with three amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 44—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 91 of said Civil Code, relating to extreme cruelty as a cause of action for divorce—reports the same back with two amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 457—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expense of actions, alimony, and actions for maintenance and support—reports the same back with two amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 216—An Act to amend Sections 47 and 49 of the Civil Code and to add four new sections thereto, to be numbered 51, 52, 53, and 54, all relating to personal rights—reports the same back with seven amendments, and with the recommendation that it do pass as amended, by a majority vote.

Also: Assembly Bill No. 459—An Act to add a new section to the Political Code, to be numbered 4247, to enable County Recorders to return or destroy certain papers on file in their office—reports the same back with seven amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 76—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations—reports the same back with two amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 334—An Act to amend Sections 388, 397, 392, and 393 of the Civil Code, all relating to the sale of franchises under execution—reports the same back with the recommendation that it do pass.

DURYEA, Chairman.

Assembly Bills Nos. 18, 99, 44, 457, 216, 459, 76, and 334 were ordered on second-reading file.

#### SUBSTITUTION OF BILL.

Mr. McGowan moved that Senate Bill No. 50—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their office—be recalled from the Committee on Judiciary, and that the same be substituted on the file in place of Assembly Bill No. 459.

Motion carried, bill recalled and substitution ordered.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

##### ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1905.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 240—An Act providing for the purchase of a university farm for the use of the College of Agriculture of the University of California, providing for the appointment of a commission to select and purchase said farm, providing for a school of agriculture and a system of instruction on said farm, and appropriating money therefor—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 255—An Act to amend Subdivision II of Section 1543 of the Political Code, relating to the duties of county superintendents of schools—have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

CREIGHTON, Temporary Chairman

Assembly Bills Nos. 280 and 255 ordered on second-reading file.

#### ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1905.

SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 393—An Act to amend sections 497, 498, 504, and 507 of the Code, all relating to street railway corporations.

Also: Assembly Bill No. 394—An Act to amend Sections 513, 514, 517, 518, and 522 of Civil Code, all relating to wagon road corporations.

Also: Assembly Bill No. 395—An Act to add a new section to the Civil Code, to be numbered 524, relating to franchises for the construction of paths and roads for the use of horseless vehicles.

Also: Assembly Bill No. 396—An Act to amend Sections 528, 529, and 530 of the Civil Code, all relating to bridge, ferry, wharf, chute, and pier corporations.

Also: Assembly Bill No. 399—An Act to add a new section to the Civil Code, to be numbered 583b, and to repeal an Act entitled "An Act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1893, both relating to statements to be made and notices to be given by depositaries of money.

Also: Assembly Bill No. 479—An Act to repeal Title XI, of Part IV, of Division First, of the Civil Code, and each and every section of said title, and to substitute a new Title XI to take the place thereof in said Code, relating to mining corporations.

Also: Assembly Bill No. 481—An Act to add a title to Part IV, of Division First, of the Civil Code, to be known as Title XIIa, relating to societies for the prevention of cruelty to children and animals.

Also: Assembly Bill No. 480—An Act to add a new title to Part IV, of Division First, of the Civil Code, to be known as Title XIa, relating to corporations for the formation of chambers of commerce, boards of trade, mechanics' institutes, and other kindred associations.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DREW, Chairman.

Assembly Bills Nos. 393, 394, 395, 396, 399, 479, 481, and 480 ordered on second-reading file.

#### SPECIAL ORDER.

Senate Bill No. 57 taken up out of order, and made special order.

Mr. Duryea moved that Senate Bill No. 57, reported back this day by the Committee on Judiciary, be taken up out of order, read the second time, the proposed amendment acted upon, and the bill made a special order for to-morrow (Thursday) immediately after the introduction of bills.

Motion carried.

Senate Bill No. 57—An Act to amend Sections 276, 277, 279 and 280 of the Code of Civil Procedure, relating to the admission to practice of attorneys and counselors.

During the second reading of bill the following committee amendment was offered:

Amend by inserting in the title to the Act in line 3, after the word "procedure," the words "and to add a new section to said Code of Civil Procedure, to be numbered 280a."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file as a special order for consideration on Thursday, January 26, 1905.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

##### ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 25, 1905.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 11—An Act to abate the gopher and squirrel nuisance upon or adjacent to cultivated lands, and for the protection of agriculture and horticulture from destruction by said gophers and squirrels, and to provide for the enforcement of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 86—An Act to provide for the appointment of the California Cereal Improvement Commission, defining the purposes of said commission, and providing for an appropriation to pay the expenses thereof—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that it do pass as amended.

STROBRIDGE, Chairm.

Assembly Bill No. 11 ordered on second-reading file, and refer to Committee on Judiciary.

Assembly Bill No. 86 ordered on second-reading file, and referred Committee on Ways and Means.



## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 24, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Joint Resolution No. 5—Relative to relief measures by Congress in favor of Hon. Frank A. Leach.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Joint Resolution No. 5 ordered to enrollment.

## INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Burke: Assembly Bill No. 644—An Act to protect the lives and property of the traveling public and the employes of railroads in the State of California.

Read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 645—An Act to amend Section 1737 of the Political Code, relating to salaries of superior court judges.

Read first time, and referred to Committee on Judiciary.

By Mr. Amerige: Assembly Bill No. 646—An Act to prohibit boycotting, unfair lists, picketing, or other interference with the lawful business or occupation of others, and to provide a penalty therefor.

Read first time, and referred to Committee on Labor and Capital.

By Mr. Perkins: Assembly Bill No. 647—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Gans: Assembly Bill No. 648—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered 3782, relating to taxation and providing for actions to determine the validity of sales of real property.

Read first time, and referred to Committee on Revenue and Taxation.

By Mr. Whiting: Assembly Bill No. 649—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893.

Read first time, and referred to Committee on Agriculture.

By Mr. Maxwell: Assembly Bill No. 650—An Act amending Sections 5 and 6 of an Act entitled "An Act concerning the construction and repair of levees in the City of Marysville, and the mode of raising revenue therefor," approved March 6, 1876.

Read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

By Mr. McGowan: Assembly Bill No. 651—An Act to promote the better education of practitioners of nursing the sick in the State of California, to create a State board of examiners of registered nurses, and to prescribe its powers and duties; to provide for the issuance of certificates of registration as a registered nurse to qualified applicants, and to provide penalties for violation thereof.

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Strobbridge: Assembly Bill No. 652—An Act to amend Sections 1521, 1772, and 1775 of the Political Code, relating to the certification of teachers.

Read first time, and referred to Committee on Education.

By Mr. Beardslee: Assembly Bill No. 653—An Act to provide for one additional Judge of the Superior Court of the County of San Joaquin, State of California, for the manner of his appointment, and for his compensation.

Read first time, and referred to Committee on Judiciary.

By Mr. Devlin: Assembly Bill No. 654—An Act to regulate investment companies.

Read first time, and referred to Committee on Judiciary.

By Mr. Wickersham (by request): Assembly Bill No. 655—An Act to amend an Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom.

Read first time, and referred to Committee on Counties and County Boundaries.

By Mr. John: Assembly Bill No. 656—An Act to appropriate \$5,000, to be expended by the Regents of the University of California, through the Departments of Agriculture and Zoölogy, in making experiments leading to the destruction of ground squirrels, gophers, and jack-rabbits or hares.

Read first time, and referred to Committee on Agriculture.

Also (by request): Assembly Bill No. 657—An Act to establish a State refinery of petroleum, and making an appropriation therefor.

Read first time, and referred to Committee on Oil Industries and Oil Mining Interests.

By Mr. Waste: Assembly Bill No. 658—An Act to amend Section 1278 of the Code of Civil Procedure of the State of California, relating to hearing applications for change of names, and remonstrance, and requiring production of the certificate of the Secretary of State by corporations that name desired is not the name of any other corporation, or so closely resembles the same as will tend to deceive.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 659—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section to said Code of Civil Procedure, to be numbered 1760, relating to the removal of guardianship proceedings from the Superior Court of any county in this State to the Superior Court of any other county thereof, and to provide for the payment of the fees thereon.

Read first time, and referred to Committee on Judiciary.

By Mr. Anthony: Assembly Bill No. 660—An Act to pay the claim of Lawrence J. Dunnigan against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Claims.

By Mr. Duryea: Assembly Bill No. 661—An Act appropriating money to pay the claim of A. S. Bosquit against the State of California.

Read first time, and referred to Committee on Claims.

By Mr. Coyle: Assembly Bill No. 662—An Act to appropriate \$25,000 out of any money in the State Treasury, not otherwise appropriated, to permanently drain Lake Earl, in Del Norte County.

Read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

## RE-REFERENCE OF BILL.

Mr. Drew moved that Assembly Bill No. 83 be withdrawn from the Committee on Agriculture, and referred to the Committee on Fruit and Vine Interests.

Motion carried, and such was the order.

## INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. McKenney: Assembly Bill No. 663—An Act to amend Sections 410 and 412 of the Code of Civil Procedure, all relating to the service of summons in civil action.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 664—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to the designation of one of the prisons of the State as a reformatory, relating to the powers of the State Board of Prison Directors, relating to the selection and duties of the wardens, relating to the transfer of prisoners, and to other matters incident thereto.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 665—An Act to amend an Act entitled "An Act fixing the price and condition of sale at which jute goods shall be sold by the State," approved February 27, 1893.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

## RE-REFERENCE OF BILLS.

Mr. Amerige moved that Assembly Bill No. 641 be withdrawn from the Committee on Agriculture, and referred to the Committee on Ways and Means.

Motion carried, and such was the order.

Mr. McCartney moved that Assembly Bill No. 600 be withdrawn from the Committee on Education, and referred to the Committee on Ways and Means.

Motion carried, and such was the order.

## RESOLUTIONS.

By Mr. McGowan:

(To substitute a clerk.)

*Resolved*, That the name of Paul Edwards be stricken from the list of Committee Clerks and the name of L. Symons be substituted in place thereof, commencing from January 22, 1905.

Mr. McGowan moved the adoption of the resolution.

Motion carried, and resolution adopted.

Mr. Walsh offered a resolution authorizing the Chief Clerk to prepare a mailing list; each member to be privileged to designate four persons to whom should be mailed copies of all Journals, bills, and resolutions, as such person may designate.

## POINT OF ORDER SUSTAINED.

Mr. Stanton raised the point of order that a portion of the subject matter contained in Mr. Walsh's resolution had been before the

Assembly on a previous day, and had been indefinitely postponed, and that therefore Mr. Walsh's resolution was out of order and could not be entertained.

The Chair decided that the point of order was well taken, and declared Mr. Walsh's resolution out of order.

#### RECONSIDERATION OF ASSEMBLY BILL No. 121 LOST.

In compliance with his notice given on yesterday, Mr. Treadwell moved a reconsideration of the vote whereby Assembly Bill No. 121—An Act to amend Section 3654 of the Political Code, relating to the disposition of assessment book maps, etc.—was passed.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

**AYES**—Messrs Amerige, Anthony, Beardslee, Busick, Chandler, Cogblan, Coyle, Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Gans, Goodrich, Hawkins, John, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, Manwell, McKenney, O'Brien, Olmsted, Perkins, Pfaefle, Pryor, Pyle, Strobridge, Thompson, Treadwell, Tripp, Waste, and Weyand—37.

**NOES**—Messrs. Atkinson, Beckett, Bli's, Boyle, Burge, Burke, Creighton, Estudillo, Gates, Held, McCartney, McGowan, Meincke, Mitchellree, Severance, Stanton, Strohl, Transue, Walsh, Whiting, Wickersham, and Mr. Speaker—22.

Assembly Bill No. 121 ordered transmitted to the Senate.

#### INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Cogblan: Assembly Bill No. 666—An Act to amend Section 2 of an Act entitled "An Act to authorize suits against the State, and regulating the procedure therein," approved February 28, 1893.

Read first time, and referred to Committee on Judiciary.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

##### ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1905.

**MR. SPEAKER**: Your Committee on Corporations, to whom was referred Assembly Bill No. 72—An Act to amend Section 595 of the Civil Code, relating to the amount of real estate which may be held by certain corporations

Also: Assembly Bill No. 251—An Act to add a new section, to be numbered and designated as Section 321b, to an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to regulating the giving and use of proxies to vote corporate stock at any meeting of the stockholders of any corporation organized under the laws of this State.

Also: Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WALSH, Chairman.

Assembly Bills Nos. 72, 251, and 472 ordered on second-reading file.

##### ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1905.

**MR. SPEAKER**: Your Committee on Agriculture, to whom was referred Assembly Bill No. 276—An Act providing for the purchase of a university farm for the use of the College of Agriculture of the University of the State of California; providing for the appointment of a commission to select and purchase said farm; providing for a school of agriculture and a system of instruction on said farm, and appropriating money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

STROBRIDGE, Chairman.

Assembly Bill No. 276 referred to Committee on Ways and Means, and ordered on second-reading file.

## SPECIAL ORDERS.

Assembly Bill No. 540—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

Passed on file.

Assembly Bill No. 541—An Act fixing the salaries of three Assistant Reporters of the Decisions of the Supreme Court and District Courts of Appeal.

Ordered, on motion of Mr. Waste, on the third-reading file.

Assembly Bill No. 92—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

Passed on file.

## SPECIAL FILE.

Assembly Bill No. 555 (Substitute for Assembly Bill No. 116)—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavits of registration.

Passed on file.

Assembly Bill No. 119—An Act to amend Section 1255 of the Political Code of the State of California, relating to ballots voted at election.

Re-referred, on motion of Mr. Atkinson, to the Committee on Engrossment and Enrollment.

Assembly Bill No. 120—An Act to amend Section 1253 of the Political Code of the State of California, relating to elections.

Bill read third time on a previous day.

## SELECT COMMITTEE AMENDMENT.

Mr. Atkinson moved that a select committee of one be appointed to amend Assembly Bill No. 120, as follows:

Amend by adding after line number 8 the following: "He must then proceed to take out of the box the ballots, open one at a time, numbering them on the backs in numerical order, commencing with number one, and writing with ink the initials of his own name upon the back of each ballot, as taken out; he shall pass each ballot, as soon as thus indorsed, to the other inspector, who must, in like manner, write thereon the initials of his own name, so that each ballot can be subsequently identified by either or both such inspectors."

Motion carried.

Mr. Atkinson was named as such committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1905

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 120—An Act to amend Section 1253 of the Political Code of the State of California, relating to elections—with instructions, does now report that the instructions of the Assembly have been carried out.

ATKINSON, Committee.

Report adopted.

Assembly Bill No. 120 was ordered to reengrossment, reprint, and on third-reading file for passage.

## BILL WITHDRAWN.

Mr. Atkinson moved that he be permitted to withdraw Assembly Bill No. 116—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavits of registration.

Motion carried, and bill withdrawn.

## SPECIAL FILE—(RESUMED).

Assembly Bill No. 74—An Act making an appropriation for the construction of cement sidewalks in the Town of Berkeley.

Passed on file.

Assembly Bill No. 73—An Act making an appropriation for the construction of an agricultural building at Berkeley.

Passed on file.

## THIRD-READING FILE.

Assembly Bill No. 1—An Act to amend Section 1313 of the Civil Code, relating to devises.

Passed on file.

Senate Bill No. 6—An Act to provide three (3) additional Judges of the Superior Court of the County of Los Angeles, for the manner of their appointment, and for their compensation.

Mr. Transue moved that Senate Bill No. 6 be now read the second time.

Motion carried.

Bill read second time, and ordered on third-reading file.

Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued license to practice in all the courts of the State.

Passed on file.

Assembly Bill No. 152—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Beardslee, Bliss, Burge, Burke, Busick, Cromwell, Ells, Espey, Gans, Gates, Goodrich, John, Jones of Tuolumne, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Pfaefle, Pryor, Pyle, Stanton, Strohl, Transue, Tripp, Waste, Wickersham, and Mr. Speaker—38.

NOES—Messrs. Beckett, Boyle, Coghlan, Coyle, Creighton, Devlin, Drew, Duryea, Estudillo, Hawkins, Held, Johnson, Johnstone, Perkins, Severance, Strobridge, Thompson, Treadwell, Walsh, Weyand, and Whiting—21.

Assembly Bill No. 88—An Act to amend Section 1577 of the Political Code of the State of California, relating to the formation of new school districts.

Passed on file.

## PRIVILEGES OF THE FLOOR.

Mr. Weyand moved that the privileges of the floor be granted to Hon. T. J. Sheridan, an ex-member of the Assembly.

Motion carried.

Mr. Duryea moved that the privileges of the floor be granted to Hon. Harold T. Power, an ex-member of the Assembly.

Motion carried.

Mr. Gates moved that the privileges of the floor be granted to Hon. Gillis Doty, an ex-member of the Assembly.

Motion carried.

## THIRD-READING FILE—(RESUMED).

Assembly Bill No. 57—An Act to amend Section 1560 of the Political Code of the State of California, relating to the public schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Amerige, Anthony, Atkinson, Beardslee, Beckett, Boyle, Burge, Burke, Busick, Chandler, Coghlan, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, King, Lynch, Manwell, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Strohl, Thompson, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—57.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 56—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justice courts and justices.

Passed on file.

Assembly Bill No. 6—An Act to amend Section 849 of the Code of Civil Procedure, relating to the service of summons issued out of justices' courts.

Passed on file.

Assembly Bill No. 215—An Act to repeal Section 8 of the Civil Code, and to amend Section 9 thereof, relating to holidays.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Beardslee, Beckett, Boyle, Burge, Burke, Busick, Chandler, Coghlan, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Hawkins, Held, Houser, John, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, Wickersham, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 264—An Act to repeal Section 58 and to amend Sections 60, 68, 70, 79½, and 84 of the Civil Code, all relating to marriage.

Passed on file.

Assembly Bill No. 265—An Act to repeal Sections 242, 243, 244, 245, 247, 248, 249, and 258, and to amend Section 246 of the Civil Code, all relating to guardian and ward.

Passed on file.

Assembly Bill No. 214—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Passed on file.

Assembly Bill No. 199—An Act to amend Section 890 of the Code of Civil Procedure of the State of California, relating to judgments of dismissal without prejudice.

Passed on file.

Assembly Bill No. 95—An Act to amend Section 890 of the Code of Civil Procedure, relating to proceedings in justices' courts.

Passed on file.

Assembly Bill No. 54—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justice courts.

Passed on file.

SENATE BILL SUBSTITUTED.

Mr. Cromwell moved that Senate Bill No. 36 (No. 148 on the file) be substituted on the file for Assembly Bill No. 4, both being identical, and that Senate Bill No. 36 be now read.

Motion carried.

Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 580 thereof, relating to banking corporations.

Bill read second time, and ordered on third-reading file.

Assembly Bill No. 55—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Passed on file.

Assembly Bill No. 281—An Act to amend the Political Code by adding thereto a new section, to be numbered 421.

Passed on file.

Assembly Bill No. 156—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the inquiry into the aggravation or mitigation of punishment, the imposition or execution of sentence, and the suspending thereof by probation on plea or verdict of guilty.

Passed on file.

Assembly Bill No. 157—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1878, by amending Section 131 thereof, relating to powers and duties of the courts in providing for the creation and appointment and term of office of boards, to be known as "probation committees," providing for the creation and appointment of probation officers, prescribing their terms of office, duties, and powers, and fixing their salaries.

Passed on file.

Assembly Bill No. 160—An Act to amend an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903.

Passed on file.

Assembly Bill No. 22—An Act to amend Section 585 of the Code of Civil Procedure, relating to the cases in which judgment may be had upon the failure of a defendant to answer.

Passed on file.



Assembly Bill No. 20—An Act to repeal two sections of the Code of Civil Procedure, each being numbered 1161, approved April 1, 1878, and to substitute therefor a new section, to be numbered 1161, relating to unlawful detainer.

Passed on file.

Assembly Bill No. 98—An Act to amend Section 1310 of the Civil Code, relating to lapsed legacies.

Passed on file.

Assembly Bill No. 27—An Act to amend Section 147 of the Civil Code, relating to the power of the court to dispose of homestead and community property in divorce proceedings and creating presumption of ownership in the absence of such disposition.

Passed on file.

Assembly Bill No. 107—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1760, relating to giving special notice to relatives and wards during the administration of wards' estates.

Passed on file.

Assembly Bill No. 108—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section to be numbered 1380, relating to giving special notices to heirs, devisees, legatees, and creditors during the administration of estates of decedents.

Passed on file.

Assembly Bill No. 58—An Act to amend Section 611 of the Civil Code, relating to the issuance of bonds by cemetery corporations.

Passed on file.

Assembly Bill No. 4—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 580 thereof, relating to banking corporations.

Passed on file.

Assembly Bill No. 127—An Act to provide for the proper naming of trees, seeds, plants, and vines, sold, offered, or exposed for sale, in this State, and providing a penalty for the violation of this Act.

Passed on file.

Assembly Bill No. 47—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 4235 of said Code, relative to the recording of instruments.

Passed on file.

Assembly Bill No. 345—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Passed on file.

Assembly Bill No. 84—An Act to amend Section 1 of an Act to regulate the practice of veterinary medicine and surgery in the State of California.

Passed on file.

Assembly Bill No. 158—An Act authorizing certain corporations to act as guardians of the persons of abandoned, dependent, and certain other children; with power as such guardians to consent to the adoption of such children; providing for their appointment as such guardians, with the notice to be given and fees remitted.

Passed on file.

Assembly Bill No. 182—An Act to amend Section 1593 of the Political Code of the State of California, relating to the elections of school trustees.  
Passed on file.

Assembly Bill No. 183—An Act to amend Section 1615 of the Political Code of the State of California, relating to the organization of a new school district.

Passed on file.

Assembly Bill No. 101—An Act to amend Section 1489 of the Political Code, relating to State normal schools.

Passed on file.

Assembly Bill No. 295—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377*b*, making it a misdemeanor to refuse or neglect to conform to the rules, orders, or regulations of the State Board of Health concerning the pollution of water used or intended to be used for human or animal consumption.

Passed on file.

Assembly Bill No. 294—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 377*c*, making it a misdemeanor to refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health, concerning the pollution of ice used or intended for public consumption.

Passed on file.

Assembly Bill No. 298—An Act to amend Chapter I of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, by adding a new section thereto, to be numbered Section 9, relating to the powers and duties of city recorders and city clerks, respecting the registration of deaths and the issuance and registration of burial and disinterment permits.

Passed on file.

Assembly Bill No. 335—An Act to repeal Section 399 and to amend Sections 400 and 401 of the Civil Code, relating to the dissolution and extension of the term of existence of corporations.

Passed on file.

Assembly Bill No. 333—An Act to amend Sections 320, 323, and 325 of the Civil Code, relating to stockholders in corporations.

Passed on file.

Assembly Bill No. 332—An Act to repeal Title IV, of Part III, of Division I, and each and every section of said title, and to substitute a new Title IV to take the place thereof in said Code, relating to masters and apprentices.

Passed on file.

Assembly Bill No. 331—An Act to amend Sections 299, 302, 304, 309, 310, 311, 312, 314, and 315 of the Civil Code, all relating to corporations.

Passed on file.

Assembly Bill No. 266—An Act to amend Sections 224, 226, and 227 of the Civil Code, all relating to the adoption of children.

Passed on file.

Assembly Bill No. 21—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 138 of said Civil Code, relating to orders respecting custody and maintenance of minor children of the marriage in actions for divorce.

Passed on file.

Assembly Bill No. 19—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 69 of said Civil Code, relating to marriage licenses.

Passed on file.

Assembly Bill No. 189—An Act to further perpetuate the markings of the Government survey.

Passed on file.

#### SECOND-READING FILE.

Assembly Bill No. 162—An Act to appropriate \$590 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California."

Passed on file.

Assembly Bill No. 163—An Act to appropriate \$815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 104—An Act to appropriate \$3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 161—An Act to appropriate \$2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action.

Passed on file.

Assembly Bill No. 164—An Act to appropriate \$640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action.

Passed on file.

Assembly Bill No. 211—An Act to appropriate out of the State School Book Fund of the State Treasury the sum of \$4,119.71, to pay the claim of Bonestell, Richardson & Co.

Passed on file.

Assembly Bill No. 228—An Act making an appropriation for the payment of division and brigade N. G. C. headquarters allowances for the fifty-fifth and fifty-sixth fiscal years.

Passed on file.

Assembly Bill No. 216—An Act to amend Sections 47 and 49 of the Civil Code and to add four new sections thereto, to be numbered 51, 52, 53, and 54, all relating to personal rights.

Passed on file.

Assembly Bill No. 262—An Act to amend Sections 94, 106, 136, 137, and 146, and to repeal Section 144 of the Civil Code, all relating to divorce.

Passed on file.

Assembly Bill No. 263—An Act to amend Sections 164 and 170 of the Civil Code, all relating to husband and wife.

Passed on file.

Assembly Bill No. 123—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation

therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Passed on file.

Assembly Bill No. 9—An Act to amend an Act to establish a Political Code, approved March 12, 1872, by amending Section 4080, relating to the planting and preservation of shade and ornamental trees.

Passed on file.

Assembly Joint Resolution No. 1—Relative to the establishment of a national park at the "The Pinnacles," in San Benito County, State of California.

#### ASSEMBLY JOINT RESOLUTION No. 1.

Relative to the establishment of a national park at "The Pinnacles," in San Benito County, State of California.

WHEREAS, There is situated in southern San Benito County, in Townships 16 and 17 south, Range 7 east, M. D. M., a large body of conglomerate rocks called "The Pinnacles" and which are the largest conglomerate bowlders in the world, forming natural bridges, caves, and gorges and are truly wonders of nature; and

WHEREAS, All of said land is Government land excepting about two hundred acres, which said Government land has been withdrawn from entry pending an investigation by the Federal Government into the merits of "The Pinnacles" as a site for the establishment of a national park; now, therefore, be it

*Resolved, by the Senate and Assembly of the State of California jointly.* That we hereby indorse the establishment of a national park at "The Pinnacles" by the Federal Government; be it further

*Resolved,* That our Senators are hereby instructed and our Congressmen requested to aid in the establishment of said national park by the Federal Government; be it further

*Resolved,* That a copy of this resolution, duly attested by the proper officers of the Senate and Assembly, be forwarded by the Chief Clerk of the Assembly to each of our Senators and Congressmen at Washington

Resolution read.

Mr. Amerige moved the adoption of Assembly Joint Resolution No. 1.

The roll was called, and Assembly Joint Resolution No. 1 was adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Beardslee, Beckett, Burge, Busick, Chandler, Coghlan, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones, of Tuolumne, King, Lynch, Maxwell, McCartney, McGowan, McKenney, Meincke, Mitchellree, Moore, O'Brien, Olmsted, Perkins, Pfieffe, Pyle, Severance, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—51.

NOES—None.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 151—An Act making an appropriation for searching for beneficial insects.

Passed on file.

Assembly Bill No. 315—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to the issuance of writs of attachment issued from justices' courts, and providing that several writs may be issued at the same time to the sheriffs or constables of counties other than the one in which said justice's court may be situated.

During the second reading of bill the following committee amendments were offered:

#### COMMITTEE AMENDMENT No. 1.

Amend by striking out all of Section 2.

Amendment adopted.

## COMMITTEE AMENDMENT No. 2

Amend by striking out of line 4, page 1 of the printed bill, the word "the," and inserting in lieu thereof the word "any."

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 297—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of Public Instruction.

Passed on file.

Assembly Bills Nos. 93, 105, 271, 246, 138, 132, 136, 137, 135, 134, 133, 87, 169, and 334 passed on file.

Assembly Bill No. 329—An Act to amend Sections 634 and 685 of the Political Code, relating to the State Board of Examiners, the appointment of an assistant to the secretary of said board, and for the appointment of four clerks of said board and fixing their compensation.

Passed on file.

Assembly Bill No. 184—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 416½, relating to the carrying of concealed deadly weapons, and fixing the penalty therefor.

During the second reading of bill the following committee amendments were offered:

## COMMITTEE AMENDMENT No. 1.

Amend by striking out of line 3 of the title the quotation marks after 1872, and place quotation marks after the word "Code" in line 2 of the title.

Amendment adopted.

## COMMITTEE AMENDMENT No. 2.

Amend by striking out of line 4 of the title the figures "416½" and insert in lieu thereof "417a."

Amendment adopted.

## COMMITTEE AMENDMENT No. 3.

Amend by striking out of line 5 of the title the word "deadly."

Amendment adopted.

## COMMITTEE AMENDMENT No. 4.

Amend by striking out all of the printed bill after the enacting clause, and insert in lieu thereof the following:

SECTION 1. A new section is hereby added to the Penal Code to be numbered 417a, to read as follows:

Section 417a. Any person, except a peace officer, who, without having a permit granted by a Superior Judge or Sheriff of any of the counties of this State, Board of Police Commissioners, Mayor, or President of the Board of Trustees of any of the incorporated cities within this State, shall wear or carry concealed, any pistol, revolver, dirk, or other dangerous, or deadly weapon, shall be guilty of a misdemeanor, and punishable by a fine not to exceed five hundred dollars (\$500 00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 327—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, relating to advertising estrays and the cost and expenses of redeeming them.

Passed on file.

Assembly Bill No. 187—An Act to amend an Act entitled "An Act relating to estrays, providing for taking up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force, relating to estrays," approved March 23, 1901, by amending the second section thereof.

During the second reading of bill the following committee amendments were offered:

COMMITTEE AMENDMENT No. 1.

Amend by inserting in line 5, page 1, of the printed bill, after the word "estrays" quotation marks.

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 111—An Act to provide for the registration of bonds issued by common school, high school, or union high school districts.

During the second reading of bill the following committee amendment was offered:

COMMITTEE AMENDMENT

Amend by striking out all of Section 3.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 112—An Act to amend Section 424 of the Penal Code of the State of California, relative to embezzlements and falsifications of accounts by public officers.

During the second reading of bill the following committee amendment was offered:

COMMITTEE AMENDMENT.

Amend by striking out all of Section 2.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 40—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

During the second reading of bill the following committee amendment was offered:

## COMMITTEE AMENDMENT.

Amend by striking out all of Section 2.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

## BILL WITHDRAWN.

Mr. Thompson requested leave to withdraw Assembly Bill No. 374—An Act to amend Section 1430, Penal Code of California, relating to trials by jury before justices' and police courts.

Permission granted and bill withdrawn.

## SECOND-READING FILE—(RESUMED).

Assembly Bill No. 100—An Act to amend Section 2968 of the Civil Code and to repeal Sections 2969 and 2970 of said Code, relating to the taking of mortgaged property under attachment and execution.

During the second reading of bill the following committee amendment was offered:

## COMMITTEE AMENDMENT.

Amend by striking out of line 6, page 1 of the printed bill, the period (.) after the word "mortgage," and insert in lieu thereof a comma (,) and the words "and all rights of the mortgagee thereunder."

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 212—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act providing for the sale of railroad and other franchises in municipalities, and relative to the granting of franchises,'" approved March 23, 1893.

Passed on file.

Assembly Bill No. 85—An Act to provide for the location and construction of a public highway from a point on the Kings River, near the town of Centerville, in Fresno County, to Kings River Cañon, etc.

Passed on file.

Assembly Bill No. 349—An Act to create and maintain a public highway between the counties of Los Angeles and Kern.

Passed on file.

Assembly Bill No. 407—An Act to amend Section 73 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bills Nos. 316, 322, and 403 passed on file.

Assembly Bill No. 192—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 80—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and

the best methods of preserving the forests thereof, and to make an appropriation for the expenses of such investigation.

Passed on file.

Assembly Bill No. 365—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a State reform school for juvenile offenders, and to make an appropriation therefor,' approved March 11, 1889, by amending the title to said Act, and by amending Sections 1, 4, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by adding three new sections thereto, to be numbered, respectively, Sections 16a, 16b, and 16c, relating to a change in the name of the institution, and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State school located and established under the aforesaid Act and now maintained by the State of California at Whittier, in the County of Los Angeles therein," approved March 23, 1893.

During the second reading of bill the following committee amendments were offered:

COMMITTEE AMENDMENT No. 1.

Amend by adding to the title the words "and adding certain sections thereto."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by striking out the words "for a period embracing his or her majority," on lines 28 and 29, Section 1, second page, printed bill, and inserting in lieu thereof the following: "until they shall have reached the age of twenty-one years."

Amendment adopted.

COMMITTEE AMENDMENT No. 3.

Amend by inserting the following: "Section 10 Within sixty days after the passage of this Act and its approval by the Governor, it shall be the duty of the Board of Trustees of the Whittier State School to cause all male inmates of said school who are over sixteen years of age to be committed to the Preston School of Industry."

Amendment adopted.

COMMITTEE AMENDMENT No. 4.

Amend by striking out the figures "10" on line 1, Section 10, fifth page, printed bill, and inserting in lieu thereof the figures "11"

Amendment adopted.

COMMITTEE AMENDMENT No. 5.

Amend by inserting the following: "Section 12. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on file for third reading.

Assembly Bill No. 361—An Act regulating the commitment of criminals to the State Prison at San Quentin and the State Prison at Folsom.

During the second reading of bill the following committee amendment was offered:



## COMMITTEE AMENDMENT.

Amend by inserting on line 2, Section 4, second page, printed bill, after the word "prisoner" the following: "regardless of his age."

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 366—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and the Preston School of Industry, fixing the authority to examine and commit to such schools with the superior judges of counties, and fixing the responsibilities for which commitments are made to the State for the maintenance of the persons committed therefrom, providing for the manner of payment therefor, and fixing the responsibility of parents to the counties for which their children are committed," approved March 26, 1895.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 360—An Act regulating the grading of prisoners in the State Prison at San Quentin, in the State Prison at Folsom, and the Preston School of Industry at Ione.

During the second reading of bill the following committee amendments were offered:

## COMMITTEE AMENDMENT No. 1.

Amend by striking out the letter "A" on page 11, Section 1, first page, printed bill, and inserting in lieu thereof the letter "B."

Amendment adopted.

## COMMITTEE AMENDMENT No. 2

Amend by striking out the letter "A" on line 11, Section 1, first page, printed bill, and inserting in lieu thereof the letter "B."

Amendment adopted.

## COMMITTEE AMENDMENT No. 3.

Amend by striking out the letter "B" on line 4, Section 3, second page, printed bill, and inserting in lieu thereof the letter "A."

Amendment adopted.

## COMMITTEE AMENDMENT No. 4.

Amend by striking out the letter "B" on line 3, Section 4, second page, printed bill, and inserting in lieu thereof the letter "A."

Amendment adopted.

## COMMITTEE AMENDMENT No. 5.

Amend by striking out the letter "B" on line 6, Section 4, second page, printed bill, and inserting in lieu thereof the letter "A."

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 364—An Act giving to superior judges the right to impose indeterminate sentences, and prescribing the method of imposing the same.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 363—An Act amending an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889.

During the second reading of bill the following committee amendments were offered:

COMMITTEE AMENDMENT No. 1.

Amend by adding to the title the words, "and adding certain sections thereto, and repealing a certain section thereof."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by striking out the words "one of" on line 8, Section 5, third page, printed bill.

Amendment adopted.

COMMITTEE AMENDMENT No. 3.

Amend by striking out the word "Prisons" on line 8, Section 5, third page, printed bill, and inserting in lieu thereof "Prison at San Quentin."

Amendment adopted.

COMMITTEE AMENDMENT No. 4.

Amend by inserting the following: "Section 8. Within sixty days after the passage of this Act and its approval by the Governor, it shall be the duty of the Board of Managers of the Preston School of Industry to cause all prisoners in said institution who are under the age of sixteen years of age to be committed to the Whittier State School."

Amendment adopted.

COMMITTEE AMENDMENT No. 5.

Amend by striking out the figure "8" on line 1, Section 8 third page, printed bill, and inserting in lieu thereof the figure "9."

Amendment adopted.

COMMITTEE AMENDMENT No. 6.

Amend by striking out the figure "9" on line 1, Section 9, third page, printed bill, and inserting in lieu thereof the figures "10."

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 277—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

During the second reading of, bill the following committee amendments were offered:

COMMITTEE AMENDMENT No. 1.

Amend by striking out the letter "n" of the fourth word of the title on line 1 of title, first page, printed bill, and inserting in lieu thereof the letter "t."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by inserting after the word "census," in line 12, on page 1, of the printed bill, the following: "And in cities or districts wherein separate classes are established for the instruction of the deaf, as provided in Section 1618 of this Code, an additional teacher for each nine deaf children, or fraction of such number, not less than five, actu-

ally attending such classes; *provided*, that all children in any asylum, and not attending the public schools, of whom the authorities of said asylums are the guardians, shall not be included in making the estimate of the number of teachers to which the district in which the asylum is entitled."

Amendment adopted.

COMMITTEE AMENDMENT No. 3.

Amend by striking out the word "assigned" on line 15, first page, printed bill, and inserting in lieu thereof the words "so allowed."

Amendment adopted.

COMMITTEE AMENDMENT No. 4.

Amend by striking out the word "assigned" on line 19, second page, printed bill and inserting in lieu thereof the words "so allowed."

Amendment adopted.

COMMITTEE AMENDMENT No. 5.

Amend by inserting after the word "hundred," on line 22, page 2, of the printed bill, "and fifty."

Amendment adopted.

COMMITTEE AMENDMENT No. 6.

Amend by striking out the word "assigned," on line 23, second page, printed bill, and inserting in lieu thereof the words "so allowed."

Amendment adopted.

COMMITTEE AMENDMENT No. 7.

Amend by striking out all of Section 2 after the word "effect," and inserting in lieu thereof the word "immediately."

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

BILL WITHDRAWN.

Mr. Houser requested, and was granted, leave to withdraw Assembly Bill No. 113—An Act to repeal Article XVII, Chapter III, Title III, Part III, of the Political Code of the State of California, relating to city boards of examination.

Bill withdrawn.

Assembly Bill No. 175—An Act fixing a limit of time within which a purchaser at tax sale shall apply for a tax deed.

During the second reading of bill the following committee amendments were offered:

COMMITTEE AMENDMENT No. 1.

Amend by inserting the word "which" between the word "within" and the word "a" in the title.

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by inserting a comma (,) between the word "individual" and the word "private," in line 2, page 1, of printed bill.

Amendment adopted.

## COMMITTEE AMENDMENT No. 3.

Amend by striking out the word "comma" (,) between the word "deed" and the word "if" in line 12, page 1, of printed bill.

Amendment adopted.

## COMMITTEE AMENDMENT No. 4.

Amend by inserting the word "the" between the word "where" and the word "land" in line 15, page 1, of printed bill.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 89—An Act to amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time therefor.

Bill read second time and ordered to engrossment and on third-reading file.

Assembly Bill No. 176—An Act to amend Section 3788 of the Political Code for the State of California, relating to redemption of lands from tax sales.

Passed on file.

Assembly Bill No. 415—An Act to repeal Section 2652, entitled "An Act to establish a Political Code," relating to road poll-tax.

Bill read second time and ordered to engrossment and on third-reading file.

## INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Mr. Lumley: Assembly Bill No. 667—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 199 thereof.

Read first time, and referred to Committee on Judiciary.

## NOTICE OF RECONSIDERATION OF ASSEMBLY BILL No. 152.

Mr. Held gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 152 was refused final passage this day.

## RECESS.

At twelve o'clock and fifteen minutes P. M., on motion of Mr. McCartney, recess was declared until three o'clock P. M. this day.

## REASSEMBLED.

At three o'clock P. M. the Assembly reconvened.  
Speaker Prescott in the chair.

## LEAVES OF ABSENCE.

Leaves of absence for the afternoon were granted to Messrs. Creighton and John.

## PRIVILEGES OF THE FLOOR.

Mr. Houser moved that the privileges of the floor be granted to Hon. W. S. Killingsworth, an ex-member of the Assembly.

Motion carried.

## SPECIAL FILE.

Assembly Bill No. 390—An Act to amend Sections 368, 481, and 498 of the Civil Code, and to add two new sections thereto, to be numbered 465a and 473a, all relating to railroad corporations.

Bill read second time, and ordered to engrossment and on third-reading file.

Assembly Bill No. 388—An Act to add a Chapter V to Title II, of Part IV, of Division I, of the Civil Code, relating to corporations to discover fire and save property and human life from destruction thereby.

Bill read second time, and ordered to engrossment and on third-reading file.

Assembly Bill No. 387—An Act to add a Chapter IV to Title II, of Part IV, of Division I, of the Civil Code, relating to mutual benefit and life associations.

During the second reading of bill the following committee amendments were offered:

## COMMITTEE AMENDMENT No. 1.

In line 11 strike out after the word "filing," the words "a certificate," and insert in lieu thereof the words "articles of incorporation."

Amendment adopted.

## COMMITTEE AMENDMENT No. 2.

In line 13 strike out after the word "a," the words "like certificate," and insert in lieu thereof the words "certified copy of such articles of incorporation, duly certified by the county clerk."

Amendment adopted.

## COMMITTEE AMENDMENT No. 3.

In line 14, after the punctuation (.), strike out the balance of line 14, and all of lines 15, 16, 17 and 18, and insert in lieu thereof, "such articles must state the name of the corporation; its general purposes, its principal place of business, its term of existence, not exceeding fifty years, the names and residences of the directors selected or appointed to serve for the first year, and must be signed and verified as required by Sections 292 and 594 of this Code."

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

## MR. M'CARTNEY CALLED TO THE CHAIR.

At three o'clock and five minutes P. M., Hon. H. S. G. McCartney in the chair.

Assembly Bill No. 386—An Act to amend Sections 437, 447, 449 and 450, and to repeal Sections 431, 444, and 448 of the Civil Code, and to add a new section thereto, to be numbered 452, all relating to life, health, and accident insurance corporations.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 385—An Act to amend Section 478 of the Civil Code, relating to fire and marine insurance corporations.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 384—An Act to amend Sections 414, 415, 417, and 418 of the Civil Code, to add a new section thereto, to be numbered 421, and to repeal Section 427, all relating to insurance corporations.

Bill read second time, ordered to engrossment and on third-reading file.

Senate Bill No. 53—An Act to amend Section 3457 of the Political

Code of California, relating to the nature and legal life of warrants of reclamation districts in the State of California.

Bill read second time and ordered on third-reading file.

#### ADJOURNMENT.

At three o'clock and fifteen minutes P. M., Hon. H. S. G. McCartney in the chair, on motion of Mr. Duryea, declared the Assembly adjourned until Thursday, January 26, 1905, at ten o'clock A. M.

#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Thursday, January 26, 1905. }

The Assembly met at ten o'clock A. M., pursuant to adjournment.  
Hon. Frank C. Prescott, Speaker of the Assembly, in the chair.

#### ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Severance, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—66.

Quorum present.

#### LEAVES OF ABSENCE.

Leaves of absence for the day were granted to Messrs. John, Goodrich, and Walsh.

#### PRAYER.

Prayer by the Chaplain, Rev. George C. King.

#### READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Bates, further reading was dispensed with.

#### APPROVAL OF THE JOURNAL.

The Journal of Tuesday, January 24, 1905, was read, corrected, and approved.

#### ACTION RESCINDED.

Mr. McGowan moved that the action taken yesterday, whereby Senate Bill No. 50 was recalled from the Committee on Judiciary, and was substituted on the file in place of Assembly Bill No. 459, be rescinded.

Motion carried, and Senate Bill No. 50 ordered returned to Committee on Judiciary, and Assembly Bill No. 459 restored to its place on the file.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1905.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the following resolution:

*Resolved*, That for and by reason of services rendered the Assembly at the desk by Ed. J. Smith from January 12, 1905, to January 22, 1905, both days inclusive, as an Assistant Clerk, at the request of the Chief Clerk, the Controller of State is hereby directed to draw his warrant in favor of said Ed. J. Smith for the sum of sixty-six dollars (\$66) for said services, said sum being at the same rate per diem as is paid the other Assistant Clerks at the desk, and the State Treasurer is hereby directed to pay said warrant out of the appropriation for the contingent expenses of the Assembly.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BLISS, Chairman.

Mr. Atkinson moved the adoption of the report and the resolution, as recommended by the Committee on Attachés and Employés.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Amerige, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Burge, Busick, Chandler, Coghlan, Coyle, Creighton, Devlin, Drew, Ellis, Espey, Gates, Hawkins, Held, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Meincke, Mitchelltree, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—51.

NOES—Mr. Olmsted—1.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

## ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Senate Bill No. 50—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their offices—reports the same back, with five amendments, and with the recommendation that it do pass as amended.

Also: Senate Bill No. 20—An Act to amend Section 1703½ of the Code of Civil Procedure, relating to estates of deceased persons distributed to persons whose places of residence are unknown, and to minors and incompetent persons—reports the same back with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 159—An Act to amend an Act entitled "An Act to establish a Civil Code" approved March 21, 1872, by amending Section 224 thereof, relating to the consent to the adoption of children—reports the same back with three amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 30—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895, which became a law March 4, 1899—reports the same back with one amendment, and with the recommendation that it do pass as amended.

DURYEA, Chairman.

Senate Bills Nos. 50 and 20, and Assembly Bills Nos. 159 and 30 ordered on second-reading file.

## ON SWAMP AND OVERFLOWED LANDS AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands and Drainage, to whom was referred Assembly Bill No. 155—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Also: Assembly Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

Also: Assembly Bill No 202—An Act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in communities in which they lie.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

MOORE, Chairman

Assembly Bills Nos. 155, 195 and 202 ordered on second-reading file.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 6—An Act to amend Section 849 of the Code of Civil Procedure, relating to service of summons issued out of the justice court.

Assembly Bill No. 264—An Act to repeal Section 58, and to amend Sections 60, 68, 70, 79½, and 84 of the Civil Code, all relating to marriage.

Assembly Bill No. 214—An Act entitled "An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges."

Assembly Bill No. 199—An Act to amend Section 890 of the Code of Civil Procedure of the State of California, relating to judgments of dismissal without prejudice.

Assembly Bill No. 64—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justices' courts.

Assembly Bill No. 55—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Assembly Bill No. 281—An Act to amend the Political Code, by adding thereto a new section to be numbered 401.

Assembly Bill No. 345—An Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Assembly Bill No. 182—An Act to amend Section 1593 of the Political Code of the State of California, relating to the election of school trustees.

Assembly Bill No. 295—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 377b, making it a misdemeanor to refuse or neglect to conform to the rules, orders and regulations of the State Board of Health, concerning the pollution of water used or intended to be used for human or animal consumption.

Assembly Bill No. 294—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 377c, making it a misdemeanor to refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health, concerning the pollution of ice used or intended for public consumption.

Assembly Bill No. 298—An Act to amend Chapter I of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 11, 1893, and Acts amendatory thereof, by adding a new section thereto, to be numbered Section 9, relating to the powers and duties of city recorders and city clerks, respecting the registration of deaths and the issuance and registration of burial and disinterment permits.

Assembly Bill No. 300—An Act to amend Article I of Chapter II, Title VII, of Part III, of the Political Code of the State of California, by adding a new section thereto, to be numbered Section 2984, for the enforcement of the rules, orders, and regulations of the State Board of Health, within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities and towns in relation to the State Board of Health.

Assembly Bill No. 301—An Act to amend Subdivision 20 of Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to health officers and health regulations, and the powers of boards of supervisors in connection therewith.

Assembly Bill No. 302—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 377a, making it a misdemeanor to violate or refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health, respecting the quarantine, disinfection or isolation of persons, animals, things, or places, or the prevention or abatement of contagious or infectious diseases.

Assembly Bill No. 323—An Act to amend an Act entitled, "An Act to establish a system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131e, relating to the powers and duties of the county recorder, respecting the registration of marriages, births, and deaths.

Assembly Bill No. 122—An Act to regulate the work and hours of employes engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Assembly Bill No. 269—An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof.



Assembly Bill No. 248—An Act to re-cede and re-grant unto the United States of America, the Yosemite Valley, and the land embracing the Mariposa Big Tree Grove.  
Assembly Bill No. 331—An Act to amend Sections 299, 302, 304, 309, 310, 311, 312, 314, and 315 of the Civil Code, all relating to corporations.

DEVLIN, Chairman

The above bills were ordered on third-reading file.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 516—An Act to amend Section 3451 of the Civil Code, relating to assignments for the benefit of creditors

Also: Assembly Bill No. 515—An Act to amend Section 3366 of the Civil Code, relating to specific and preventive relief.

Also: Assembly Bill No. 514—An Act to add a new section to the Civil Code, to be numbered 5346a, relating to damages for negligently firing woods.

Also: Assembly Bill No. 513—An Act to amend Section 3294 of the Civil Code, relating to exemplary damages.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Assembly Bills Nos. 516, 515, 514, and 513 ordered on second-reading file.

Also: Assembly Bill No. 511—An Act to amend Section 3452 of the Civil Code, and to add five new sections thereto, to be numbered 3061, 3062, 3063, 3064, and 3065, all relating to liens on personal property—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended, and be referred to Committee on Judiciary

Assembly Bill No. 511 ordered on second-reading file, and referred to Committee on Judiciary.

Also: Assembly Bill No. 512—An Act to amend Sections 3131, 3176, 3197, and 3235 of the Civil Code, all relating to negotiable instruments.

Also: Assembly Bill No. 510—An Act to add a new section to the Civil Code, to be numbered 2973, relating to mortgages of personal property.

Also: Assembly Bill No. 509—An Act to amend Sections 2903 and 2913 of the Civil Code, both relating to liens.

Also: Assembly Bill No. 508—An Act to amend Section 2541 of the Civil Code, relating to insurance of mortgaged property.

Also: Assembly Bill No. 507—An Act to amend Section 2334 of the Civil Code, relating to the liability of principals for the acts of their agents.

Also: Assembly Bill No. 506—An Act to amend Section 2236 of the Civil Code, relating to the obligations of trustees.

Also: Assembly Bill No. 505—An Act to amend Sections 2170, 2172, 2180, and 2195 of the Civil Code, all relating to common carriers.

Also: Assembly Bill No. 504—An Act to amend Sections 1929, 1930, and 1932 of the Civil Code, all relating to the hiring of property.

Also: Assembly Bill No. 503—An Act to amend Sections 1865 and 1871 of the Civil Code, both relating to finders and savers of property.

Also: Assembly Bill No. 502—An Act to add an article, IIIa, to Chapter II, of Title III, of Part IV, of Division Third, of the Civil Code, relating to warehousemen

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Assembly Bills Nos. 512, 510, 509, 508, 507, 506, 505, 504, 503, and 502 ordered on second-reading file.

Also: Assembly Bill No. 501—An Act to amend Sections 1624 and 1625 of the Civil Code, both relating to the manner of creating contracts

Also: Assembly Bill No. 500—An Act to add a new section to the Civil Code to be numbered 1468, relating to covenants running with land.

Also: Assembly Bill No. 499—An Act to amend Sections 1336, 1383, 1395, 1399, 1405 and 1406 of the Civil Code, and to add a new section thereto to be numbered 1409, all relating to succession to the property of deceased persons.

Also: Assembly Bill No. 498—An Act to amend Sections 1275, 1276, 1285, 1300, 1306, 1307, 1327, 1360, 1364, and 1376 of the Civil Code, and to add a new section thereto, to be numbered 1314, all relating to wills.

Also: Assembly Bill No. 497—An Act to add a chapter to Title V, of Part IV, of Division Second, of the Civil Code, relating to the homesteads of insane persons.

Also: Assembly Bill No. 496—An Act to amend Section 1263 of the Civil Code, relating to declarations of homestead.

Also: Assembly Bill No. 495—An Act to add a new section to the Civil Code, to be numbered 1218, relating to the recording of certified copies of instruments in writing.

Also: Assembly Bill No. 494—An Act to amend Sections 1181, 1185, 1190, 1202, and 1203 of the Civil Code, all relating to the proof or acknowledgment of instruments in writing.

Also: Assembly Bill No. 493—An Act to amend Section 1161 of the Civil Code, relating to the recording of instruments in writing.

Also: Assembly Bill No. 492—An Act to add a new section to the Civil Code, to be numbered 1096, relating to the mode of transferring real property.

Also: Assembly Bill No. 491—An Act to amend Section 993 of the Civil Code, relating to the transfer of the good will and name of a business.

Also: Assembly Bill No. 490—An Act to amend Section 970 of the Civil Code, relating to the rules of navigation.

Also: Assembly Bill No. 489—An Act to add Sections 842 and 843 to the Civil Code, both relating to persons associated in the use of conduits for the conveyance of water.

Also: Assembly Bill No. 488—An Act to amend Section 822 of the Civil Code, relating to the remedies of a lessor of real property against the assignees of his lessee.

Also: Assembly Bill No. 487—An Act to amend Section 793 of the Civil Code, relating to actions for the possession of real property leased or granted with a right of re-entry.

Also: Assembly Bill No. 486—An Act to add a Title XX to Part IV of Division First of the Civil Code, relating to cooperative business associations.

Also: Assembly Bill No. 485—An Act to add a Title XIX to Part IV of Division First of the Civil Code, relating to cooperative business corporations.

Also: Assembly Bill No. 484—An Act to amend Section 643 of the Civil Code, to repeal Section 648½ of said Code, and to add a new section thereto, to be numbered 338½, all relating to land and building corporations.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

DREW, Chairman.

Assembly Bills Nos. 501, 498, and 497 ordered on second-reading file, and referred to Committee on Judiciary.

Assembly Bills Nos. 500, 499, 496, 495, 494, 493, 492, 491, 490, 489, 488, 487, 486, 485, and 484 ordered on second-reading file.

#### ON ROADS AND HIGHWAYS

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1905

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 408—An Act to amend an Act entitled "An Act to repeal Chapter II, of Title VI, Part III, of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, and each and every section of said Chapter II, and to enact a new Chapter II, of Title VI, of Part III, of said Code, and substitute the same in place of said repealed Chapter II in said Code, relating to roads and highways," approved February 28, 1883—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying substitute bill do pass.

COYLE, Chairman.

#### INTRODUCTION OF BILL—(OUT OF ORDER).

By Committee on Roads and Highways: Assembly Bill No. 668 (as substitute for Assembly Bill No. 408)—An Act to amend an Act entitled "An Act to repeal Chapter II of Title VI, Part III, of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, and each and every section of said Chapter II, of Title VI, of Part III, of said Code, and substitute the same in place of said repealed Chapter II in said Code, relating to roads and highways," approved February 28, 1883.

#### BILL WITHDRAWN.

Mr. Johnstone was granted leave to withdraw Assembly Bill No. 408—An Act to amend an Act entitled "An Act to repeal Chapter II, of Title VI, Part III, of an Act of the Legislature of the State of California,

entitled 'An Act to establish a Political Code,' approved March 12, 1872, and each and every section of said Chapter II, and to enact a new Chapter II, of Title VI, of Part III, of said Code, and substitute the same in place of said repealed Chapter II in said Code, relating to roads and highways," approved February 28, 1883.

Bill withdrawn.

Assembly Bill No. 668 read first time, and ordered on second-reading file, to retain place occupied by Assembly Bill No. 408, stricken from the file.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

##### ON ROADS AND HIGHWAYS—(RESUMED).

Also. Assembly Bill No. 409—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending subdivision 38 of said Section 25, relating to a special road fund tax.

Also: Assembly Bill No. 410—An Act to amend Section 2653 of the Political Code, relating to highways.

Have had the same under consideration, and respectfully report the same back without amendment, and recommend that the same do pass.

COYLE, Chairman.

Assembly Bills Nos. 409 and 410 ordered on second-reading file.

##### ON MINES AND MINING INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1905.

MR. SPEAKER: Your Committee on Mines and Mining Interests, to whom was referred Assembly Bill No. 532—An Act protecting the claims of those who may furnish materials or labor for the working or development of mining properties under powers which are obtained by bond or a trust deed.

Also: Assembly Bill No. 131—An Act to add a new section, to be known as Section 1927 of the Code of Civil Procedure, relating to the admission in evidence of certain statements of facts contained in patents for mineral lands issued or granted by the United States of America.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 443—An Act to provide for the location and acquirement of mining claims on salt marsh and tide lands owned by the State of California.

Also: Assembly Bill No. 533—An Act to provide for the inspector of mines, to define his duties and provide for his compensation, the liability of mining operators, and the inspector of mines.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

WHITING, Chairman.

Assembly Bills No. 532, 131, 443, and 533 ordered on second-reading file.

##### ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1905.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 185—An Act to provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STROBRIDGE, Chairman.

Bill ordered on second-reading file.

##### ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 439—An Act to provide for the disposition of the funds which may hereafter be collected by the State of California from the United States in payment of the claims arising out of the War of the Rebellion—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MITCHELTREE, Chairman.

Bill ordered on second-reading file.

## ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reengrossed:

Assembly Bill No. 92—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

Assembly Bill No. 510—An Act to add a new section to the Political Code to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

And that the following bills have been correctly engrossed:

Also: Assembly Bill No. 407—An Act to amend Section 78 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Also: Assembly Bill No. 192—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Also: Assembly Bill No. 366—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and the Preston School of Industry, fixing the authority to examine and commit to such schools with the superior judges of counties and fixing the responsibilities for which commitments are made to the State for the maintenance of the persons committed therefrom, providing for the manner of payment therefor and fixing the responsibility of parents to the counties for which their children are committed," approved March 26, 1895.

Also: Assembly Bill No. 364—An Act giving to superior judges the right to impose indeterminate sentences and prescribing the method of imposing the same.

Also: Assembly Bill No. 89—An Act to amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time therefor.

Also: Assembly Bill No. 415—An Act to repeal Section 2652, entitled "An Act to establish a Political Code, relating to road poll tax."

Also: Assembly Bill No. 390—An Act to amend Sections 468, 481, and 489 of the Civil Code, and to add two new sections thereto to be numbered 465a and 473a, all relating to railroad corporations.

Also: Assembly Bill No. 388—An Act to add a Chapter V to Title II of Part IV of Division First of the Civil Code, relating to corporations to discover fire and save property and human life from destruction thereby.

Also: Assembly Bill No. 346—An Act to amend Sections 437, 447, 449, and 450, and to repeal Sections 431, 444, and 448 of the Civil Code, and to add a new section thereto to be numbered 452, all relating to life, health, and accident insurance corporations.

Also: Assembly Bill No. 385—An Act to amend Section 428 of the Civil Code, relating to fire and marine insurance corporations.

Also: Assembly Bill No. 384—An Act to amend Sections 414, 415, 417, and 418 of the Civil Code, to add a new section thereto, to be numbered 421, and to repeal Section 427, all relating to insurance corporations.

DEVLIN, Chairman.

The above bills were ordered on third-reading file.

## ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 211—An Act to appropriate, out of the State School Book Fund of the State Treasury, the sum of \$4,119.71 to pay the claim of Honestell Richardson & Co. for money due and owing said Honestell, Richardson & Co from the State of California.

Also: Assembly Bill No. 246—An Act to appropriate the sum of \$4,150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' National Bank from the State of California.

Also: Assembly Bill No. 529—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Superintendent of Public Instruction's office, for the fifty-sixth fiscal year.

Also: Assembly Bill No. 614—An Act to amend Sections 439, 440, and 441 of the Political Code, relating to the office of the Controller of State, his deputy and assistants, the salaries of the deputy and assistants, and to repeal all laws in conflict therewith.

Also: Senate Bill No. 11—An Act to provide for the purchase of a site, for the erection, equipment, and furnishing of a building or buildings, and for the improvement of grounds, for the use of the State Normal School at San Francisco, and making an appropriation therefor.

Also: Senate Bill No. 287—An Act making an additional appropriation to pay the expenses of maintaining an exhibit of the products of the State of California at the Lewis and Clark Exposition, to be held in the City of Portland, Oregon, in 1905.

Have had the same under consideration, and report the same back, and recommend that they do pass.

Also: Assembly Bill No. 405—An Act making an additional appropriation to pay the expenses of maintaining an exhibit of the products of the State of California at the Lewis and Clark Exposition, to be held in the City of Portland, Oregon, in 1905—have had the same under consideration, and respectfully report the same back, and recommend that the author withdraw same, being identical with Senate Bill No. 287.

STANTON, Chairman.

**BILL WITHDRAWN.**

Mr. Bliss requested, and was granted, leave to withdraw Assembly Bill No. 405, it being identical with Senate Bill No. 287.

Bill withdrawn.

Assembly Bills Nos. 211, 246, 529 and 634, and Senate Bills Nos. 11 and 287 ordered on second-reading file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 52—An Act to provide for the purchase of a site, for the erection, equipment, and furnishing of a building or buildings, and for the improvement of grounds, for the use of the State Normal School at San Francisco, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that the author withdraw same, as it is identical with Senate Bill No. 11.

STANTON, Chairman.

**BILL WITHDRAWN.**

Mr. McGowan requested, and was granted, leave to withdraw Assembly Bill No. 52, it being identical with Senate Bill No. 11.

Bill withdrawn.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 38—An Act to amend Section 515 of the Political Code and to provide for the appointment of a statistician, a clerk, and stenographer, and a text book clerk for the Superintendent of Public Instruction, and to fix their compensation—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that the same do pass as amended.

STANTON, Chairman.

Bill ordered on second-reading file.

**URGENCY RESOLUTION—(OUT OF ORDER).**

By Mr. Stanton:

*Resolved*, That Senate Bill No. 287 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage this day.

Mr. Stanton moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Burge, Burke, Busick, Coghlan, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Hawkins, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, King, Lumley, Lynch, Maxwell, McArtney, McGowan, McKenney, Meincke, Mitchellree Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—57.

**NOES**—None.

Senate Bill No. 287—An Act making an additional appropriation to pay the expenses of maintaining an exhibit of the products of the State of California at the Lewis and Clark Exposition, to be held in the City of Portland, Oregon, in 1905.

Bill read second time.

## MOTION.

Mr. Stanton moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 287.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Senate Bill No. 287 was considered in Committee of the Whole.

Mr. Stanton moved that the Committee of the Whole do rise, and report Senate Bill No. 287 back to the Assembly, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 287—An Act making an additional appropriation to pay the expenses of maintaining an exhibit of the products of the State of California at the Lewis and Clark Exposition, to be held in the City of Portland, Oregon, in 1905—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

On motion of Mr. Stanton, the report was adopted.

Senate Bill No. 287—An Act making an additional appropriation to pay the expenses of maintaining an exhibit of the products of the State of California at the Lewis and Clark Exposition, to be held in the City of Portland, Oregon, in 1905.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs Amerige, Anthony, Bates, Beardslee, Beckett, Bliss, Boyle, Burge, Burke, Chandler, Coghlan, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Hawkins, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, King, Lumley, Lynch, Manwell, McCartney, McGowan, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

## ON RULES AND REGULATIONS.

(Providing for evening sessions to consider Code Revision bills.)

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred a resolution by Mr. Stanton—have had the same under consideration, and respectfully report the following special rule:

Resolved, That a session be held Wednesday evening of each week from seven o'clock and thirty minutes P. M. to ten o'clock P. M., to consider Code Revision bills, and that the same be further considered at the pleasure of the Assembly.

MCCARTNEY, Chairman.

Mr. McCartney moved the adoption of the report and the rule recommended by the committee.

The roll was called, and the report and rule adopted by the following vote:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Burge, Burke, Busick, Chandler, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, Memcke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—58.

**NOES**—Messrs. Coghlan and Jones of San Francisco—2.

#### ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 126—An Act to appropriate the sum of \$1,276 to pay the amount of a judgment against the Board of Trustees of the Whittier State School, and in favor of Lucy J. Harvey, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Also: Assembly Bill No. 102—An Act to appropriate the sum of \$1,000 to pay the claim of Sergeant-Major Eugene De Sparr.

Have had the same under consideration, and respectfully report the same back, without recommendation.

SEVERANCE, Chairman.

Assembly Bills Nos. 126 and 102 were ordered on second-reading file, and referred to Committee on Ways and Means.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 26, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 149—An Act to amend Section 1 of an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, relating to the burial of soldiers who served in the war with Spain and in the Philippine insurrection.

Also: Senate Bill No. 114—An Act to amend an Act entitled "The Civil Code of the State of California," relating to the amount of real estate which may be held by corporations whose object is not pecuniary profit.

Also: Adopted Senate Concurrent Resolution No. 12—Relative to approving the charter of the City of Santa Rosa.

LEWIS A. HILBORN, Secretary.

Senate Bill No. 149 read first time and referred to the Committee on Military Affairs.

Senate Bill No. 114 read first time and referred to the Committee on Judiciary.

#### ACTION ON SENATE CONCURRENT RESOLUTION No 12

Mr. Cromwell moved that Senate Concurrent Resolution No. 12—Approving the charter of the City of Santa Rosa, a municipal corporation in the county of Sonoma, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose, on the 13th day of September, 1904—be now considered without reference to a committee.

Motion carried.

#### SENATE CONCURRENT RESOLUTION No. 12.

Approving the charter of the City of Santa Rosa, a municipal corporation in the County of Sonoma, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose, on the 13th day of September, 1904.

WHEREAS, The City of Santa Rosa, a municipal corporation in the County of Sonoma, State of California, now is, and was at all of the times herein referred to, a city containing a population of more than three thousand five hundred and less than ten thousand inhabitants; and

WHEREAS, At a general election duly held in said city on the 6th day of April, in the

year one thousand nine hundred and four, in accordance with law and the provisions of section eight, article eleven of the Constitution of said State, a board of fifteen freeholders, duly qualified, was elected, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety days after such election, frame, prepare, and propose a charter for the government of said City of Santa Rosa; and

WHEREAS, Such a charter was, on the 28th day of June, in the year one thousand nine hundred and four, signed in duplicate by all of the members of said board of freeholders, and, on said last mentioned day, one copy was returned to and filed with the Mayor of the City of Santa Rosa, and the other copy thereof was filed with and in the office of the County Recorder of the County of Sonoma; and

WHEREAS, Said proposed charter was thereafter published in the "Press-Democrat," a daily newspaper of general circulation, printed, published, and circulated in said City of Santa Rosa, for a period of more than twenty days, and the first publication thereof was made within twenty days after the completion of said charter; and

WHEREAS, Said proposed charter was, within not less than thirty days after such publication, submitted by the Common Council of the City of Santa Rosa to the qualified electors of said City of Santa Rosa, at a special election, previously duly and legally called and thereafter held in said city on the thirteenth day of September, in the year one thousand nine hundred and four, and which said special election was had, and held, and conducted in all respects as required by law, and

WHEREAS, The returns of said last mentioned special election were duly canvassed by the Common Council of said city, and the Common Council did find that a majority of the qualified electors of said city voting thereon had voted in favor of said proposed charter, and did duly declare said proposed charter to be ratified and carried by a majority of the qualified electors of said city voting thereon, and

WHEREAS, At said special election a majority of the qualified electors of the said City of Santa Rosa voting thereon did vote in favor of and duly ratified said charter so proposed; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California; and

WHEREAS, Said charter so ratified is in the words and figures following, to wit:

## CHARTER OF THE CITY OF SANTA ROSA

### NAME AND CORPORATE RIGHTS

SECTION 1 The Municipal Corporation now existing and known as the City of Santa Rosa shall remain and continue to be a body politic and corporate, in name, in fact, and in law, by the name of the City of Santa Rosa, and by that name shall have perpetual succession; may sue and be sued, prosecute and defend in all courts, boards, tribunals, places, and jurisdictions. It shall have and use a seal, and may alter it at pleasure; may purchase, acquire by condemnation, hold, receive, own, and control real and personal property within, and also without, the city limits when needed for a public use; may receive property of any kind by bequest, donation, or gift, for the use of the city or the inhabitants thereof, or for charitable, public, or other purposes, and may do and perform any and all acts requisite for the management and disposition of such bequests, donations or gifts, and shall have power to sell, grant, donate, or dispose of any and all such property

### BOUNDARIES

SEC. 2. The boundaries and corporate limits of the City of Santa Rosa shall be as follows, to wit: Beginning at a point three fourths of a mile due north of the northwest corner of Fourth and C or Mendocino streets in said city; thence running due east three fourths of a mile; thence due south one and one-half miles; thence due west to the westerly line of the San Francisco and North Pacific Railroad; thence along the westerly line of said railroad to the north bank of Santa Rosa Creek; thence westerly, following the meanderings of the north bank of said creek, to the westerly line of a tract of land known as the Hewitt Addition to the City of Santa Rosa; thence along the westerly line of said Hewitt's Addition and the land formerly owned by Dr. J. F. Boyce to the center of the county road known as the Redwood or Laguna road; thence due north to a point due west of the point of beginning; thence due east to the point of beginning, all situate in Sonoma County, California.

SEC. 3. The jurisdiction of the City of Santa Rosa shall extend to and over all property, real, personal or mixed of every kind and character belonging to said city within or without the limits of the city now owned, controlled or possessed by the city, or that may hereafter be acquired.

### WARDS.

SEC. 4. As soon as this charter goes into effect the Council shall divide the city into six wards, which shall be as near as may be equal in population, and it shall have power to alter or change the numbers or the lines and boundaries thereof.

### OFFICERS.

SEC. 5. The officers of the city shall be a Mayor and six Councilmen, a City Clerk, a City Assessor, City Engineer, City Recorder, Chief of Police, City Treasurer, City



Attorney, Street Commissioner, and a Board of five Library Trustees. The Mayor, Councilmen, City Clerk, City Assessor and City Recorder shall be elective officers; all of the others shall be appointive officers. All officers of the city shall be bona fide residents in and qualified voters of the city, except as otherwise provided in this charter.

#### MAYOR AND COUNCILMEN.

SEC. 6. The corporate powers of the city are vested in the Mayor and six Councilmen, and they shall be denominated the Council of the City of Santa Rosa, any four members of said Council shall constitute a quorum for the transaction of business; their meetings shall be public and shall be held at stated times; they may hold adjourned meetings, and may be convened in special meetings by the Mayor or any four members thereof. In case of a vacancy in the Council by death, resignation, removal from the city, or any other cause, the remaining members of the Council shall fill such vacancy, and the person appointed to such vacancy shall hold office until his successor is elected and qualified.

#### ELECTION OF OFFICERS.

SEC. 7. An election shall be held for the election of a Mayor, three Councilmen, filling any vacancy in the Council, City Clerk, City Assessor and City Recorder on the first Tuesday in April, A. D. 1906, and every two years thereafter.

SEC. 8. All persons resident in said city qualified to vote for members of the Assembly of the State of California shall have the right to vote at any election held in said city.

SEC. 9. The Council shall have power, and it is made their duty, to pass ordinances providing for holding elections in the city. They shall provide election precincts or polling places, and designate election officers. The elections shall be conducted as near as may be in the manner provided by the laws of the State for State and County officers, unless the Council shall by ordinance otherwise provide. But the Council shall have the right and power, by resolution, or by ordinance, to reduce the number of election officers for any precinct or polling place to any number not less than three, and may reduce or fix the number of precincts or polling places, and may provide for the voters of two or more wards voting at the same election precinct or polling place. The Council shall have power, by ordinance, to provide the manner of holding elections the manner of voting, counting votes and declaring the result.

SEC. 10. The elective officers shall be elected by the voters at large, except the Councilmen, who shall be elected from the wards respectively, and the person receiving the highest number of votes for any office shall be declared to be elected to such office. In case of a tie vote, or in case of a contest, the Council shall decide and declare who is elected, and cause certificates of election to be issued to the persons declared to be elected by them. Any person receiving votes at any city election for any city office and who is dissatisfied with the counting of votes as made by the officers of election or the declaration thereof by the Council may within five days after the result of said election has been declared by the Council file a notice in writing with the City Clerk setting forth and declaring therein that he will contest said election and shall also hand a copy of said notice to said City Clerk for the person whose right to such office is contested, and the City Clerk shall serve the same by mailing said copy to the person whose office is contested by depositing said copy in the United States Postoffice at Santa Rosa, California, sealed in an envelope properly addressed to such party with the postage thereon prepaid within two days after the Clerk shall receive the same, or the City Clerk may within said two days hand said notice personally to said party whose election to said office is contested. Proof of service shall be made by affidavit and shall be filed by the City Clerk within the said five days. The Council shall set a time and place for the hearing of said contest and shall hear the testimony, examine and recount the ballots cast for said office at said election and determine between said contestants, and their decision shall be entered upon their minutes and shall be final and conclusive except as to questions of law affecting the legality of the election or of any ballot cast thereat.

SEC. 11. The Council shall hold a meeting on the first Thursday next after the election, and shall canvass the returns of the election, and declare the result. If from any cause a quorum shall not then be present, or the election returns be not all received, the City Clerk or the members present shall adjourn the meeting until the next day and notify the absent members to be present, and, if necessary, may adjourn from day to day (holidays excepted) until the returns are canvassed and the result declared. The Clerk shall immediately issue certificates of election to those declared to be elected. The newly elected Councilmen and the Mayor shall meet on the third Tuesday in April next following the election, or as soon thereafter as practicable.

#### APPOINTMENT OF OFFICERS.

SEC. 15. The following shall be the appointive officers of the city, viz: Chief of Police, City Attorney, City Treasurer, City Engineer, Street Commissioner, and five Library Trustees, and all officers of boards created by ordinance.

#### CITY CLERK.

SEC. 16. It shall be the duty of the City Clerk to keep a record of the proceedings of the Council and the Board of Equalization. The Council proceedings shall be kept in a book marked "Records of the Council." The proceedings of the Board of Equalization

shall be kept in a separate book marked "Records of the Board of Equalization." He shall keep a book marked "City Accounts," in which shall be entered all moneys received by the city from all sources, and upon the debtor side shall be entered all deductions ordered by the Council and all warrants drawn upon the treasury. He shall enter the amount and kind of taxes levied and when levied. He shall also keep a book marked "Chief of Police's Account," in which he shall charge the Chief of Police with all tax lists and all licenses delivered to him. He shall credit the Chief of Police with the delinquent lists and licenses returned. He shall keep a correct account of all licenses, tax lists and assessments, and all taxes of every kind to be collected by the Chief of Police. He shall keep a book marked "City Attorney's Account," and shall charge the City Attorney with all claims and demands to be collected by him, and shall credit him with all moneys and uncollectible claims and demands returned by him. He shall also keep a book marked "City Ordinances," into which he shall copy all ordinances, with dates, certificates, signatures, and shall certify the same to be a true and correct copy of an ordinance of the City of Santa Rosa, giving the number, title, date of passage and approval, and certifying that it has been posted or published as required by law. Said record shall be prima facie evidence of the contents of the ordinance and of its passage, approval and publication or posting; and the record thereof shall be received in all courts or tribunals as evidence without further proof. But the passage and publication may be proved by other satisfactory evidence. He shall properly index his records. He shall keep a book marked "Demands and Warrants," in which he shall make an entry of every demand filed against the city and the final disposition thereof, whether allowed or not, giving number and date of warrant, if issued, and shall index the same upon the completion of the assessment roll of any of the taxes of the city and the levying of the tax; he shall apportion the taxes on the said roll, and shall make out and deliver all tax lists to the Chief of Police, taking his receipt therefor. He shall have power to administer oaths or affirmations, take affidavits and certify the same. He shall take and certify demands against the city without charge. He shall have charge of the seal of the city, on which shall be engraved the arms of the State and the words "City of Santa Rosa." He shall make monthly reports in writing showing the receipts and expenditures during the month, and a full statement of the financial affairs of the city at least once a year. He shall perform all other duties required by law or the ordinances of the city, and shall furnish copies of any record or papers in his office on demand and upon payment of twenty-five cents per folio for the same together with fifty cents for the certificate and seal, all of which fees shall be paid into the treasury of the city.

#### CITY ASSESSOR.

SEC. 17. It shall be the duty of the City Assessor, as soon after the first Monday of March of each year as practicable, to make a full, true and correct assessment of all the taxable property within the city owned or possessed by any person, board or corporation at twelve o'clock noon on the first Monday in March of each year. He shall make out lists, giving the names of owners and a description and value of the property, following the form as near as may be as required by the laws of the State governing County Assessors. He shall make his assessment as near as may be in conformity to the laws of the State in relation to assessments by County Assessors. He shall make out a list of all male persons over the age of twenty-one years and under the age of sixty years. He shall make a list of all dogs owned or kept within the city, the names of the owners or keepers. All of said lists shall be verified by his oath, and shall be returned to the Council on or before the first Monday of July in each year. No informality shall invalidate said assessment unless the same is substantial. He shall have power to administer oaths and to take affidavits. He shall, at the time of making the assessment collect the taxes levied upon each dog, the street poll tax and the personal property tax from all persons liable therefor who shall not own or be assessed with real estate, and shall pay the same to the City Treasurer on the first and fifteenth days of each and every month, and shall make and deliver to the City Clerk at the same times lists of all persons from whom he shall have collected such taxes and the amounts collected from each person. He shall attend the sessions of the Board of Equalization, and shall make out on the assessment books any additions or corrections that the Board of Equalization may direct. The Council may by ordinance further define and declare his duties.

#### CITY RECORDER.

SEC. 18. The City Recorder shall have the same civil and criminal jurisdictions as are conferred by the laws of the State of California on Justices of the Peace, and all laws of the State relating to procedure applicable to Justices of the Peace or Justices' Courts are made applicable to the City Recorder. The City Recorder shall also have jurisdiction over all violations of the ordinances of the city, and shall have power to impose fines upon or to imprison persons adjudged to be guilty of violating any of the ordinances of the city, as may be prescribed by such ordinances. The judgment may be in the alternative, imposing a fine or providing imprisonment for non-payment thereof. In such case such imprisonment shall be one day for each two dollars of the fine imposed. Persons so adjudged to be guilty may be required to work out the fine by working upon the public streets or other public works of the city. In any case of imprisonment it shall be in the city prison or in the county jail of Sonoma County. Appeals may be taken to the Superior Court from any judgment entered by the City Recorder in the same manner as is provided by law for appeals from Justices' Courts.

All provisions of the Code of Civil Procedure and of the Penal Code of California relating to appeals from Justices' Courts are applicable to appeals from the judgment of the City Recorder, in civil and criminal cases respectively. He shall have power to administer oaths, take and certify affidavits, in the same manner and with like effect as Justices of the Peace. He shall have and use a seal, on which shall be engraved the arms of the State and the words "Recorder of the City of Santa Rosa." He shall have power to issue warrants, writs and summonses in all respects as if issued by a Justice of the Peace. He shall keep a docket. All fines, fees and costs collected by him shall be paid into the city treasury monthly. He shall make reports monthly. The Council may by ordinance add to and further define his duties. Any Justice of the Peace of Santa Rosa Township shall possess the same powers herein conferred upon the City Recorder to hear and try all cases for the violation of any of the ordinances of the city, but the authority herein conferred upon said Justices of the Peace shall not be construed as impairing, reducing or taking from the City Recorder any right, power or jurisdiction vested in him.

#### CHIEF OF POLICE.

SEC. 19. The Department of the Police shall be under the direction and control of the Chief of Police. He shall have all the powers given to peace officers under the laws of the State. He shall have power, and it is made his duty, to preserve the public peace, to suppress riots, tumults and disturbances. He shall have all the powers conferred upon Sheriffs by the laws of the State. His orders shall be promptly executed by the peace officers, or watchmen in the city, and every citizen shall lend him aid when required for the arrest of offenders and the maintenance of order and the protection of persons and property. He shall execute and return all process issued to him by legal authority. He shall have authority, and it is hereby made his duty, to arrest on view, with or without a warrant, persons violating any law of the State or ordinance of the city. It shall be his duty to take persons arrested before the City Recorder, or to detain them, or to take bail for their appearance. Persons arrested for violating any of the ordinances of the city may, before or after trial, be confined in the county jail of Sonoma County, or in the city prison of the city. He shall have the assistance of the police force of the city in the discharge of his duties; he shall be ex officio tax collector and shall collect all taxes (not collected by the City Assessor as in this charter provided), all licenses and all fines and penalties. He shall receipt to the City Clerk for all tax-lists, tax-receipts and tax-books, and the total amount of taxes shown thereon to be collectible, and shall account monthly for all moneys belonging to the city received by him.

#### POLICEMEN.

SEC. 20. The Mayor by and with the consent of the Council shall appoint the policemen, who shall be subject to the orders and be under the control of the Chief of Police. The policemen shall be conservators of the public peace, and shall have the same power in suppressing riots, tumults, affrays, and in making arrests, as is conferred upon the Chief of Police, and shall vigilantly see that the ordinances of the city are enforced, and shall receive such compensation as is now or hereafter may be provided by ordinance. They shall continue in office until removed by the appointive power.

#### CITY TREASURER.

SEC. 21. It shall be the duty of the City Treasurer to receive and safely keep all moneys belonging to the city which shall come to his hands, for which he shall give duplicate receipts, one of which shall be filed with the City Clerk. He shall pay out the same only on warrants signed by the Mayor and countersigned by the City Clerk. He shall make monthly reports to the Council. He shall make quarterly settlements with the City Clerk, which shall be signed by each and read in a regular meeting of the Council and filed with the Clerk. He shall receive as compensation for his services an annual salary not to exceed three hundred dollars, payable in equal monthly installments, as shall be determined by the Council.

The Council shall have the power to abolish the office of City Treasurer and to create a City Depository for the deposit, care and safe-keeping of the funds of the city whenever and in such manner as it may deem best, and to pass and establish by ordinance all needful means, methods and regulations for the same.

#### THE MAYOR.

SEC. 22. The Mayor shall be a conservator of the peace, and shall have supervision over the affairs of the city. He shall take care that the laws of the State and the ordinances of the city are duly enforced. He shall preside at all meetings of the Council at which he is present. He shall have a vote only in case of a tie and his vote shall be recorded the same as that of a Councilman. He shall have the power to veto any resolution or ordinance of the Council. He shall sign all warrants drawn upon the City Treasury, and with the City Clerk execute for the city all contracts, conveyances and other instruments in writing to which the city is a party. He shall have power to administer oaths and take affidavits, and certify the same under his hand. The Mayor by and with the consent of the Council shall appoint all officers of the city not elective. The Mayor shall receive no compensation. The Council shall elect a Mayor pro tem., which election shall be entered upon the minutes by the City Clerk, whose duty it shall be to perform the duties of Mayor whenever the Mayor shall be absent from the city or shall be for any cause unable to perform the duties of Mayor.

## STREET COMMISSIONER.

SEC. 23. The Street Commissioner shall have general supervision and care and charge of the public streets, alleys, lanes, sidewalks, bridges, culverts, sewers, drains, crossings, public parks, buildings and public grounds, and the improvements thereof. He shall have general supervision of the sewer outlets and sewer farm, of the water works, water plant and water supply of the city. He shall see that all ordinances in relation to the public streets, alleys, sidewalks, public grounds, sewers and water or lights of the city are duly enforced and observed. He shall superintend all public works ordered or carried on by the city. He shall be Health Inspector of the city, and shall look after all sanitary matters, and shall enforce all ordinances and regulations relating thereto. He shall have the custody and care of all tools and implements belonging to the city, and he shall care for and be responsible for the safe-keeping of the same. The Street Commissioner shall receive as compensation such salary per annum as is now or hereafter may be provided by ordinance, which salary shall be paid monthly.

## CITY ENGINEER.

SEC. 24. The City Engineer shall do and perform all such things as may be required of him by ordinance or resolution passed by the Council, and the Council shall have power to impose upon the City Engineer such of the duties as are required by this charter of the Street Commissioner as in its judgment is conducive to the best public service, and may impose such other and further duties on the City Engineer as it may desire.

## CITY ATTORNEY.

SEC. 25. It shall be the duty of the City Attorney to advise the officers and authorities of the city in all legal matters pertaining to the business of the city, to prosecute all cases of violation of the city ordinances, and shall represent the city in all suits, proceedings, and legal matters in which the city may be a party interested. He shall have power in his official capacity to sign informations or charges against persons violating any of the ordinances of the city, which informations or charges shall have the same force and effect as sworn complaints. The City Attorney shall receive as compensation such salary per annum as is now or hereafter may be provided by ordinance, to be paid monthly.

SEC. 26. The Council shall have power to and may remove for cause any elective officer provided for in this charter, and when from any cause a vacancy shall exist in any elective office, the Council shall fill such vacancy until the next city election, the Mayor shall have power to remove or discharge at pleasure any employé of the city, and may remove any appointive officer with the consent of the Council; and when from any cause a vacancy shall exist in any appointive office or employment the same shall be filled by appointment by the Mayor by and with the consent of the Council.

## TERMS OF OFFICE.

SEC. 27. The Mayor shall hold office for two years and the Councilmen for four years from and after his or their election and until his or their successors have qualified.

The terms of all other officers shall be two years and until their successors shall have qualified.

The terms of all officers shall commence as soon as their commissions shall have been issued or their appointments confirmed, except that of the City Assessor, whose term of office shall commence on the first Monday of September next following his election.

The present officers of the city, other than the City Assessor, shall hold office until the expiration of their respective terms of office, and the term of the City Assessor now in office shall terminate on the first Monday in September next following the election of his successor.

## SALARIES AND COMPENSATION.

SEC. 28. Each member of the Council shall receive five dollars per meeting for each meeting of the Council attended, and five dollars per day for each day's actual attendance as a member of the Board of Equalization; *provided, however*, that the sum received by each for all services shall not exceed two hundred dollars in any twelve months. Any member attending a meeting of the Council or the Board of Equalization and leaving the same before completion of the labors thereof, shall have to be excused by the Council to be entitled to his compensation. All officers and employés, except as in this charter provided, shall receive such salary and compensation as is now or may hereafter be provided by ordinance. No officer or employé of the city to whose office or employment is attached a salary or stated compensation shall receive any other or further salary or compensation for any service performed for the city.

## VETO.

SEC. 29. When the Mayor approves an ordinance or resolution he shall sign his name thereto with the fact and date of his approval, if he disapproves the same he shall return it to the Council within ten days after its passage with his objections thereto signed by him; the Council may within one month thereafter put the same vote again, and if the same shall then receive as many as five votes in its favor it shall become a valid ordinance or resolution, the same as if it had received the approval of the Mayor; but if it fails to receive as many as five votes in its favor it shall not be valid. If the

Mayor fails or neglects to approve or disapprove any ordinance or resolution for ten days after its passage it shall be valid as if approved by him.

#### OFFICIAL BONDS.

SEC. 30. All official bonds shall be made payable to the City of Santa Rosa, in such sums and with such sureties as the Council may require, and shall be conditioned for the faithful performance of the duties of the office, according to the Constitution of this State and the charter and ordinances of the city. All officers shall give bonds and qualify within ten days after their election or appointment. The Council may at any time require additional sureties or a new bond from any officer, and if such officer shall fail for ten days after demand, to furnish such new sureties or new bond, the Council may declare such office vacant, and another person shall be appointed to such vacancy. The Council shall fix the penalty of all official bonds, and shall require bonds to be given by the City Clerk, City Recorder, City Assessor, Chief of Police, City Treasurer, City Attorney, and Street Commissioner. All bonds shall be approved by the Mayor and shall be filed by the City Clerk, and shall be preserved with the records and papers of his office.

#### POWERS OF THE COUNCIL.

SEC. 31. The Council shall have power to pass all such ordinances and make all contracts and do all things, not inconsistent with the Constitution of the United States and of this State, as they may deem necessary or desirable, as follows:

1. To establish rules for the government of the proceedings of the Council.
2. To prevent and punish the disorderly conduct of any member of the Council or of any other person, committed in the presence of the Council.
3. To regulate and prescribe the form, amounts, penalties, and conditions of bonds of all the officials and employes of the city who may be required by this charter or by ordinance or resolution to give bond, and the qualifications and number of sureties required thereon.
4. To establish, maintain, and regulate a police department for the city.
5. To establish, maintain, and regulate a chain-gang and to authorize the working out thereon of fines of persons committed to prison for violating the ordinances and regulations of the city.
6. To establish, maintain, and regulate a fire department for the city.
7. To establish, maintain, and regulate a municipal system of water works for the city, and to acquire any and all property necessary therefor.
8. To provide modes and manner for lighting streets and public grounds and places.
9. To establish the manner of appropriating fines, penalties and forfeitures.
10. To establish and provide hospitals and workhouses, and a city pound, and pass all laws necessary for the regulation of the same.
11. To provide for the measurement, weight and sale of coal oil, fuel oil, coal, hay, wood, powder, and all kinds of explosives.
12. To build, purchase or lease buildings or grounds necessary for the use of the city.
13. To establish, maintain and regulate a city prison.
14. To declare what are nuisances.
15. To license and regulate, or regulate without licensing, the sale of goods, wares, and merchandise, auctioneers, hotelkeepers, ordinaries, restaurants, markets and market booths and stalls, taverns, bar-rooms, billiard tables, saloons, theatres, circuses, shows, concerts, and all other places of public entertainment or amusements, hawkers, peddlers, tippling houses, dram shops, pawnbrokers, livery stables, blacksmith shops, washhouses, tanneries, factories of all kinds, laundries, breweries, schools and college buildings, and all other places of education, bowling alleys, baggage wagons, hacks, cabs, carriages, bikes, automobiles, express and job wagons and other vehicles.
16. To regulate or prohibit dance houses, bawdy houses, houses of ill-fame, assignation houses and all other kinds of disorderly houses and places.
17. To provide for the killing of vicious dogs, and dogs for which taxes have not been paid, and to provide pains and penalties for maintaining the same.
18. To levy and collect an annual tax on dogs, bulls, jacks, stallions, monkeys, any vicious animal, or any animal that gives annoyance or is offensive to the inhabitants of the city, kept within the limits of the city.
19. To lay out, alter, establish, widen, construct, improve, reconstruct, pave, gravel, grade, macadamize, bituminize, repair and keep in order all streets, alleys, sidewalks, crossings and gutters, bridges, bulkheads, and to establish, change or alter grades of any street, alley, sidewalk, crossing, bridge, bulkhead, gutter, or vacate the same, or any part of the same.
20. To ordain, establish and impose fines, penalties and forfeitures for the breach or violation of any ordinance or for non-compliance therewith, *provided* that no ordinance shall fix the fine for one offense above three hundred dollars or imprisonment for one offense at more than 150 days, *and provided, further*, that such ordinance may provide an alternative judgment of fine, or imprisonment one day for each two dollars of such fine, or cause the person so fined to work for the city in payment of such fine at the rate of two dollars per day.
21. To pass ordinances providing for elections by the qualified electors of the city submitting or to submit to them the question of levying such extraordinary tax as is not herein otherwise provided for by a direct levy or by issuing bonds therefor, as said Council shall find necessary for the city, and to levy the same if authorized at such election by an affirmative two-thirds vote of such electors voting thereon.

22. The Council shall be the general agent of the city, and as such shall have power to manage the business of the city, and to do and perform any and all things in the name of and for the city that may be necessary in carrying on the government of the city within the letter and spirit of this charter and not inconsistent with the Constitutions of the United States and of the State of California, and to do all things necessary to carry out and discharge any power granted or duty imposed upon it by any provision of this charter.

23. The city shall have the power at any time to construct, equip and operate all kinds of street or other railways that the Council may deem for the best interests of the city, and that the same can be operated by the city, over, upon and along any of its streets or alleys, notwithstanding franchises may have been heretofore, or may be hereafter granted to corporations or other persons for the purpose of exercising said right, and for the operation of said street or other railroads over the streets of the city, and whether or not said corporations or persons holding said franchises shall be operating any of said railways.

24. To regulate and provide for the holding of elections, for the election of officers and for all other purposes for which elections may be held under this charter, and to prescribe the number and fix the places of polling booths for such elections, and number and official character of officers to conduct the same.

25. To acquire real property by exercise of the power of eminent domain in all cases and for all uses and purposes for which said power can be exercised by general law.

26. To pass and establish all such police, local and sanitary laws and regulations as in its opinions may be necessary for the welfare of the city.

#### POWERS AND DUTIES OF THE COUNCIL.

SEC 32. The Council shall have power and it is hereby made their duty to enact all such regulations, laws and ordinances and do all such things, not inconsistent with the Constitution of the United States and of the State of California, as may be necessary to accomplish the following things:

1. To collect, control and disburse the funds of the city, except as otherwise provided in this charter.

2. To manage, care for and preserve the property of the city.

3. To levy all tax for city purposes.

4. To provide ways and means for the collection of all taxes, but shall not use or divert any tax or proceeds of a bond issue or sale or other fund belonging to said city for or to any purpose other than the purpose for which it is levied, issued, sold or received, until such purpose shall have been fulfilled, when it may pass any remaining surplus to any other fund.

5. To provide for the removal or abatement of all nuisances within the city, whether such nuisances may be such by general law or by the ordinances of the city.

6. To regulate or prohibit the storage of hay, oil, gunpowder and all other combustible or explosive material within the city.

7. To prevent disturbances of the peace.

8. To lay out, construct, establish, build, repair and keep in repair all necessary public sewers and drains in the city.

9. To prevent the running at large in the city of horses, swine, sheep, goats, mules, and cattle, and the driving of bands of the same through or along any street or other way or place in the city, and provide pains and penalties therefor, and for impounding the same.

10. To prohibit slaughter houses or the slaughter of cattle, swine, sheep, goats or other animals within the city.

11. To provide for the removal of all dirt, filth and obstructions from the streets, alleys, sidewalks and other public places in the city, and to punish for the depositing of stones, dirt, filth, offal, slop, garbage, sewage, and any and all obstructions in the streets, alleys, sidewalks, and other public places in the city; to prevent and punish for the depositing of dead animals, dirt, filth, offal, drainage of all kinds, garbage or sewage in Santa Rosa Creek within the city, and to provide pains and penalties therefor, and to prevent and punish for depositing any dead animal, filth, offal, garbage or sewage on any vacant lot or place, or in any cellar or vacant or unoccupied house in the city.

12. To establish sanitary laws and regulations for the health of the city, and to provide for the appointment of Health Officers, and to do all things necessary to prevent the spread of infectious diseases, and to regulate plumbing and drainage in the city.

13. By ordinance or resolution to fix water rates and to provide for the collection thereof, but they shall provide for furnishing water in a reasonable quantity free for domestic uses, but there shall be no free water for other than domestic uses.

14. To fix rates for the use of telephones, fix gas rates, water rates, street or other railroad fares, electric light and electric power rates, and rates for any other public utility that may be operated in the city, for sale, use or consumption in the city, once each year during the month of February, and gas, water, telephone service, electric light, electric power and street or other railroad service may be sold and operated in the city at and for the rates so fixed and not otherwise.

And in the event that any person, company or corporation shall charge or collect from any person, company or corporation, directly or indirectly, for gas, water, electric light or electric power, or for the use of a telephone or for street car fare any amount in excess of the rate therefor thus fixed by the Council, such person, company or corporation making such charge or collection shall forfeit its franchise and all right to do such,

business in the city, and the Council shall take such steps and do all such things as may be necessary to enforce such forfeiture.

15. To grant franchises when in its opinion the public good requires it and to provide terms and conditions in each and every franchise upon which the same is granted, and to have such terms and conditions set out clearly expressed in each and every such franchise.

16. To declare forfeited each and every franchise now in existence or that may be hereafter granted upon a breach of or non-compliance with the terms or conditions or any thereof of every such franchise, and said Council shall upon and after notice of ten days proceed to hear any charge made to it in writing by any resident of said city claiming a breach of or non-compliance with any term or condition of any such franchise, and the order of said Council entered on its minutes on such hearing shall be prima facie evidence of the fact set out in such order upon such charge.

And if such charge be found to be true said Council shall proceed at once to effectually prevent any further exercise of the right of franchise granted thereby.

And said Council must proceed to hear such charge within thirty days after the filing of such charge with the Clerk of the city.

17. To hear all charges that may be made by any resident of this city charging any officer or employé of this city with misfeasance or malfeasance in office, gross dereliction or neglect of official duty, or incompetency from any cause, such hearing to be had within thirty days after the filing of such charge with the Council, and upon notice to the officer so charged when such notice can be given, and upon finding that such charge is true such officer or employé shall be removed from his office or employment and his successor shall thereupon be appointed by the authority having the appointive power if such office is filled by appointment, and if elective such successor shall be elected by the Council until his successor is elected and qualified. And if any member of the Council shall have knowledge or information that any officer or employé of this city, including members of the Council, has been guilty of misfeasance or malfeasance in office or in such employment, or incompetency resulting from any cause rendering them unfit to fill such office, it is hereby declared his duty to report the same at once to the Council, whereupon charges concerning the same shall be formulated by the City Attorney or the Council and filed with the City Clerk, and the same proceedings had thereon as provided hereinabove in this section.

If, for any reason personal service of the notice mentioned in this section cannot be made, the publication of such notice once a week for two weeks in some newspaper published in this city shall be for all purposes service equal to personal service, and shall give the Council the power to hear and determine such charge.

In all proceedings before the Council it shall have power to compel the attendance of witnesses and the production of papers.

18. To fix by ordinance the compensation of all officers and employés of this city not fixed by this charter, and the compensation of any elective officer so fixed shall not be diminished or increased during a term of such office.

19. To prescribe by ordinance such duties and powers of officers and employés of this city as may not be prescribed by or inconsistent with this charter.

20. To pass all such ordinances as may be necessary to regulate the entrances and exits of all churches, school houses, theatres and all public halls constructed or used for the assemblage of people for any purpose so as to make the same safe, and to enforce the same.

21. To maintain the Free Public Library of the city and to provide by ordinance for its maintenance, control, and management, and to make all such other and further provisions in addition to those in this charter as it may deem proper.

#### SANTA ROSA FREE LIBRARY.

SEC 33. The Free Library of the city shall be under the control and management of five Library Trustees, who shall be known as the "Board of Free Library Trustees." They shall be appointed by the Mayor, by and with the consent of the Council. The office of Library Trustee shall be honorary, and the members thereof shall serve without salary or compensation. Such trustees shall generally hold office for two years; *provided*, that the members of the first board appointed shall so classify themselves by lot that two of their number shall go out of office at the end of one year, and the other three at the end of two years. Such appointment shall take effect on the first Tuesday in July. Any person, male or female, over the age of twenty-one years, who is a citizen of the United States and of this State, and a resident of the city, shall be eligible to become a Library Trustee.

SEC 34. The Council of the City of Santa Rosa shall levy and collect, as in other cases, annually, a special tax specified by the Board of Library Trustees, at a rate of not more than ten cents on the one hundred dollars for the purpose of maintaining the Free Public Library and reading rooms and purchasing such books, journals, and other publications and personal property as may be necessary therefor. This estimate shall be made on or before the second Tuesday in July of each year.

SEC 35. All money and revenue paid, collected, or received for library purposes, whether by taxation, gift, devise, bequest, or otherwise, shall belong to and be known and designated as the "Library Fund," and shall be paid into the City Treasury and there kept separate and apart from other funds, and be drawn therefrom as hereinafter provided, but only to be used and applied to the purposes herein authorized. If such payment into the treasury should be inconsistent with the conditions or terms of any

such gift, devise or bequest, the Board shall provide for the safety and preservation of the same, and the application thereof to the use of the library, in accordance with the terms and conditions of such gift, devise, or bequest.

Sec. 36 The Board of Free Library Trustees shall take charge of all property belonging to such library and reading rooms, or that may be acquired by loan, purchase, gift, devise, or otherwise. The Trustees shall meet for business purposes monthly at stated times, and at such other times as they may appoint, at a place to be provided for the purpose, and a majority of all their number shall constitute a quorum for business. They shall elect one of their number President of the Board, and one of their number Secretary, who shall keep a full statement and account of all property, money, receipts, and expenditures, and a record and full minutes in writing of all their procedures.

Sec. 37 Such Trustees, by a majority vote of all their members, shall have power.

1. To make and enforce all rules and regulations and by-laws necessary for the administration, government, and protection of such library and reading rooms, and all property belonging thereto, or that may be loaned, devised, bequeathed or donated to the same.

2. To exercise and administer any trust, declared or created for such library or reading rooms, and to provide memorial tablets and niches to perpetuate the memories of such persons as are determined upon by the Board.

3. To define the powers and describe the duties of any and all officers, determine the number and employ all necessary subordinate officers and assistants, and at their pleasure and without previous notice remove any officer or assistant.

4. To purchase necessary books, journals, publications and other personal property.

5. To order the drawing and payment upon properly authenticated vouchers, duly certified by the President and Secretary, of money from the Library Fund for any liability or expenditure herein authorized; and generally to do all that may be necessary to fully carry into effect the provisions of this Act.

6. To fix the salaries of the Librarian and assistants, to furnish and equip such rooms and buildings as may be necessary for such library and reading rooms.

Sec. 38. The orders and demands of the Board of Free Library Trustees, when duly made and authenticated as above provided, shall be paid by the Treasurer of the city out of the Library Fund.

Sec. 39. The Trustees of such library and reading rooms, on or before the second Tuesday of July in each year, shall make an annual report to the Council, giving the condition of their trust, with full statements of all property and money received, whence derived, how used and expended, the number of books, journals and other publications on hand, the number added by purchase, gift or otherwise, during the year, the number lost or missing, the number and character of those loaned, and such other statistics, information and suggestions as may be of general interest. A financial report showing all receipts and disbursements of money shall also be made by the Secretary of the Board of Library Trustees, duly verified.

#### REVENUES AND TAXATION.

Sec. 45. All taxes, licenses, fines, penalties, and all moneys received from any source, shall constitute the revenues of the city, and shall be collected and paid into the City Treasury. Taxes shall be due and payable the first Monday in October.

Sec. 46. A general tax shall be levied on all of the property subject to taxation at noon on the first Monday of March of each year. Said general tax for all purposes of municipal government, exclusive of a tax for library purposes, shall not exceed one dollar on each hundred dollars of the assessed valuation of all property subject to taxation. A tax shall be levied on all property assessable for library purposes not to exceed ten cents on each hundred dollars thereof. Also a tax shall be levied sufficient to meet the interest and principal of the bonded indebtedness against the city for the ensuing fiscal year.

Sec. 47. The Tax Collector is hereby authorized and required to collect annually the street tax of two dollars from all male citizens between the ages of twenty-one and sixty years residing within the city, and annually a tax of not less than two dollars from each person keeping or owning a dog within the city, when the same has not been collected by the City Assessor.

Sec. 48. All taxes of every kind shall be a lien upon the real estate of the person liable therefor. Such lien takes effect at noon on the first Monday in March.

#### THE RATE OF TAXATION.

Sec. 49. On the first Tuesday of August of each year, or as soon thereafter as may be, the Council shall fix the rate of taxes, designating the number of cents on each hundred dollars of the valuation of taxable property within the city. They must fix the rate of tax for general purposes, determining the amount to be apportioned to the street, sewer, and water works funds, and to any other fund which they may establish. They shall fix the rate of tax for the Public Library such as will raise in taxes for this purpose the amount specified by the Board of Library Trustees, not exceeding ten cents on each hundred dollars; they shall fix the rate of tax for the payment of interest and principal of all bonded indebtedness to be paid.

Sec. 50. As soon as the Council has fixed the rate of taxes for the fiscal year, the Clerk must complete and enter in a separate column in the assessment book the respect-



ive sums to be paid on the property therein enumerated, and foot up the columns, showing the total amount of taxes, and on or before the first Monday in September he must deliver said corrected and completed assessment book to the City Tax Collector, and charge the Collector with the full amount of the taxes levied.

The city shall have all the rights, claims and liens for the amount of such municipal taxes as may now or hereafter be given or exercised by the people of the State of California, for and on account of the assessment of the State and County taxes levied in Sonoma County.

SEC. 51. It shall be the duty of the Assessor while assessing to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said city sufficient to afford ample security for the collection of said taxes. In all such cases he shall be governed in fixing the amount of the tax by the rate of tax levy for the preceding year. Should the Board of Equalization reduce the valuation for the same year of the property so assessed, the sum collected in excess at said reduced valuation must be repaid to the person from whom the collection was made, or to his assigns. And if the valuation of said property should be increased by said Board, then the deficiency must be collected as other taxes on personal property are collected.

#### DELINQUENT TAXES.

SEC. 52. On the last Monday in November of each year, at five o'clock P. M., all taxes then unpaid shall be and become delinquent, and thereafter the Tax Collector must collect for the use of the city an addition of ten per cent thereon.

SEC. 53. All taxes not paid on or before the last Monday in November shall be delinquent, and there shall be added ten per cent on said delinquent taxes for delinquency. The Chief of Police shall immediately thereafter make out a list of all delinquent taxes, adding the percentage for delinquency thereto, and shall verify the same with his oath, and shall proceed to advertise and sell the property for such delinquent taxes, costs of advertisement and other costs, in the manner as near as may be (except as to the time and place of sales), as is provided by the laws of the State for the sales of property for delinquent State and County taxes by the Tax Collector of the county. If there be no purchaser for any property offered for sale at such sales, such property shall be sold to the city, and the Chief of Police shall make an entry opposite to such property "Sold to the City of Santa Rosa." Any person may be a purchaser at any such tax sales. The manner of proceeding under such sales shall be as near as may be in conformity to the laws of the State governing tax sales. The Chief of Police shall issue and deliver certificates of sale to the purchasers, and if the property shall not be redeemed within the time allowed by law or by any ordinance of the city, he shall execute, acknowledge and deliver a deed to the purchaser or to his assigns with such recitals as may be provided by law for sales for State and County taxes, or by any ordinance of the city. All deeds for land sold for taxes shall have the same force and effect as Sheriff's deeds and shall be received in evidence in all courts, and shall be prima facie evidence that all of the provisions of the charter, laws and ordinances in relation to the assessment and collection of taxes have been fully complied with. The Chief of Police shall have a credit for all taxes not collected by him on such delinquent list, which he could not by the use of diligence collect, or which shall not be realized on the sales. The Council may, by ordinance, provide additional or other legislation for the collection of taxes or sales of property for delinquent taxes, or may provide a different procedure of manner for the collecting of delinquent taxes than is herein provided. The Council may direct the City Attorney to enforce the lien for delinquent taxes by suit in any court having jurisdiction, and have the said property sold in the manner required by law. The assessment list is authority for the Chief of Police to collect all taxes and to seize upon personal property for the collection of street poll tax or personal property tax not collected by the City Assessor, and to levy upon or seize and sell the property for such tax or any taxes unpaid and realize the money due therefor. All taxes, penalties and fines shall be payable in gold coin of the United States.

#### BOARD OF EQUALIZATION.

SEC. 54. The Council shall meet at their usual place of holding meetings on the second Monday in July of each year, at ten o'clock in the forenoon of said day, and sit as a Board of Equalization, and shall continue in session from day to day until their labors are completed. They shall have power to hear complaints and to correct, modify or strike out any assessment made by the Assessor, and may, of their own motion, raise any assessment upon notice to the party whose assessment is raised. The corrected list shall be the assessment roll or list for the taxes for said year.

SEC. 55. Authority is hereby conferred upon the Council, in lieu of the provisions of this charter, or any ordinance, to adopt and accept for the assessment and collection of the taxes of the city the general law of the State entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State, excepting municipal corporations of the first, second, third, and fourth classes, and cities operating under a charter framed under section eight, article eleven of the Constitution," approved March 2, 1894, and amendments thereto. The Council shall have power by ordinance to adopt, accept or come under the said general law and amendments thereto, or any law or provision which may be passed by the Legislature for the assessment or collection of taxes; and when so adopted, it shall be and become valid and binding as the law for the assessment and

collection of taxes of the city, any law or ordinance to the contrary notwithstanding; and the Council shall pass all ordinances to carry out all of the provisions of such laws; and shall by ordinance provide all things requisite in the premises; and may reduce or abolish any salary or compensation for any officer charged with the duties of assessing and collecting taxes under this charter or under the ordinances of the city.

SEC. 56. Whenever the Council shall determine that the public interest requires the construction of any permanent municipal building, work, sewer, water or light system, purchase of property, or improvements of any nature, the cost of which, in addition to other expenditures of the city, will exceed the income and revenue provided for in one year, they may call an election and submit to the electors of the city a proposition to incur a debt for such purpose and proceed therein as provided in section eighteen of article eleven of the Constitution of this State, and as provided in this charter; *provided*, that no bond issue therefor shall be disposed of otherwise than sold for cash at not less than par value, and to the highest bidder after advertising for sealed proposals therefor.

SEC. 57. The city shall be limited in the matter of bonded indebtedness to ten per cent of the assessed value of all property within the city limits.

#### INCURRING BONDED INDEBTEDNESS.

SEC. 61. If at any time the Council shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purposes for which such indebtedness is to be incurred, they shall give notice of an election at a general or special election, by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of the indebtedness proposed to be incurred, the purpose of the same, and the amount of money necessary to be raised annually by taxation for the interest and sinking fund for such purpose, as hereinafter provided. Such notice shall be published for at least two weeks in some newspaper published and circulated in the city. If, upon a canvass of the votes cast at such election, it appears that not less than two thirds of all the qualified electors voting on such proposition at such election shall have voted in favor of incurring such indebtedness, it shall be the duty of the Council to pass an ordinance providing for creating such indebtedness and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within the city sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within a period of not more than forty years from the time of contracting the same. It shall be the duty of the Council in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purposes in addition to the taxes by this charter authorized to be levied.

#### FISCAL YEAR

SEC. 62. The fiscal year of the city shall commence on the first day of July of each year and shall end on the last day of June of the ensuing year. The fiscal year shall be designated as the year of our Lord of the first half of such fiscal year.

#### CLAIMS AGAINST THE CITY

SEC. 63. All bills, claims and demands against the city shall be plainly stated in writing and verified by the oath of the claimant or some person in his behalf. The items of the claim shall be particularly stated therein. The said claim, unless otherwise provided in this charter, shall be filed by the City Clerk, who shall present it to the Council, and they shall allow or reject the same in whole or in part. No bill, claim or demand shall be allowed in whole or in part unless so made out and verified. No action shall be commenced against the city unless the said bill, claim or demand upon which it is founded shall have been first so presented in writing, by filing the same with the City Clerk, nor until three months after such filing; *provided*, that if the same is rejected in whole or in part suit may be at once commenced thereon, and if the same is not acted on by the Council within three months after the same is filed suit may thereafter be commenced, and if no more is recovered against said city than the amount so allowed, no costs shall be recovered against said city, but said city shall recover costs. If no action shall be commenced within six months after the expiration of said three months, the bill, claim or demand so filed, of whatever nature, shall be forever barred and incapable of ever being revived in any manner whatsoever.

SEC. 64. Warrants on the treasury shall be drawn by the City Clerk for all bills, claims or demands allowed by the Council, which shall be signed by the Mayor and countersigned by the City Clerk, and shall be numbered and paid in the order of their numbers.

#### EMINENT DOMAIN

SEC. 66. Whenever a petition praying for the establishing, laying out, extending, widening, altering or opening of any street, lane, road, sidewalk, public square or public park, or for acquiring land therefor, or for acquiring any water system plant, land, water, water rights, rights of way, pipes, conduits and any and all easements, rights, privileges or appurtenances, or for acquiring any electric or gas plants, land, buildings, grounds, poles, pipes, wires, easements, and any and all rights of way, privileges or appurtenances for the supplying or furnishing additional water or water plant, or

electric-light plant, or lights either of gas or electricity for said city or the inhabitants thereof, or for putting in, establishing, erecting or carrying on any electric or gas works for the purpose of lighting said city, or furnishing the inhabitants thereof with gas or electricity, or for exercising the right of eminent domain for any other purpose or use, signed by twenty-five or more resident citizens of said city, shall be presented to the Council, it shall be read in Council, and the hearing thereof set for the next regular meeting of the Council, and all owners and claimants of the property affected by the said proceedings shall be given five days' notice of the pendency of such proceeding and of the time and place of the said hearing of the same, and at the time fixed for the hearing of said petition, or to which the hearing thereof may be adjourned, the said petition and any and all protests, if any, shall be read, considered and acted on in open session; and if the Council shall deem the proposed establishing, laying out, extending, widening, altering, or opening of the street, lane, alley, road, sidewalk, public square, or public park, or for acquiring land therefor, or for acquiring any water system, plant, land, water, water right, rights of way, pipes, conduits and any and all easements, rights, privileges, or appurtenances, or for acquiring any electric or gas plants, land, buildings, grounds, poles, pipes, wires, easements, and any and all rights of way, privileges, or appurtenances for the supplying or furnishing additional water, or a water plant or lights, electric-light plant, or lights either of gas or electricity for the city or the inhabitants thereof, or for exercising the right of eminent domain for any other purpose or use, prayed for in the petition, to be a public necessity, they shall so declare by resolution entered upon their minutes, and shall order a survey to be made by a competent person, who shall make a survey and diagram of the same and report it to the Council. The diagram and survey shall show the location and description of the particular rights, privileges or property which it is proposed to acquire for any of the purposes herein stated, and the land or property of each owner affected thereby, and the boundaries of the land and a general description of the property proposed to be taken.

SEC. 67. Upon filing said survey and diagram the City Clerk shall issue a notice directed generally to all persons interested, setting forth that such petition has been filed, and the action of the Council thereon, and that the survey and diagram has been made and filed, and that the same were in his office, open to the inspection of all persons interested and that proceedings would be instituted against non-consenting property owners for the condemnation of the property required for public purposes or public use. Said notices shall be served on the non-consenting property owners and may be served by any competent person above the age of twenty-one years by delivering a copy thereof to the person to be served, or by posting the same in a conspicuous place on the land of such non-consenting property owner, and by publishing the same in a daily newspaper published in the city for five days. If any such owner shall not, within ten days after such service of said notice, either donate, sell or relinquish such land to the city for the purposes proposed, proceedings for condemnation shall be commenced in the name of the city in the court having jurisdiction.

SEC. 68. Any and all occupants and owners, or persons having any interest in the land sought to be condemned, may be joined as parties in the suit; and one action shall be sufficient against all persons owning, claiming or having any interest in the land or property sought to be taken.

SEC. 69. The record of the passage of the resolution of the Council declaring the work a public necessity for public use, or if the land or property sought to be taken is already a public use or quasi public use that the purpose for which it is sought to be taken is of higher and greater public use, and that the taking of the land for the purposes, as herein provided, is a public use and is necessary, or that the taking thereof in such proceeding is of a higher and greater public use than that for which it is being used, shall be conclusive of the fact, and it shall also be conclusive that the petition was in due form and had been signed by the requisite petitioners; and it shall be prima facie evidence that the notices were in due form, and were served in all respects as required by law, and that the acts and things required to be done up to the passing of the resolution or making the order had been done in all respects as required by law. The right and jurisdiction to take and acquire any property rights as herein stated shall extend to and cover any such property rights, whether within or without the corporate limits of the city.

#### PUBLIC STREETS, COURTS, PARKS, SIDEWALKS.

SEC. 70. All streets, sidewalks, lanes, alleys, places, courts, public squares or public parks now open or dedicated, or which may hereafter be opened or dedicated to public use, and all that have been used by the public for five years without interruption, shall be deemed and held to be open public streets, sidewalks, lanes, alleys, places, courts, public squares and public parks, and the Council is authorized, empowered and has the right and jurisdiction to establish or change the grade of such streets, sidewalks, lanes, alleys, places, courts, public squares and public parks, and to fix the width and boundaries thereof, and to exercise full control over the same.

#### WORK UPON STREETS, SIDEWALKS AND PUBLIC PLACES.

SEC. 71. Whenever the public interest or convenience shall require, the Council is authorized and has the power and jurisdiction to order the whole or any portion of the streets, sidewalks, lanes, avenues, alleys, courts, public squares, places or public parks to be graded, graveled or regraveled, planked or replanked, paved or repaved, macadamized or remacadamized, piled or repiled, capped or recapped, or otherwise improved; and to order sidewalks made, placed or constructed, manholes, culverts,

cesspools, gutters, tunnels, curbing and crosswalks to be laid, repaired, or improved; or to order any other work to be done which shall be necessary to complete the improvement of the whole or any portion of said streets, avenues, sidewalks, lanes, alleys, courts, places, public squares or public parks.

#### WHEN WORK CAN BE DONE.

SEC. 72. Before ordering any of the work or improvement mentioned in Section 71 of this charter the Council shall pass a resolution of intention so to do, describing the work or improvements to be done, and a copy of said resolution, with the date of its passage, shall be posted in a conspicuous place on or near the front of the building in which the sessions of the Council are held, or published for five days in a daily newspaper published in the city, and notices of a passage of said resolution signed by the Street Commissioner shall be posted conspicuously along the line of said proposed work at not more than one hundred feet in distance apart, and not less than three notices in all. Said notices shall be headed "Notice of Street Work" in letters of not less than one inch in length and in legible characters, stating the fact of the passage of the resolution, date of passage, and briefly the work proposed to be done, and shall refer to the resolution for further particulars. Said notices shall be posted at least ten days. The owners of two thirds of the frontage of the property fronting on said proposed work, when the same is for one block or more, shall have twenty days from the first day of posting of said notice within which to make and file with the City Clerk written objections to the proposed work or improvement. Upon receiving such written objections the City Clerk shall endorse thereon the date of their reception by him, and such objections shall be a bar for six months to any further proceedings in relation to the doing of said work, unless the owners of two thirds or more of the frontage as aforesaid shall meanwhile petition for the same to be done. When not more than two blocks, including street crossings or intersections remain ungraded to the official grade, or otherwise unimproved in whole or in part, and a block or more on one or both sides upon said street has been so graded or otherwise improved, said Council may order such work or improvement mentioned to be done upon said ungraded or unimproved part of said street notwithstanding such objections, and said work shall not be stayed or prevented by any written objections, unless the Council shall deem the same proper.

At the expiration of the said twenty days, if no written objections by the owners of two thirds of the frontage to the work of improvement in said resolution proposed to be done has been delivered to the City Clerk as aforesaid, or if in any written objections signed or purporting to be signed by the owners of two thirds of the frontage is disallowed by said Council, as not of itself barring said work, the Council shall be deemed to have acquired jurisdiction to order any of the said work to be done, and all persons in interest shall be deemed to have had full notice and full opportunity to be heard, and shall be concluded from further hearing or objections. Before passing any order or resolution for the construction, making or doing of said work, plans and specifications and estimates of the costs and expenses thereof shall be furnished by the City Engineer.

#### STREET WORK IN CERTAIN CASES.

SEC. 73. If in the opinion of the Council the public necessity requires any of the work mentioned in Section 71 of this charter to be done, and that it is of more than local or ordinary benefit, the Council shall have power and jurisdiction in such case to order such work to be done, and to pay a portion or all of the costs and expenses thereof out of any available funds in the city treasury; but the Council shall have power to apportion the whole of the costs and expenses of such work or improvement against the owners of property fronting on the line of such work or improvement according to the frontage of lots or land owned by each respectively. And if a portion is paid out of the city treasury the remainder of such costs and expenses shall be apportioned to and charged against the owners of property fronting on the line of said work or improvements authorized in this section, according to the frontage of lots or land owned by each respectively. If a portion or all of the costs and expenses of the work is to be apportioned and collected from the owners of the lots or land fronting on such improvement, the Council shall comply with all of the provisions of Section 72 of this charter in relation to the passage of a resolution of intention, posting of notices, filing of written objections, giving notices of hearing, making the order, and the acts and things required in said section to be done shall be done and performed in the same manner as is required when the whole of the costs and expenses of the said work is to be paid by the owners of property fronting on the line of the work.

#### WHO MAY PETITION.

SEC. 74. The owners of two thirds of the frontage of lots and lands fronting on any street, sidewalk, avenue, lane, alley, place or court, or of lots of land liable to be assessed for the costs and expenses of the work which may be ordered, or their duly authorized agents, may petition the Council to order any of the work mentioned in this charter to be done, and the Council may order the work mentioned in this charter to be done; in which case the Council shall proceed under Section 72 of this charter, and all of the provisions of said Section 72 shall be complied with the same as though no petition for said work had been filed.

## HOW COSTS ARE APPORTIONED.

SEC. 75. When all of the costs and expenses, or a portion thereof, for the work in this charter provided is for work done upon any street, lane, alley, or sidewalk, and the same is to be apportioned and charged against the owners of property fronting on such work, such costs and expenses shall be apportioned to, charged against and collected from the owners of the property fronting upon the line of the work ordered to be done, and such owners shall be liable for such costs and expenses for all of the work embraced in the resolution or order, and such costs and expenses shall be apportioned against and collected from the owners of property fronting on the line of said work. In all cases of apportioning the costs and expenses against the owners of property, it shall be according to the number of front feet owned by each respectively. The costs of such work on street crossings or street intersections shall be paid by the city.

## SEALED BIDS OR PROPOSALS.

SEC. 76. Before ordering any contract to be let for any work provided for in this charter the Street Commissioner shall cause specifications to be made, one copy to be kept by the City Clerk in his office for the inspection of bidders, and cause a copy and a notice to bidders to be posted conspicuously for five days on or near the front of the building in which the sessions of the Council are held, inviting sealed bids for doing the work, and shall also cause a like notice to be posted up in at least two other public places in said city, and referring to the specifications posted or on file with the City Clerk. All bids offered shall be accompanied by a check, payable to the order of the Mayor, certified by a responsible bank, for an amount which shall not be less than ten percent of the aggregate of the bid. Said bid shall be delivered to the City Clerk, and the Council shall, in open session, examine and publicly declare the same. The Council may reject any and all bids, and shall have the right to select the lowest responsible bid and to award the contract to the bidder thereof. The checks accompanying all bids not accepted shall be returned to the bidders who gave them; but the checks accompanying the accepted bid shall be held by said Clerk until the contract for doing said work has been duly entered into and the bond required shall be given and accepted by the Mayor, or until the owners of a majority of the frontage on said work shall elect to take the contract at the same bid, which they may do in five days after the bid has been announced; but if the bidder fails, neglects or refuses to enter into contract to perform said work for three days after the expiration of the five days allowed to property owners to take the bid, then the said check accompanying his bid and the amount therein mentioned shall be declared forfeited to and become the property of the city.

The owners of a majority of the frontage of lots and land upon the line of said proposed work may, within five days from the declaring of the bid, elect to take said work and to enter into a written contract to do the whole work at the same bid, but should they fail to enter into a contract within the five days allowed for that purpose, then the successful bidder shall within three days thereafter enter into a contract with the city to do the work, and at the price specified in his bid. But should such successful bidder fail or neglect to enter into such contract in the time limited, the Council shall have the right to declare the bid off, and the certified check and the money thereunder shall be forfeited to and become the property of the city, and shall be paid into the treasury, and the Council shall again give notice for bids for said work as in the first instance, and shall award the contract to the then lowest responsible bidder. At the time of executing any contract for work as herein provided, each contractor shall execute a bond to the satisfaction of the Mayor, with two or more sureties, payable to the city, in such sums as the Council shall deem adequate, conditioned for the faithful performance of the contract. The Mayor is hereby authorized, in his official capacity, to take and receive all written contracts and bonds authorized under this charter and to do and perform any act required in relation thereto.

SEC. 77. In case the Council is not satisfied with any bid or bids that may have been made for the construction and performing of the work it may, in case the owners of the majority of the frontage of lots and land do not elect to take said work and to enter into a written contract to do the whole thereof at a price agreeable to the Council, that then the said Council shall have the right to elect to do the work in the name of and for the city. And if for any reason the Council is of the opinion that better work will be done and better material furnished and that it will be for the best interests of the city to have the work done in the name of and by the city, that when the Council shall have the right, and it shall be its duty to do and perform such work and pay therefor out of the proper funds of the city, and the city shall have a lien upon all property fronting upon said street or streets, sidewalks or alleys where the said work shall be done, and the same shall be apportioned as in Section 75 set forth, and the same shall be collected in such manner as the Council shall direct.

SEC. 78. The Street Commissioner shall superintend any work herein authorized to be done which shall be commenced and prosecuted with diligence until completed, and the Council may, for good cause, extend the time. The work must be done under the direction and to the satisfaction of the Street Commissioner. The materials used and the work done must comply with the specifications and to the satisfaction of the Street Commissioner. Neither the city nor any officer thereof shall be liable for any portion of the costs or expenses of the work, nor for any delinquency of persons or property assessed or liable therefor, except as provided in Sections 73, 75, and 77 of this charter. The Council may by ordinance prescribe the materials to be used and the mode of executing the work under all contracts in relation thereto. The assessment and appor-

tionment of the costs and expenses of all such work shall be made by the Street Commissioner.

SEC. 79. Where the work done is the building, making or laying of sidewalk and curbing thereto on one side only of the street, or is work done on one side of the center line of a street, lane or alley, the lots and land fronting on that side on which the work is done only shall be assessed.

SEC. 80. When the width and grade of any street and sidewalk has been established the owner or owners of property thereon may, by permission of the Council and under the supervision of the Street Commissioner, do the work of grading, graveling, macadamizing, paving or improving such street, and may grade such street to the established grade and gravel, macadamize, pave and put the same in order, and may make, lay and build sidewalks in front of their said property, if done to the satisfaction of the Street Commissioner, and in conformity to existing ordinances, rules and regulations and plans approved by the Council. The expense of such work in this section mentioned shall be borne by such owners of property according to frontage.

#### ASSESSMENT FOR WORK.

SEC. 81. After the completion of any work done under contract as in this charter provided, and where the owners of property fronting on the line of the work are to pay or be charged with the costs and expenses of the whole or a portion thereof the Street Commissioner shall make an assessment to cover the sum due for the work performed, including incidental and other expenses. Such assessment shall briefly refer to the contract, the work performed thereunder, the rate per front foot, the amount of each assessment and the amount each owner must pay and the name of the owner of each lot, if known; if not known, the word "Unknown" shall be written opposite to the number of the lot and the amount given thereon, the lot or portion of a lot and the front feet of each owner so far as can be ascertained, and the total number of front feet fronting upon the work, and liable for the assessment. The assessment shall have a diagram attached showing the location of the lots, the frontage of each owner, the street, cross streets and the number of feet assessed for said work. The said assessment shall have attached thereto a warrant signed by the Street Commissioner and may be substantially in the following form: "By virtue hereof, I (name), Street Commissioner of the City of Santa Rosa, County of Sonoma, State of California, do authorize and empower (name of contractor), or his assigns, to demand and receive the several assessments upon the assessment roll and diagram hereto attached, and this shall be his (or their) warrant for the same (Date and signature)." The assessment diagram and warrant attached shall be recorded in the office of the City Clerk, and shall be a lien upon the lots of land assessed respectively for one year from its date, and from and after the same shall be recorded all persons shall be deemed to have notice of its contents. If payment shall be made after such recording, satisfaction may be entered on the record thereof and the lien discharged. The lien, in any case, shall have no force or validity whatever after the expiration of said one year unless suit to foreclose the same shall have been commenced thereon within that time. At any time after the period of thirty days from the date of the warrant the contractor or his assigns may sue in his own name and foreclose the lien against the owner or persons having any interest in the lots or portion of lots of land assessed, and recover the amount of the assessment remaining unpaid, interest and costs, and also the sum of fifteen dollars as attorney's fees for foreclosing such lien. Such suit may be brought in the Superior Court of the County of Sonoma, State of California, and summons shall issue and be served in the manner required in other cases. Said warrant, assessment and diagram shall be prima facie evidence of the regularity and correctness of the assessment and the correctness of all of the proceedings, and of all of the acts, resolutions and orders of the Council, and like evidence of the right of the plaintiff to recover in the action, and the said court shall have power to adjudge and decree a lien upon the lots of land and premises for the whole amount due from each lot owner, and to order the same to be sold on execution, as in other cases of the sale of real estate by the process of the Court. Such sales shall be conducted in all respects in the same manner, as near as may be, and with like effect, as sales on execution, and the sections of the Code of Civil Procedure of the State of California in relation to sales on execution, certificates of sale, redemptions, deeds, and all other proceedings thereon, are made applicable hereunder. Such premises, if sold, may be redeemed as is provided by law in other cases. The Code of Civil Procedure of California governing appeals to the Supreme Court in civil cases shall apply to such cases. All provisions of this charter regulating street work shall be liberally construed, and all presumptions shall be indulged in favor of upholding the proceedings. If the work has been done substantially as required by the contract, no irregularity, error or mistake in any of the proceedings, or any disregard, violation or failure to comply with any of the requirements of this charter, or of any law or ordinance of the city, shall be a defense to the action to foreclose any lien provided for in this charter, or to any action to recover the amount of the assessment.

SEC. 85. The Council may by ordinance provide any other or different procedure for the collection of the amounts due under the assessment for work done under this charter.

SEC. 86. The Council shall have the power to acquire for the city and the inhabitants thereof by purchase, condemnation or otherwise, telephone lines, systems and appliances street, rail and other roads, electric-light works, water works, gas works, steam plants or other power plants, or any other public utility and all appliances for oper-

ating the same, and to operate and carry on the same, to purchase or construct buildings necessary for the use and operation of the same, and all necessary machinery and appliances for any works belonging to the city, and shall have the power to lay wires, pipes and mains and construct all such appliances as may be needed in operating the same inside and outside of the city, for the city and the inhabitants thereof, and for sale to said inhabitants, and for sale outside the city, and to operate the same and to sell water, sewage, gas, electric light or power, telephone service, or steam power, and the products of any other public utility operated by the city inside or outside the city, but shall not sell or deliver outside the city any such telephone service, water, gas, electric light or electric power, or the product of any other utility operated by the city until the demand for the same by the city and the inhabitants thereof shall have first been supplied.

#### SEWERS AND DRAINAGE.

SEC. 88. The Council shall have power to prescribe the location, form and materials to be used in the construction, building, making or repairing of all public sewers, manholes, sinks, drainage, cesspools and appurtenances belonging to the drainage system, and of private drains or private sewers, and to determine the place and manner of the connections, and to prescribe the penalties for any violation thereof. The Council shall have power to construct, make, lay and build sewers, manholes, sinks, drainage cesspools and outlets. Contracts for all said work shall be based upon plans and specifications adopted by the Council, and shall be let to the lowest responsible bidder, unless the Council shall elect to do the work in the name of and for the city. The Council shall provide by ordinance for the manner of letting contracts and the doing and completion of work under this section. The work mentioned in this section shall be done under the supervision of the Street Commissioner. The Council shall provide for the payment of the contract price for the work in this section provided for in accordance with the contract and upon approval by the Street Commissioner.

#### ORDINANCES.

SEC. 89. All ordinances shall be published in some daily newspaper in Santa Rosa at least one time, and shall be in force ten days after such publication, unless the Council shall prescribe a different time in which they shall take effect.

SEC. 90. All ordinances shall be signed as near as may be, in the following form, viz: "In the Council, finally passed this ..... day of ..... A. D. .... Attest, ..... City Clerk Approved this ..... day of ..... A. D. .... Mayor of the City of Santa Rosa." Ordinances shall commence with the following enacting clause, viz: "The Council of the City of Santa Rosa does hereby ordain as follows: "

SEC. 91. All orders and resolutions duly passed shall have the same force and effect as ordinances. No ordinance, resolution or order shall be declared passed or adopted without the affirmative vote of a majority of the members of the Council present, including the vote of the Mayor in case of a tie.

#### SCHEDULE.

SEC. 96. No Councilman or other officer or employé of the city shall be or become, directly or indirectly, interested in any contract to which the city or any officer thereof in his official capacity is a party, or in any work or the sale of any article the cost or price of which is payable from the city treasury; or in the sale, purchase or lease of any real estate or other property sold or leased to or by the city and any such contract, sale, purchase or lease in which any officer or employé is interested, in violation of the provisions of this section, shall be void as to the city. Any officer or employé of the city violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished in the manner prescribed by law, and in addition thereto shall forfeit his office or employment.

SEC. 97. If any officer or employé of the city absents himself from the city for a period of thirty days or more without first obtaining permission of the Council his office shall be declared vacant or his employment terminated.

SEC. 98. That after this charter goes into effect no livery stable, public laundry, tannery, glue factory, cannery, winery or brewery shall be located or established in this city, without the written consent of two-thirds of the resident heads of families within three hundred feet of the proposed place of such location, and also without the consent of the Council given in open Council and recorded on the minutes.

SEC. 99. The word "city" or words "the city" or "this city" whenever used in this charter means and shall be always understood to mean the City of Santa Rosa, in Sonoma County, State of California.

SEC. 100. All public lighting, material, supplies and articles required by the city or any department thereof of the value of one hundred dollars or more, and all printing and publishing and stationery supplies, shall be contracted for, purchased or obtained at the lowest bid after ten days notice.

Contracts for public lighting, printing and publishing shall be for periods of not less than one year.

SEC. 101. The Council shall by ordinance or resolution prescribe the penalty and conditions of all bonds required of contractors, or other persons performing contracts or doing work for the city. No member of the Council, nor shall any city officer, be a

surety on any bond to the city, or be directly or indirectly interested in any contract wherein the city is interested or a party, or in any pay for work done or for materials furnished or used by the city in any work done under the direction of the city.

Sec. 102. No city officer shall contract any debts or incur any indebtedness or liability against the city without authority from the Council

#### EXISTING LIABILITIES.

Sec. 103. All contracts, obligations or liabilities now existing, or that have been incurred or entered into by or with the city before this charter takes effect, shall continue in force and effect and shall remain unaffected by the adoption thereof.

#### PROPOSAL OF THE CHARTER

WHEREAS, The City of Santa Rosa, a city containing a population of more than three thousand and five hundred, and less than ten thousand inhabitants, did, on the 6th day of April, in the year of our Lord one thousand nine hundred and four, at a general election held under and in accordance with the provisions of Section Eight of Article Eleven of the Constitution of the State of California, did elect the undersigned a Board of Fifteen Freeholders to prepare and propose a charter for said city.

Now, therefore, be it known, that in pursuance of the Constitution and within a period of ninety days after such election, the said Board of Fifteen Freeholders has prepared, and does propose the above and foregoing as the charter for the said City of Santa Rosa, and it is hereby and hereunder signed in duplicate as and for the charter for the City of Santa Rosa.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, at the City of Santa Rosa, Sonoma County, California, this 28th day of June, A. D. 1904

ALLEN B. LEMMON,	[Seal]
JAMES W. OATES,	[Seal]
JNO TYLER CAMPBELL,	[Seal]
J. S. SWEET,	[Seal]
J. W. JESSE,	[Seal]
J. M. THOMPSON,	[Seal]
C. C. FARMER,	[Seal]
CHAS. B. KOBES,	[Seal]
W. H. LEE,	[Seal]
J. C. MAILER,	[Seal]
J. O. KUYKENDALL,	[Seal]
A. B. WARE,	[Seal]
W. E. McCONNELL,	[Seal]
L. W. BURRIS,	[Seal]
E. M. CONX,	[Seal]

#### STATE OF CALIFORNIA, COUNTY OF SONOMA, CITY OF SANTA ROSA—SS.

I, C. D. Clawson, City Clerk of the City of Santa Rosa, do hereby certify that the foregoing is a full, true and correct copy of the proposed charter of the City of Santa Rosa, prepared and proposed by a duly qualified board of freeholders, duly elected on the sixth day of April, in the year one thousand nine hundred and four; that a copy of said charter was duly filed with the Mayor of the City of Santa Rosa on the 28th day of June in the year one thousand nine hundred and four, said copy having been duly signed by all of the members of said board; that another copy signed by all of the members of said board was, on the twenty-eighth day of June in said year one thousand nine hundred and four, duly filed with the recorder of the County of Sonoma; that thereafter said proposed charter was duly published in a daily newspaper of general circulation in said City of Santa Rosa for at least twenty days, and the first publication thereof was made within twenty days after the completion of said charter; that within not less than thirty days after such publication, said charter was submitted to the qualified electors of said city at a special election called therefor, said election being held on Tuesday the 13th day of September in the year one thousand nine hundred and four, and at such election a majority of such qualified electors voting thereon duly ratified the same; and I further certify that at all of the times herein mentioned said City of Santa Rosa contained a population of more than three thousand five hundred and less than ten thousand inhabitants.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Santa Rosa this twenty-eighth day of September, in the year one thousand nine hundred and four.

[SEAL]

C. D. CLAWSON,  
City Clerk of the City of Santa Rosa.

Now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly concurring* (a majority of the members elected to each House voting for and concurring herein), That said charter of the City of Santa Rosa, as presented to, and adopted and ratified by the qualified electors of said city, be, and the same is hereby approved as a whole, for and as the charter of said City of Santa Rosa.

Senate Concurrent Resolution No. 12 read.



Mr. Cromwell moved the adoption of the resolution.

The roll was called, and the concurrent resolution adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Burge, Burke, Busick, Chandler, Coghlan, Coyle, Cromwell, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Houser, Johnstone, Jones of San Francisco, Jury, King, Lynch, Manwell, McGowan, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr Speaker—52  
NOES—None

Resolution ordered transmitted to the Senate.

#### INTRODUCTION AND REFERENCE OF BILLS.

The following bills and joint resolution were introduced:

By Mr. Amerige: Assembly Bill No. 669—An Act to add a new section to the Penal Code, to be numbered 653i, relating to the wasting of water in artesian or flowing wells.

Read first time, and referred to Committee on Irrigation.

By Mr. Johnstone: Assembly Bill No. 670—An Act to provide for the improvement of public highways, and to make an appropriation therefor.

Read first time, and referred to Committee on Roads and Highways.

By Mr. Bates: Assembly Bill No. 671—An Act defining bond investment companies and regulating and governing companies, associations, co-partnerships, and individuals engaged in the business of placing or selling bonds, debentures, or certificates of investments, by whatsoever name such bonds, debentures, or certificates of investments may be designated or known as a money or merchandise paying contract when placed or sold on the partial payment or installment plan wherein or whereby the holder or holders of such bonds, debentures, or certificates of investments are or may become entitled to claim or receive from such corporation, company, or association, co-partnership, or individual, a return either at a definite or indefinite time in cash, or in merchandise, or in property for the installments of money so paid, and wherein or whereby the holder may be subject to a forfeiture, fine, or penalty for non-payments of installments and to protect the holders thereof.

Read first time, and referred to Committee on Building and Loan Associations.

By Mr. Perkins: Assembly Bill No. 672—An Act to protect trade and commerce against unlawful restraints and monopolies.

Read first time, and referred to Committee on Commerce and Navigation.

By Mr. Bliss: Assembly Bill No. 673—An Act to authorize the construction, maintenance, and operation of private spur tracks in municipalities.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Weyand: Assembly Bill No. 674—An Act to amend Section 3457 of the Political Code of the State of California, relating to the presentation of warrants of reclamation and swamp land districts, their indorsement and cancellation, and Section 3465, relating to the payment to the treasurer of the charges assessed against tracts of land in such districts.

Read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

By Mr. Weyand: Assembly Bill No. 675—An Act to amend Section 3481 of the Political Code of the State of California, relating to the setting off in separate districts of unreclaimed lands in reclamation and swamp land districts.

Read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

By Mr. Atkinson: Assembly Bill No. 676—An Act providing pay for holidays for employes of the State of California or of any political subdivision thereof.

Read first time, and referred to Committee on Labor and Capital.

By Mr. Jones of San Francisco: Assembly Bill No. 677—An Act to add a new section to the Penal Code, to be numbered Section 526, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theater or other public place of amusement for more than the original price thereof.

Read first time, and referred to Committee on Judiciary.

By Mr. Espey: Assembly Bill No. 678—An Act to provide for the incorporation of associations for lending money on personal property, and regulating the same, and to forbid certain loans on money, property, or credit.

Read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 679—An Act fixing the rates of interest and charges on loans upon chattel mortgages on certain personal property, and prescribing penalties for the violation of the Act.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 680—An Act to amend Section 92 of the Civil Code, relating to causes for divorce.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 681—An Act to add a new section to the Civil Code, to be known as Section 108, relating to proceedings in actions for divorce.

Read first time, and referred to Committee on Judiciary.

By Mr. Pyle: Assembly Bill No. 682—An Act to repeal Section 9 of an Act entitled "An Act to regulate the sale of imitation olive oil, and to repeal 'An Act to regulate the sale of olive oil,'" approved March 10, 1891, approved March 23, 1893.

Read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 683—An Act to promote and facilitate the enforcement of laws against the adulteration of food and drugs.

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Gates: Assembly Bill No. 684—An Act to add a new section to the Political Code of the State of California, to be known as Section 3367, relating to the powers of Boards of Supervisors in their respective counties, and to impose a license tax.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Manwell: Assembly Bill No. 685—An Act to amend Section 1598 of the Political Code of the State of California, prescribing the qualifications of electors voting for school trustees.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 686—An Act to amend Section 1600 of the Political Code of the State of California, in regard to challenges of electors in elections for school trustees.

Read first time, and referred to Committee on Education.

By Mr. Drew: Assembly Bill No. 687—An Act to amend Section 2161 of the Civil Code, relating to the carriage of telegraph and telephone messages.

Read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Lynch: Assembly Bill No. 688—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Duryea: Assembly Bill No. 689—An Act to amend Section 1238 of the Code of Civil Procedure, relating to eminent domain.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 690—An Act to amend Section 1240 of the Code of Civil Procedure, relating to rights of way for public uses.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 691—An Act to amend Section 1241 of the Code of Civil Procedure, relating to eminent domain.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 692—An Act to amend Section 1244 of the Code of Civil Procedure of the State of California, relating to eminent domain.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 693—An Act to amend Section 1247 of the Code of Civil Procedure of the State of California, relating to eminent domain.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 694—An Act to amend Section 1248 of the Code of Civil Procedure of the State of California, relating to eminent domain.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 695—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 25, 1901, by adding a new section thereto, relating to the powers and duties of boards of supervisors.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 696—An Act to amend an Act entitled "An Act to provide for the marking, branding, or labeling the boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions," approved March 20, 1903, by amending Sections 1 and 2 thereof.

Read first time, and referred to Committee on Fruit and Vine Interests.

Also: Assembly Bill No. 697—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Hawkins: Assembly Bill No. 698—An Act to amend Section 188 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 699—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Ellis: Assembly Bill No. 700—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 16, 1903, by amending Section 23 thereof.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Bliss: Assembly Bill No. 701—An Act authorizing the holding of agricultural fairs by the several counties of this State under the direction of the respective boards of supervisors of such counties, and repealing an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, and an Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal so much of an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State," approved April 15, 1880, and of all Acts amendatory thereof as are in conflict herewith, approved March 20, 1891, and an Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, approved April 15, 1880, and the several Acts amendatory of said Acts.

Read first time, and referred to Committee on Agriculture.

By Mr. Thompson: Assembly Bill No. 702—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Prescott: Assembly Bill No. 703—An Act to amend Section 274 of the Code of Civil Procedure, relating to services of official reporters and their fees, except in counties where a valid statute provides otherwise, and limiting the total fees which any reporter may receive during one year to the sum of \$1,000.

Read first time, and referred to Committee on Judiciary.

#### ASSEMBLY JOINT RESOLUTION.

By Mr. Prescott:

#### ASSEMBLY JOINT RESOLUTION NO. 7.

WHEREAS, The fair adjustment of freight rates is of vital importance to the agricultural, industrial, and commercial activities of the nation, and especially to the fruit interests of California;

WHEREAS, The Interstate Commerce Commission is empowered to carry out the purpose of its organization, and is the proper depository of the power for fixing and maintaining of such freight rates; and

WHEREAS, It is of the utmost importance that the action of such Interstate Commerce Commission be prompt and effective; therefore,

*Resolved by the Assembly, and the Senate jointly,* That we request our Senators and Representatives in Congress to use their influence to have a law enacted by Congress, giving the Interstate Commerce Commission the power to fix freight rates when the rate in force is found unfair, and providing that the new rate so fixed by the commission shall go into force immediately, and so remain until set aside by the courts; and further

*Resolved,* That a copy of these resolutions be immediately forwarded by telegraph to each of our Senators and Representatives in Congress, and one to the President of the United States.

Referred to Committee on Federal Relations.

#### INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. Treadwell: Assembly Bill No. 704—An Act to amend Sections 199 and 200 of the Code of Civil Procedure, relating to the qualifications and exemptions of jurors.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 705—An Act to add a new section to the Code of Civil Procedure, to be known as Section 203, relating to the discharge of jurors in courts of record.

Read first time, and referred to Committee on Judiciary.

#### PRIVILEGES OF THE FLOOR.

Mr. Coghlan moved that the privileges of the floor be extended to Hon. H. G. W. Dinkelspiel, an ex-member of the Assembly.

Motion carried.

#### INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. Treadwell: Assembly Bill No. 706—An Act to amend Sections 1359 and 1367 of the Political Code of the State of California, relating to primary elections.

Read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 707—An Act to amend Section 1197 of the Political Code of the State of California, relating to election tickets and ballots.

Read first time, and referred to Committee on Election Laws.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

#### ON EDUCATION

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 353—An Act to amend Section 6 of an Act entitled "An Act to provide for compiling electrotyping, printing, binding, copyrighting, and distributing a State series of school text-books, and appropriating money therefor," approved March 15, 1887—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Assembly Bill No. 171—An Act to amend Section 617 of the Political Code, relating to boards of school trustees and city boards of education—have had the same under consideration, and respectfully report the same back, and recommend that the same do not pass.

Also: Assembly Bill No. 172—An Act to amend Section 1634 of the Political Code, relating to school census marshal—have had the same under consideration, and respectfully report the same back, and recommend that the same do not pass.

Also: Assembly Bill No. 207—An Act entitled an Act to amend Section 1772 of the Political Code of the State of California, relating to certificates upon examination—have

had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Assembly Bill No. 203—An Act entitled "An Act to amend Section 1861 of the Political Code of the State of California, relating to the use of the State School Fund"—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 272—An Act entitled "An Act to amend Section 1670 of the Political Code of the State of California, relating to the establishment of high schools"—have had the same under consideration, and respectfully report the same back, with amendments, and recommended that the same do pass as amended.

Also: Assembly Bill No. 173—An Act confirming the organization of school districts—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 77—An Act to amend Section 443 of the Political Code of the State of California, relating to the State School Fund—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 125—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of State and county school funds—have had the same under consideration, and respectfully report the same back, and recommend that the same do not pass.

Also: Assembly Bill No. 447—An Act to amend Section 443 of the Political Code of the State of California, relating to the amount of money to be raised for each census child by State tax—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Assembly Bill No. 412—An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by county boards of education—have had the same under consideration, and respectfully report the same back, with amendments, and recommended that the same do pass as amended.

CREIGHTON, Temporary Chairman.

Assembly Bills Nos. 353, 171, 172, 207, 208, 272, 173, 77, 125, 447, and 412 were ordered on the second-reading file.

#### INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. Gates: Assembly Bill No. 708—An Act to provide against professors and assistants of the University of California from prejudicial interference in matters of competitive commerce and the performance of private work for pay, using University time, supplies, and apparatus, and to provide penalties for the enforcement thereof.

Read first time, and referred to Committee on Judiciary.

#### REPORT OF STANDING COMMITTEE.

##### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 156—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the inquiry into the aggravation or mitigation of punishment, the imposition or execution of sentence, and the suspending thereof by probation on plea or verdict of guilty.

Also: Assembly Bill No. 157—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 131 thereof, relating to powers and duties of the courts in providing for the creation and appointment and term of office of boards, to be known as "Probation Committees," providing for the creation and appointment of probation officers, prescribing their terms of office, duties, and powers and fixing their salaries.

Also: Assembly Bill No. 160—An Act to amend an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903.

Also: Assembly Bill No. 22—An Act to amend Section 585 of the Code of Civil Procedure, relating to the cases in which judgment may be had upon the failure of a defendant to answer.

Also: Assembly Bill No. 20—An Act to repeal two sections of the Code of Civil Procedure, each being numbered 1161, approved April 1, 1878, and to substitute therefor a new section, to be numbered 1161, relating to unlawful detainer.

Also: Assembly Bill No. 98—An Act to amend Section 1310 of the Civil Code, relating to lapsed devises and legacies.

Also: Assembly Bill No. 27—An Act to amend Section 147 of the Civil Code, relating to the power of the court to dispose of homestead and community property in divorce proceedings and creating presumption of ownership in the absence of such disposition.

Also: Assembly Bill No. 107—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section to be numbered 1760, relating to giving special notice to relatives and wards during the administration of wards' estates.

Also: Assembly Bill No. 108—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1380, relating to giving special notices to heirs, devisees, legatees, and creditors during the administration of estates of decedents.

Also: Assembly Bill No. 58—An Act to amend Section 611 of the Civil Code, relating to the issuance of bonds by cemetery corporations.

Also: Assembly Bill No. 127—An Act to provide for the proper naming of trees, seeds, plants, and vines, sold, offered, or exposed for sale in this State and providing a penalty for the violation of this Act.

DEVLIN, Chairman.

The above bills were ordered on third-reading file.

#### SPECIAL ORDERS—BILLS REFERRED TO SELECT COMMITTEE.

The following bills having been set for consideration at this hour were taken up:

Mr. Waste moved that Assembly Bill No. 540—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal and providing for their salaries—and Assembly Bill 92—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court—be referred to a select committee, consisting of the Committee on Judiciary, for further consideration, and to report amendments on the next legislative day, both bills to retain their places on file.

Motion carried, and bills referred to Committee on Judiciary with instructions as above.

#### SPECIAL ORDER—(RESUMED).

Senate Bill No. 57—An Act to amend Sections 276, 277, 279, and 280 of the Code of Civil Procedure, relating to the admission to practice of attorneys and counselors.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and Senate Bill No. 57 finally passed by the following vote:

**AYES**—Messrs. Anthony, Atkinson, Bates, Beardslee, Beckett, Boyle, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Johnson, Johnstone, Jones of Tolunne, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—56.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### RESOLUTION.

The following resolution was offered:

By Committee on Ways and Means:

(To pay bill of H. S. Crocker Company.)

*Resolved*, That the Controller of the State be, and he is hereby authorized and directed to draw his warrant on the contingent fund of the Assembly in favor of the H. S. Crocker

Company for the sum of eighteen hundred and twenty-seven dollars and fifty cents (\$1,827.50) in payment of the bill for eighty-five sets of codes, etc., attached hereto, and the Treasurer is hereby directed to pay the same:

To H. S. CROCKER COMPANY—

85 sets Codes, 5 volumes each, \$17.50 per set .....	\$1,487 50
85 Treadwell Constitutions, \$4 each .....	340 00

Total .....	\$1,827 50
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#### ADOPTION OF RESOLUTION.

Mr. Stanton moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Gans, Gates, Hartman, Hawkins, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, Manwell, McCartney, McGowan, McKenney, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfeifle, Pryor, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—56.

NOES—None.

#### RECONSIDERATION OF ASSEMBLY BILL NO. 152

In compliance with his notice given on yesterday, Mr. Held moved that the Assembly do now consider the vote whereby Assembly Bill No. 152 was refused passage on yesterday.

The question being on the reconsideration of the vote whereby Assembly Bill No. 152 was refused passage.

The roll was called, and the same reconsidered by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Gans, Gates, Hartman, Hawkins, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfeifle, Pryor, Severance, Stanton, Strohl, Thompson, Transue, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—56.

NOES—None.

Bill ordered on third-reading file for passage.

#### WITHDRAWAL OF SENATE BILL FROM COMMITTEE.

Mr. Transue moved that Senate Bill No. 23 be withdrawn from the Committee on Claims, and placed on the second-reading file, it being identical with Assembly Bill No. 246, which he would request to be withdrawn.

Motion carried, request granted, and Assembly Bill No. 246—An Act to appropriate the sum of \$4,150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' National Bank from the State of California—withdrawn.

#### CONSTITUTIONAL AMENDMENTS RE-REFERRED.

Mr. Transue moved that Constitutional Amendments Nos. 13 and 14 be withdrawn from the Committee on Judiciary, and referred to the Committee on Constitutional Amendments.

There being no objection, such was the order.

#### BILL RECOMMITTED.

Mr. Cromwell moved that Assembly Bill No. 301 (No. 48 on the third-reading file) be recalled from the House and recommitted to the Committee on Public Health and Quarantine.

Motion carried.



## BILLS ORDERED ON THE SPECIAL FILE.

Mr. Johnstone moved that Assembly Bills Nos. 123 (No. 85 on file) and 276 (No. 128 on file) be placed on the special file under Rule XIV.

Motion carried.

Assembly Bill No. 123 was ordered on the special file, and Assembly Bill No. 276 was ordered on special file and referred to Committee on Ways and Means.

## BILL WITHDRAWN.

Mr. Wickersham requested and was granted leave to withdraw Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

Bill withdrawn.

## RECESS.

At twelve o'clock and fifteen minutes P. M., on motion of Mr. McCartney, a recess was declared until two o'clock and thirty minutes P. M. this day.

Motion carried.

Recess declared.

## REASSEMBLED.

At two o'clock and thirty minutes P. M. the Assembly reconvened, Hon. T. E. Atkinson, Speaker pro tem., in the chair.

## ASSEMBLY BILL No 297 RECOMMITTED

Mr. Creighton moved that Assembly Bill No. 297 be recommitted to the Committee on Education.

Motion carried.

Assembly Bill No. 61—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1314, relating to wills.

Passed on file.

Assembly Bill No. 62—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1409, relating to succession.

Passed on file.

Assembly Bill No. 71—An Act to amend Chapter IX of Title XI of Part III of the Code of Civil Procedure of the State of California, relating to the conveyance of real estate by executors and administrators in certain cases.

Passed on file.

Assembly Bill No. 46—An Act to amend an Act entitled "An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Passed on file.

Assembly Bill No. 48—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Passed on file.

Assembly Bill No. 49—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating

to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Passed on file.

Assembly Bill No. 119—An Act to amend Section 1255 of the Political Code of the State of California, relating to ballots voted at election.

Passed on file.

Assembly Bill No. 120—An Act to amend Section 1253 of the Political Code of the State of California, relating to elections.

Passed on file.

Assembly Bill No. 555 (Substitute for Assembly Bill No. 116)—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavits of registration.

Passed on file.

Assembly Bill No. 119—An Act to amend Section 1255 of the Political Code of the State of California, relating to ballots voted at election.

Passed on file.

Assembly Bill No. 120—An Act to amend Section 1253 of the Political Code of the State of California, relating to elections.

Passed on file.

Assembly Bill No. 74—An Act making an appropriation of \$6,000 for the construction of cement sidewalks on the public streets of the Town of Berkeley surrounding and adjacent to the grounds of the University of California, in Alameda County, and prescribing the duties of the Controller and Treasurer in relation thereto.

Passed on file.

Assembly Bill No. 73—An Act making an appropriation of two hundred and fifty thousand (\$250,000) dollars for the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the use and accommodation of students of agriculture of the University, also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

Passed on file.

#### THIRD-READING FILE.

Assembly Bill No. 1—An Act to amend Section 1313 of the Civil Code, relating to devises.

Passed on file.

Senate Bill No. 6—An Act to provide three additional Judges of the Superior Court of the County of Los Angeles, for the manner of their appointment, and for their compensation.

Passed on file.

Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

Passed on file.

Assembly Bill No. 88—An Act to amend Section 1577 of the Political Code of the State of California, relating to the formation of new school districts.

Passed on file.

Assembly Bill No. 56—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justice courts and justices.

Passed on file.

Assembly Bill No. 6—An Act to amend Section 849 of the Code of Civil Procedure, relating to the service of summons issued out of justices' courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Anthony, Atkinson, Bates, Beckett, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Creighton, Cromwell, Cullen, Devlin, Drew, Espey, Estudillo, Gans, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, King, Manwell, McCartney, Meincke, Mitcheltree, Moore, O'Brien, Pfaffle, Pryor, Pyle, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Weyand, and Whiting—46.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### ORDERED TO CODE REVISION FILE.

Assembly Bill No. 264—An Act to repeal Section 58 and to amend Sections 60, 68, 70, 79½, and 84 of the Civil Code, all relating to marriage.

Ordered, under the rules, to Code Revision file.

Assembly Bill No. 265—An Act to repeal Sections 242, 243, 244, 245, 247, 248, 249, and 258, and to amend Section 246 of the Civil Code, all relating to guardian and ward.

Ordered, under the rules, to Code Revision file.

Assembly Bill No. 214—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Anthony, Atkinson, Beardslee, Beckett, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cullen, Devlin, Drew, Espey, Estudillo, Gans, Hawkins, Held, Houser, Jarvis, Johnson, Jones of Tuolumne, Jury, Lumley, Manwell, McCartney, Meincke, Mitcheltree, Moore, Perkins, Pfaffle, Pryor, Pyle, Severance, Strobridge, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, and Whiting—45.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 199—An Act to amend Section 890 of the Code of Civil Procedure of the State of California, relating to judgments of dismissal without prejudice.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Espey, Estudillo, Gans, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Jones of Tuolumne, Jury, King, Lumley, Manwell, McCartney, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Pyle, Slaven, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, and Whiting—50.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. SPEAKER. Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No 183—An Act to amend Section 1615 of the Political Code of the State of California, relating to the organization of a new school district.

Also: Assembly Bill No 101—An Act to amend Section 1439 of the Political Code, relating to State normal schools.

Also: Assembly Bill No. 36—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county and township officers and providing for the appointment of certain deputy county officials.

Also: Assembly Bill No 336—An Act to repeal Section 403 of the Civil Code, and to add a chapter to Title I of Part IV of Division First of the Civil Code, all relating to general provisions affecting corporations

Also: Assembly Bill No. 335—An Act to repeal Section 399 and to amend Section 401 of the Civil Code, relating to the dissolution and extension of the term of existence of corporations.

Also: Assembly Bill No. 333—An Act to amend Sections 322, 323, and 325 of the Civil Code, all relating to stockholders in corporations.

Also: Assembly Bill No 332—An Act to repeal Title IV of Part III of Division First of the Civil Code and each and every section of said title, and to substitute a new Title IV to take the place thereof in said Code, relating to masters and apprentices.

Also: Assembly Bill No. 266—An Act to amend Sections 226 and 227 of the Civil Code, all relating to the adoption of children.

Also: Assembly Bill No. 19—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 69 of said Civil Code, relating to marriage licenses.

DEVLIN, Chairman.

The above bills were ordered on third-reading file.

## THIRD-READING FILE—(RESUMED).

Mr. Treadwell moved that Assembly Bill No. 89 (No. 75 on file) be now taken up in place of Assembly Bill No. 95 (No. 21 on file).

Motion carried.

Assembly Bill No. 89—An Act to amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected, or paid more than once, and limiting the time therefor.

Bill read third time.

## SELECT COMMITTEE AMENDMENT.

Mr. Treadwell moved that a select committee of one be appointed to amend Assembly Bill No. 89, as follows:

1 Strike out of line 12 the words "city and county, or city," and the comma after "county"

2 Strike out of line 14 the words "city and county, or city," and the comma after "county."

3 Strike out the comma at the end of line 24.

4 Strike out of line 25 the words "city and county, or city."

5 Strike out of line 32 the words "city and county, or city," and the comma after "county."

6 Strike out of line 36 the words "city and county, or city," and the comma after "county"

Motion carried.

Mr. Treadwell was appointed as such select committee.

## REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 89—An Act to amend Section 3804 of the Political Code of the State of California,

relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time therefor—with instructions, does now report that the instructions of the Assembly have been carried out

TREADWELL, Committee.

Report of select committee adopted.

Assembly Bill No. 89 was ordered to reengrossment and reprint.

Assembly Bill No. 54—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justice courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Beckett, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, McCartney, McGowan, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Weyand, and Whiting—54.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 55—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Cullen, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, McCartney, McGowan, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Strobridge, Thompson, Treadwell, Tripp, Waste, Weyand, and Whiting—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

MR. M'CARTNEY CALLED TO THE CHAIR.

At three o'clock and seven minutes P. M. the Speaker pro tem. called Hon. H. S. G. McCartney to the chair.

Assembly Bill No. 281—An Act to amend the Political Code by adding thereto a new section, to be numbered 421.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Bates, Beardslee, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, McCartney, McGowan, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, and Whiting—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 156—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the inquiry into the aggravation or

mitigation of punishment, the imposition or execution of sentence, and the suspending thereof by probation on plea or verdict of guilty.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Bates, Boyle, Burge, Busick, Chandler, Coghlan, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lumley, McCartney, McGowan, Meincke, Mitchell-tree, Perkins, Pfaeffe, Pryor, Pyle, Severance, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Waste, and Whiting—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

##### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reengrossed:

Assembly Bill No. 61—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1314, relating to devises and bequests to persons convicted of the murder of their testators.

Assembly Bill No. 62—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1409, relating to succession to a person convicted of the murder of his ancestors.

DEVLIN, Chairman

Assembly Bills Nos. 61 and 62 ordered on file for passage.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 157—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1878, by amending Section 131 thereof, relating to powers and duties of the courts in providing for the creation and appointment, and term of office of boards, to be known as "probation committees," providing for the creation and appointment of probation officers, prescribing their terms of office, duties, and powers, and fixing their salaries.

Bill read third time.

The question being on the passage of the bill.

• The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Boyle, Burke, Busick, Chandler, Coghlan, Coyle, Creighton, Cullen, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lumley, McCartney, McGowan, Meincke, Mitchell-tree, Moore, O'Brien, Perkins, Pfaeffe, Pryor, Pyle, Strobridge, Transue, Treadwell, Tripp, Waste, and Whiting—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### NOTICE OF RECONSIDERATION.

Mr. Drew gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bills Nos. 54 and 55 (Nos. 22 and 23 on the file) were passed this day.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 160—An Act to amend an Act entitled "An Act defining and providing for the control, protection, and treatment of de-

pendent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Beckett, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, Lumley, McCartney, McGowan, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Stanton, Stowbridge, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, and Whiting—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 22—An Act to amend Section 585 of the Code of Civil Procedure, relating to the cases in which judgment may be had upon the failure of a defendant to answer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Beckett, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, Lumley, McCartney, McGowan, Meincke, Moore, O'Brien, Perkins, Pfaffle, Pyle, Severance, Stanton, Stowbridge, Thompson, Transue, Treadwell, Tripp, Waste, and Whiting—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### SPEAKER PRO TEM. RESUMES CHAIR.

At three o'clock and thirty minutes P. M. Speaker pro tem. Atkinson resumed the chair.

Assembly Bill No. 20—An Act to repeal two sections of the Code of Civil Procedure, each being numbered 1161, approved April 1, 1878, and to substitute therefor a new section, to be numbered 1161, relating to unlawful detainer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Beckett, Boyle, Burge, Burke, Busick, Chandler, Coghlan, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Hawkins, Held, Houser, Jarvis, Johnson, Jones of Tuolumne, Jury, King, Lumley, McCartney, Meincke, Mitcheltree, Moore, O'Brien, Pfaffle, Pryor, Pyle, Severance, Stanton, Stowbridge, Thompson, Transue, Treadwell, Tripp, Waste, and Whiting—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 98—An Act to amend Section 1310 of the Civil Code, relating to lapsed legacies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs Amerige, Anthony, Atkinson, Bates, Beardslee, Beckett, Boyle, Burge, Burke, Busick, Chandler, Coghlan, Coyle, Cromwell, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Goodrich, Hawkins, Held, Houser, Jarvis, Johnson, Jones of Tuolumne, Jury, King, Lumley, McCartney, McGowan, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaeffe, Pryor, Pyle, Severance, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, and Whiting—50.

**NOES**—None.

Title read and approved.

#### NOTICE OF RECONSIDERATION.

Mr. Goodrich gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 98 was passed this day.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 27—An Act to amend Section 147 of the Civil Code, relating to the power of the court to dispose of homestead and community property in divorce proceedings, and creating presumption of ownership in the absence of such disposition.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

**AYES**—Messrs Amerige, Beardslee, Burke, Busick, Chandler, Cleveland, Coyle, Devlin, Drew, Espey, Estudillo, Gates, Goodrich, Held, Houser, Johnson, Jones of Tuolumne, King, Lumley, McCartney, Moore, O'Brien, Perkins, Pyle, Transue, and Weyand—26.

**NOES**—Messrs Anthony, Atkinson, Bates, Beckett, Boyle, Burge, Coghlan, Creighton, Cromwell, Cullen, Duryea, Gans, Hartman, Hawkins, Jarvis, Johnstone, Jones of San Francisco, Jury, McGowan, Meincke, Mitcheltree, Pfaeffe, Pryor, Severance, Stanton, Strobridge, Thompson, Treadwell, Tripp, Waste, and Whiting—31.

#### NOTICE OF RECONSIDERATION.

Mr. Thompson gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 27 was refused passage on this day.

Assembly Bill No. 107—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1760, relating to giving special notice to relatives and wards during the administration of wards' estate.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs Amerige, Anthony, Atkinson, Bates, Beardslee, Beckett, Boyle, Burge, Burke, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Hawkins, Houser, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, Lumley, McCartney, McGowan, Meincke, Mitcheltree, Moore, Perkins, Pfaeffe, Pryor, Pyle, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Waste, and Whiting—48.

**NOES**—Messrs Held and King—2.

Title read and approved.

Bill ordered transmitted to the Senate.



MR. STANTON CALLED TO THE CHAIR.

At four o'clock P. M. the Speaker pro tem. called Hon. P. A. Stanton to the chair.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 108—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1380, relating to giving special notices to heirs, devisees, legatees, and creditors during the administration of estates of decedents.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Houser, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Manwell, McCartney, McGowan, Meincke, Mitcheltree, Moore, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Transue, Treadwell, Tripp, Waste, Weyand, and Whiting—50.

NOES—Mr Held—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 58—An Act to amend Section 611 of the Civil Code, relating to the issuance of bonds by cemetery corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Beardslee, Boyle, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Manwell, McCartney, McGowan, Meincke, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Strobbridge, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, and Whiting—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 4—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 580 thereof, relating to banking corporations.

SENATE BILL SUBSTITUTED.

Mr. Cromwell moved that Senate Bill No. 36 (No. 157 on special file of Senate Bills), and having been read the second time, be now taken up and read the third time and take the place of Assembly Bill No. 4, both bills being identical.

Motion carried, and Assembly Bill No. 4 withdrawn.

Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 580 thereof, relating to banking corporations.

Bill read third time.

SELECT COMMITTEE AMENDMENT.

Mr. O'Brien moved that a select committee of one be appointed to amend Senate Bill No. 36, as follows:

Amend by striking out the comma after the word "corporation" on line 29, and inserting in lieu thereof a semicolon, and, "provided, however, that the Secretary of State

shall not issue his certificate of the filing of the articles of incorporation of any proposed banking corporation whose articles of incorporation do not show a paid-up capital stock of ten thousand dollars."

Motion carried.

Mr. O'Brien was appointed such select committee.

#### REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 580 thereof, relating to banking corporations—with instructions, does now report that the instructions of the Assembly have been carried out.

O'BRIEN, Committee.

Report of select committee adopted.

Senate Bill No. 36 was ordered to print and on file for third reading.

Assembly Bill No. 127—An Act to provide for the proper naming of trees, seeds, plants, and vines, sold, offered, or exposed for sale, in this State, and providing a penalty for the violation of this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerigo, Anthony, Atkinson, Bates, Beardslee, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cullen, Deylin, Drew, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Manwell, McCartney, McGowan, Meincke, Moore, O'Brien, Perkins, Pfaffie, Pryor, Pyle, Severance, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, and Whiting—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 47—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 4235 of said Code, relative to the recording of instruments.

Passed on file.

Assembly Bill No. 345—An Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Passed on file.

#### SPEAKER PRO TEM. RESUMES THE CHAIR.

At four o'clock and thirty minutes P. M. Speaker pro tem. Atkinson resumed the chair.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 84—An Act to amend Section 1 of an Act to regulate the practice of veterinary medicine and surgery in the State of California.

Passed on file.

Assembly Bill No. 345—An Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Passed on file.

Assembly Bill No. 84—An Act to amend Section 1 of an Act to regulate the practice of veterinary medicine and surgery in the State of California.

Passed on file.

Assembly Bill No. 158—An Act authorizing certain corporations to act as guardians of the persons of abandoned, dependent, and certain other children; with power as such guardians to consent to the adoption of such children; providing for their appointment as such guardians, with the notice to be given and fees remitted.

Passed on file.

Assembly Bill No. 182—An Act to amend Section 1593 of the Political Code of the State of California, relating to the elections of school trustees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Boyle, Burge, Busick, Chandler, Coghlan, Coyle, Creighton, Cromwell, Cullen, Drew, Duryea, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Houser, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, Lumley, Manwell, McCartney, McGowan, Meincke, Moore, O'Brien, Perkins, Pfaeffe, Pryor, Pyle, Severance, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, and Whiting—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Mr. McGowan moved that Assembly Bill No. 345 (No. 38 on the file), which had been passed on the file, be now taken up.

Motion carried.

Assembly Bill No. 345—An Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Bates, Beardslee, Boyle, Burge, Busick, Chandler, Coghlan, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Houser, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, Lumley, Manwell, McCartney, McGowan, Meincke, Moore, Perkins, Pfaeffe, Pryor, Pyle, Severance, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, and Whiting—48.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 183—An Act to amend Section 1615 of the Political Code of the State of California, relating to the organization of a new school district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Boyle, Burge, Busick, Chandler, Coghlan, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, Lumley, Manwell, McCartney, McGowan, Meincke, Moore, Perkins, Pfaeffe, Pryor, Pyle, Severance, Stanton, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, and Whiting—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 101—An Act to amend Section 1489 of the Political Code, relating to State normal schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Boyle, Burge, Busick, Chandler, Coghlan, Coyle, Cromwell, Cullen, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Houser, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lumley, Manwell, McCartney, McGowan, Meincke, Moore, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, and Whiting—48.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 295—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377b, making it a misdemeanor to refuse or neglect to conform to the rules, orders, or regulations of the State Board of Health concerning the pollution of water used or intended to be used for human or animal consumption.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Boyle, Burge, Burke, Busick, Chandler, Coghlan, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lumley, Manwell, McCartney, McGowan, Meincke, Moore, Perkins, Pfaffle, Pryor, Severance, Stanton, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, and Mr. Speaker—49.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 294—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377c, making it a misdemeanor to refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health, concerning the pollution of ice used or intended for public consumption.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Hawkins, Held, Houser, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lumley, Manwell, McCartney, McGowan, Meincke, Mitcheltree, Moore, Perkins, Pryor, Pyle, Severance, Stanton, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, and Mr. Speaker—50.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

##### ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 228—An Act to amend Paragraph One of Section 1874 of the Political Code of California, providing that pupils shall not be required to purchase supplemental books, and teachers and school authorities shall be punishable by expulsion from office or a

fine of not exceeding \$50 for a violation—have had the same under consideration, and respectfully report the same back, and recommend that same do pass

Also: Assembly Bill No. 476—An Act to amend Section 1564 of the Political Code of California, in regard to teachers' institutes—have had the same under consideration, and respectfully report the same back, with amendments, and recommended that the same do pass as amended.

CREIGHTON, Temporary Chairman.

Assembly Bills Nos. 226 and 476 ordered on second-reading file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 174—An Act to regulate elections of school trustees, voting on school bonds and school indebtedness—have had the same under consideration, and respectfully report the same back, and recommend that accompanying bill be passed as a substitute therefor.

CREIGHTON, Temporary Chairman.

#### INTRODUCTION OF BILL—(OUT OF ORDER).

The following bill was introduced:

By Committee on Education: Assembly Bill No. 709 (Substitute for Assembly Bill No. 174)—An Act to amend Section 1883 of the Political Code, relating to the manner of conducting elections for issuance of bonds in school districts.

Read first time, and ordered on second-reading file.

Assembly Bill No. 174 withdrawn.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

##### ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 190—An Act amending Section 9 of an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution"—have had the same under consideration, and respectfully report the same back, and recommend that accompanying bill be passed as a substitute for same

CREIGHTON, Temporary Chairman.

#### INTRODUCTION OF BILL—(OUT OF ORDER).

The following bill was introduced:

By Committee on Education: Assembly Bill No. 710 (Substitute for Assembly Bill No. 190)—An Act to amend an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution," approved March 2, 1903.

Read first time, and ordered on second-reading file.

Assembly Bill No. 190 withdrawn.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

##### ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. SPEAKER. Your Committee on Federal Relations, having had under consideration Assembly Joint Resolution No. 6—Relative to statehood of Arizona and New Mexico—respectfully report the same back, with the recommendation that it be adopted.

AMERIGE, Chairman.

Mr. Prescott moved that Assembly Joint Resolution No. 6 be now taken up for consideration, and the report of the Committee on Federal Relations on Assembly Joint Resolution No. 6 be adopted.

Motion carried.

## ASSEMBLY JOINT RESOLUTION No. 6.

Relative to statehood of Arizona and New Mexico.

WHEREAS, The question of joint admission to statehood of the Territories of Arizona and New Mexico is a question now pending before Congress; and

WHEREAS, The peoples of those respective Territories should be allowed to express their desires upon such joint statehood in each Territory separately; therefore,

Resolved by the Assembly and the Senate jointly, That we request our Senators and Representatives in Congress to use their influence to have such question submitted to the peoples of the respective Territories separately, and in such manner that if a majority of the people of either Territory do object to such joint statehood, that the same be not imposed upon them, and further

Resolved, That a copy of these resolutions be immediately forwarded by telegraph to each of our Senators and Representatives in Congress, and one to the President of the United States.

Joint resolution read.

Mr. Prescott moved the adoption of Assembly Joint Resolution No. 6.

Joint resolution adopted.

Resolution ordered transmitted to the Senate.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

## ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 357—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Assembly Bill No. 357 ordered on second-reading file.

## ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 391—An Act to amend Section 493 of the Civil Code, relating to franchises for the construction of elevated and underground railroad tracks.

Also: Assembly Bill No. 392—An Act to repeal Section 494 of the Civil Code, as approved March 25, 1899, relating to the sale by any railroad company owning any railroad in this State of its property and franchises, or any part thereof, to any other railroad company, whether organized under the laws of this State, or of any other State or Territory, or under any Act of Congress, and prescribing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Also: Assembly Bill No. 397—An Act to repeal Chapter VII, of Title IV, of Part IV, of Division First, of the Civil Code, and each and every section of such chapter, and to substitute a new Chapter VII to take the place thereof in said Code, relating to telegraph and telephone corporations.

Also: Assembly Bill No. 398—An Act to amend Sections 549 and 551, and to repeal Section 550 of the Civil Code, all relating to water and canal corporations.

Also: Assembly Bill No. 482—An Act to amend Section 613 of the Civil Code, relating to cemetery corporations.

Also: Assembly Bill No. 483—An Act to repeal Title XV, of Part IV, of Division First, of the Civil Code, and to substitute therefor in said Code a new Title XV, relating to corporations formed for the purpose of furnishing light for public use.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DREW, Chairman.

Assembly Bills Nos. 391, 392, 397, 398, 482, and 483 were ordered on the second-reading Code Revision file.

## ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 263—An Act to amend Sections 164 and 170 of the Political Code, all relating to husband and wife—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DURYEA, Chairman.

Assembly Bill No. 263 ordered on second-reading file.

## ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 435—An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children.

Also: Assembly Bill No. 245—An Act making an appropriation to pay the claim of R. B. Young, for materials, labor, and insurance premiums paid in the construction and erection of the Whittier State School.

Also: Assembly Bill No. 81—An Act to appropriate \$410 to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 436—An Act making an appropriation to pay the claim of Richard Price Morgan.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SEVERANCE, Chairman.

Assembly Bills Nos. 435, 245, 81, and 436 ordered on the second-reading file, and referred to Committee on Ways and Means.

## INTRODUCTION OF BILL.—(OUT OF ORDER).

The following bill was introduced:

By Mr. Amerige: Assembly Bill No. 711—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 271a, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court and for opinions rendered in cases before said Superior Court.

Read first time, and referred to Committee on Judiciary.

## MOTION TO TAKE UP SENATE MESSAGES.

Mr. Duryea moved to take up Senate messages.

Motion carried.

## TIME FOR ADJOURNMENT EXTENDED.

At four o'clock and fifty-seven minutes P. M., Mr. McCartney moved to extend the hour of adjournment fifteen minutes.

Motion carried.

## MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, January 25, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 230—An Act authorizing the United States Government to lower the water levels of any or all of the following lakes: Lower (or Little) Klamath Lake, Tule (or Rhett) Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also ceding to the United States all right, title, interest, or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State.

Adopted: Senate Concurrent Resolution No. 10—An Act approving twenty-seven certain amendments to the charter of the City of San Diego, in the County of San Diego, State of California, voted for and ratified by the qualified electors of the said City of San Diego at a special election held therein for that purpose on the seventh day of January, 1905.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

## ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 435—An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children.

Also: Assembly Bill No. 245—An Act making an appropriation to pay the claim of R. B. Young, for materials, labor, and insurance premiums paid in the construction and erection of the Whittier State School.

Also: Assembly Bill No. 81—An Act to appropriate \$410 to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 436—An Act making an appropriation to pay the claim of Richard Price Morgan.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SEVERANCE, Chairman.

Assembly Bills Nos. 435, 245, 81, and 436 ordered on the second-reading file, and referred to Committee on Ways and Means.

## INTRODUCTION OF BILL.—(OUT OF ORDER).

The following bill was introduced:

By Mr. Amerige: Assembly Bill No. 711—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 271a, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court and for opinions rendered in cases before said Superior Court.

Read first time, and referred to Committee on Judiciary.

## MOTION TO TAKE UP SENATE MESSAGES.

Mr. Duryea moved to take up Senate messages.

Motion carried.

## TIME FOR ADJOURNMENT EXTENDED.

At four o'clock and fifty-seven minutes P. M., Mr. McCartney moved to extend the hour of adjournment fifteen minutes.

Motion carried.

## MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, January 25, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 230—An Act authorizing the United States Government to lower the water levels of any or all of the following lakes: Lower (or Little) Klamath Lake, Tule (or Rhett) Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also ceding to the United States all right, title, interest, or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State.

Adopted: Senate Concurrent Resolution No. 10—An Act approving twenty-seven certain amendments to the charter of the City of San Diego, in the County of San Diego, State of California, voted for and ratified by the qualified electors of the said City of San Diego at a special election held therein for that purpose on the seventh day of January, 1905.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.



Senate Bill No. 82 was read the first time, and referred to the Committee on Labor and Capital.

Senate Bill No. 462 was read the first time, and referred to the Committee on Public Buildings and Grounds.

Senate Bills Nos. 98, 143, 208, 192, 27, 218, 12, and 54 were read the first time, and referred to the Committee on Judiciary.

Senate Bill No. 220 was read the first time, and referred to the Committee on Ways and Means.

Senate Bills Nos. 38, 261, and 18 were read the first time, and referred to the Committee on Municipal Corporations.

#### ADJOURNMENT.

At five o'clock and ten minutes P. M., Speaker pro tem. Atkinson, on motion of Mr. McCartney, declared the Assembly adjourned until Friday, January 27, 1905, at ten o'clock A. M.

#### IN ASSEMBLY.

##### ASSEMBLY CHAMBER,

Friday, January 27, 1905. }

The Assembly met at ten o'clock A. M., pursuant to adjournment.

Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

##### ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lynch, Manwell, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaefle, Pryor, Pyle, Severance, Stanton, Strobridge, Strobl, Thompson, Transue, Treadwell, Tripp, Waste, Whiting, Wickersham, and Mr. Speaker—63.

Quorum present.

##### LEAVES OF ABSENCE.

Leaves of absence for the day were granted to Messrs. Walsh, Weyand, John, Creighton, and Lumley.

##### PRAYER.

Prayer by the Chaplain, Rev. George C. King.

##### READING OF THE JOURNAL.

During the reading of the Journal of Thursday, January 26, 1905, on motion of Mr. King, its further reading was dispensed with.

##### APPROVAL OF THE JOURNAL.

The Journal of Wednesday, January 25, 1905, was corrected, and, as corrected, approved.

## REPORTS OF STANDING COMMITTEES.

## ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred a resolution by Mr. Burke relating to payment of \$43.26 to C. S. MacMullan—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

CROMWELL, Chairman.

## RESOLUTION.

(To pay U. S. MacMullan balance due.)

*Resolved*, That the Controller is hereby directed to draw his warrant on the Contingent Fund of the Assembly for \$43.26 in favor of C. S. MacMullan, the same being a balance due on a claim ordered paid by the Assembly during its thirty-fifth session, and unpaid because of depletion of fund.

## ADOPTION OF REPORT AND RESOLUTION.

Mr. Cromwell moved the adoption of the resolution.

The roll was called, and resolution was adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beckett, Bliss, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Goodrich, Held, Houser, Jarvis, Johnson, Jones of San Francisco, Jury, King, Maxwell, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—54.

NOES—None.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

## ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 10—A proposed amendment to Article IX of the Constitution, relative to the State Board of Education.

Also: Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employés of the Senate and Assembly.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same be adopted as amended.

HOUSER, Chairman

Assembly Constitutional Amendments Nos. 10 and 3 ordered on the special file.

## ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 273—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 3788½, relating to the time within which deeds must be executed for property sold for delinquent taxes to purchasers other than the State of California.

Also: Assembly Bill No. 524—An Act to amend Sections 3671 and 3746 of the Political Code of the State of California, both relating to revenue and taxation.

Also: Assembly Bill No. 585—An Act to amend Section 3898 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the disposition of moneys received by the State on a sale of lands acquired by the State at tax sales.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

GOODRICH, Chairman.

Assembly Bills Nos. 273 and 585 were ordered on second-reading file.

Assembly Bill No. 524 was ordered on second-reading file, and referred to the Committee on Judiciary.

## ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 358—An Act to provide for the protection and management of forest lands within the State of California—have had the same under consideration, and respectfully report the same back with a substitute bill, and recommend that said substitute bill do pass, and that Assembly Bill No. 358 be withdrawn.

MITCHELTREE, Chairman.

## INTRODUCTION OF BILL—(OUT OF ORDER).

By Committee on Public Lands and Forestry: Assembly Bill No. 712 (Substitute for Assembly Bill No. 358)—An Act to provide for the regulation of fires on, and the protection and management of public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, making an appropriation for the purposes of this Act, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act.

Read first time, and ordered on second-reading file.

Assembly Bill No. 358 withdrawn.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

## ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 453—An Act to appropriate twenty thousand (\$20,000) dollars to improve the Big Basin Park, in Santa Cruz County—have had the same under consideration, and respectfully report the same back, with amendments, and recommended that the same do pass as amended.

MITCHELTREE, Chairman.

Assembly Bill No. 453 was ordered on second-reading file, and referred to the Committee on Ways and Means.

## ON RULES AND REGULATIONS.

(Providing for afternoon sessions.)

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. SPEAKER: Your Committee on Rules and Regulations recommend the adoption of the following temporary rule:

*Resolved*, That a session shall be held every afternoon of next week, except Saturday, from two o'clock P. M. to five o'clock P. M., to consider the third-reading, second-reading, special, and Senate files.

MCCARTNEY, Chairman.

## RESOLUTION AND RULE ADOPTED.

Mr. McCartney moved that the resolution offered by the Committee on Rules and Regulations be adopted.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs Amerige, Anthony, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tolumne, Jury, King, Lynch, Manwell, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Strobridge, Strohl, Transue, Treadwell, Tripp, Wate, Whiting, and Mr. Speaker—59.

NOES—None.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

## ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 218—An Act to amend Section 2690 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings on approval of viewers' report in the matter of public highways—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that the same do pass as amended.

Also: Assembly Bill No. 554—An Act to provide for completing the survey, locating, and constructing a State highway from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles, to connect with an existing road in Humboldt County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Assembly Bill No. 67—An Act to appropriate the sum of \$20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon the Sonora and Mono road, a State highway—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass.

Also: Assembly Bill No. 279—An Act to provide for the location, construction, and management of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's, to Tahoe City, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, without recommendation.

COYLE, Chairman.

Assembly Bills Nos. 218, 554, 67, and 279 ordered on second-reading file, and referred to the Committee on Ways and Means.

## REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. SPEAKER: Your select committee, consisting of the Judiciary Committee, to whom was referred Assembly Bill No. 92—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

Also: Assembly Bill No. 540—An Act to add a new section to the Political Code, to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

With instructions, does now report that the instructions of the Assembly have been carried out, and recommend that they do pass.

DURYEA, Chairman.

Bills ordered on file for passage.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

## ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. SPEAKER. Your Judiciary Committee, having had under consideration Assembly Bill No. 311—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals—reports the same back, with six amendments, and with the recommendation by a majority vote, that it do pass as amended.

Also: Assembly Bill No. 10—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written—reports the same back, with four amendments, and with the recommendation that it do pass as amended, by a majority vote.

Also: Assembly Bill No. 417—An Act to amend the Penal Code of the State of California by adding thereto a new section to be numbered 1177, relating to the settlement and engrossment of bills of exceptions in criminal proceedings and actions—reports the same back with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 217—An Act to amend Section 1699 of the Code of Civil Procedure of the State of California, relating to payment of taxes and decrees of distribution of estates—reports the same back with six amendments, with the recommendation that it do pass as amended.

Also: Assembly Bill No. 258—An Act to amend Section 731 of the Code of Civil Procedure of California, relating to the abatement of private and public nuisances—reports the same back with five amendments, with the recommendation that it do pass as amended.

Also: Assembly Bill No. 437—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments—reports the same back with two amendments, with the recommendation that it do pass as amended.

Also: Assembly Bill No. 590—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1365, relating to the persons who shall be entitled to administer estates of deceased persons, and the order in which such persons shall be so entitled—reports the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 522—An Act creating the office of Public Defender, fixing his duties and compensation, and providing him with a contingent fund with which to properly carry out the duties thereof—reports the same back, with three amendments, with the recommendation that it do pass as amended, by a majority vote.

Also: Assembly Bill No. 576—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State—reports the same back with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 448—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 2055 of said Code, in regard to chattel mortgages, designating what property may be mortgaged—reports the same back with three amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 330—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 680, making it a misdemeanor for any person, or corporation, to negligently permit, suffer, or cause barbed wire to lie unrolled and loose upon the ground—reports the same back, with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 34—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, by amending Section 3 of said Act, and an Act amendatory thereof, approved March 27, 1895—reports the same back, with two amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 462—An Act to amend Sections 1917 and 1920 of the Civil Code, relating to legal interest—reports the same back, with the recommendation that it do pass.

DURVEA, Chairman.

Assembly Bills Nos. 311, 10, 417, 217, 258, 437, 590, 522, 576, 446, 330, 34, and 462 ordered on second-reading file.

#### ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 413—An Act to amend Section 1 of an Act entitled "An Act to amend Section 1 of an Act, approved March 20, 1899, entitled 'An Act to amend an Act, approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association,' approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof, approved March 23, 1893, reducing the amount of such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation in \$65,000, in the place and stead of \$75 per annum for each and every aged and indigent United States ex-soldier, sailor, or marine admitted to or residing at said Home."

Also: Assembly Bill No. 201—An Act authorizing the Directors of the Veterans' Home of California to purchase and take over for the State of California, to be used and controlled by said Board in the interests of the Veterans' Home of California, a certain piece of land adjoining the premises of the said Veterans' Home of California, in the County of Napa, and appropriating the sum of \$3,000 to pay for the purchase of the same.

Also: Assembly Bill No. 474—An Act to appropriate \$7,500 to sink artesian wells, and to develop artesian water on the lands of the Mendocino State Hospital.

Also: Assembly Bill No. 378—An Act to provide for the fencing and improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 550—An Act making an appropriation for the purchase of land adjoining the Napa State Hospital, and for the construction thereon of a dam and storage reservoir.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass; that they be re-referred to the Committee on Ways and Means, and that they retain their place on the file.

HELD, Chairman.

Assembly Bills Nos. 413, 201, 474, 378, and 550 were ordered on the second-reading file, referred to Committee on Ways and Means, and to retain their places on the file.

## ON PUBLIC WORKS, STATE CAPITOL AND PARKS.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. SPEAKER: Your Committee on Public Works, State Capitol and Parks, to whom was referred Assembly Bill No. 66—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.

Also: Assembly Bill No. 465—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building for the fiftieth fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JOHNSTON, Chairman.

Assembly Bills Nos. 66 and 465 ordered on second-reading file, and referred to Committee on Ways and Means.

## ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. SPEAKER: A majority of your Committee on Rules and Regulations, to whom was referred the following Assembly resolution offered by Mr. Coghlan, asking leave of absence of Committee on Public Charities and Corrections to visit and report on conditions of certain institutions of this State—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MCCARTNEY, Chairman.

*Resolved*, That the Committee on Public Charities and Corrections is hereby granted permission to visit the two State prisons and the Whittier State School and the Preston School of Industry, for the purpose of investigating their needs and the condition of their inmates, and the members of the committee are hereby granted leave of absence for said purpose, as follows: Messrs. Coghlan, Bates, Transue, Tripp, Strohl, Hoyle, and Mitcheltree.

Resolution adopted.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

## ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 350—An Act to prevent the payment of municipal officers out of the funds of the county

Also: Assembly Bill No. 401—An Act to amend Section 6 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations."

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Senate Concurrent Resolution No. 10—Approving twenty-seven certain amendments to the charter of the City of San Diego, in the County of San Diego, State of California, voted for and ratified by the qualified electors of the said City of San Diego at a special election held therein, for that purpose, on the 7th day of January, 1905—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BEARDSLEE, Chairman.

Assembly Bills Nos. 350 and 401 ordered on second-reading file.

## SENATE CONCURRENT RESOLUTION No. 10 CONSIDERED

Mr. McCartney, at the request of Mr. Barnes, who was absent on committee business, moved that Senate Concurrent Resolution No. 10 be now taken up and considered.

Motion carried.

## SENATE CONCURRENT RESOLUTION No. 10.

Approving twenty-seven certain amendments to the charter of the City of San Diego, in the County of San Diego, State of California, voted for and ratified by the qualified electors of the said City of San Diego at a special election held therein for that purpose on the seventh day of January, 1905.

WHEREAS, In accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the City of San Diego, a municipal corporation in the County of San Diego, State of California, framed a charter, which was duly ratified by a vote of the people of said city at a special election held for that purpose on the 2nd day of March, 1889, which charter was duly approved by the Legislature of the State of California on the 16th day of March, 1889, by joint resolution entitled, "Senate Joint Resolution No. 5, approving the charter of the City of San Diego, in the County of San Diego, California, voted for and ratified by the qualified voters of said city at a special election held therein, for that purpose, on the second day of March, 1889; and

WHEREAS, The said charter of the said City of San Diego, ratified and approved as aforesaid, has now been in force for more than two years since its said adoption and approval, and since it has been amended, the same having not been amended in the two years last past, and

WHEREAS, The legislative authority of the said City of San Diego did, by ordinance numbered seventeen hundred and sixty-two, of the ordinances of said city, adopted by the Board of Aldermen of said city on the 24th day of October, 1904, and by the Board of Delegates of said city on the said 24th day of October, 1904, entitled, "An ordinance proposing certain amendments to the charter of the City of San Diego, California, and providing for the publication thereof, and describing and setting forth certain amendments," and approved by the Mayor of said city on the 26th day of October, 1904, and pursuant to Section 8 of Article II of the Constitution of the State of California, duly proposed to the qualified electors of the said City of San Diego twenty-seven certain amendments to the charter of the said city, and

WHEREAS, Said ordinance numbered seventeen hundred and sixty-two, containing said twenty-seven proposed amendments to said charter, was, and each of said twenty-seven proposed amendments were in accordance with the provisions of Section 8 of Article II of the Constitution of the State of California, published for twenty days after the passage and approval of the said ordinance numbered seventeen hundred and sixty-two in the city official newspaper of said city, to wit, the San Diego Union and Daily Bee, a newspaper of general circulation in the said City of San Diego, and

WHEREAS, The said legislative authority of the said City of San Diego did, by ordinance numbered eighteen hundred and one of the ordinances of said city, adopted by the Common Council of said city on the 23rd day of November, 1904, entitled, "An ordinance calling and providing for a special election in and for the City of San Diego, California, to be held in said city on Saturday, the seventh day of January, 1905, for the purpose of submitting to the qualified electors of said City of San Diego, twenty-seven certain proposals to amend the charter of said city, pursuant to the provisions of, and in the manner provided by, the constitution and laws of the State of California; establishing municipal election precincts for said election and designating polling places therein; appointing a board of election for each precinct; and providing for notice to be given of said election," approved by the Mayor of said city on the 25th day of November, 1904, call a special election to be held in the said City of San Diego on Saturday, the seventh day of January, 1905, for the purpose of submitting to the qualified electors of the said City of San Diego said twenty-seven proposed amendments to the said charter; and

WHEREAS, Said special election was held in the said City of San Diego on the said seventh day of January, 1905, which date was more than forty days after said proposed amendments had been published for twenty days in the said San Diego Union and Daily Bee; and

WHEREAS, On the ninth and tenth days of January, 1905, at regular meetings held by the Common Council of said city, in accordance with law and the charter of the said City of San Diego, the Board of Aldermen of said Common Council and the Board of Delegates of the said Common Council, and the said Common Council duly and regularly canvassed the returns of said special election, and duly declared the results thereof; and the said Common Council being by law and the charter of said city duly authorized to conduct, manage, and control the holding of elections and all matters pertaining to elections in the said City of San Diego; and

WHEREAS, At said special election so held on the said seventh day of January, 1905, each and all of the said twenty-seven proposed amendments to the said charter of the said city were duly ratified by more than a majority of the electors voting thereon, and voting at said election; and

WHEREAS, The said twenty-seven amendments, and each of them, so ratified by the electors of the said City of San Diego at said special election, are now submitted to the Legislature of the State of California for approval or rejection, as a whole, without power of alteration or amendment, in accordance with Section 8 of Article II of the Constitution of the State of California, and are in the words and figures as follows, to wit:

That Chapter 1 of Article 2 of the charter of the City of San Diego, California, be amended so as to read as follows:

## CHAPTER I.

Section 1. The legislative power of the City of San Diego shall be vested in a single legislative body, which shall be designated the Common Council.

Section 2. The Common Council shall consist of nine members, one member from each ward of the city, who shall be elected at each general municipal election by the qualified voters of their respective wards, and shall hold office for two years. Each member of the Common Council must have been both an elector of the city and an actual resident of the ward from which he was elected at least one year next preceding his election.

Section 3. No person shall be eligible as a member of the Common Council who shall have been convicted of malfeasance in office, bribery, or any other infamous crime by the judgment of the court. Any such conviction during his term of office shall cause the forfeiture of his seat in said Common Council.

Section 4. A majority of the members of the Common Council shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as said Common Council may prescribe.

Section 5. Said Common Council shall

1. Choose a President annually from its own members, who may be removed by the affirmative vote of not less than two-thirds of the members of said Common Council.

2. Establish rules for its proceedings.

3. Keep a journal of its proceedings and allow the same to be published. The ayes and noes on any question shall, on the demand of any two members, be taken and entered therein.

4. Have authority to punish its members for disorderly or contemptuous behavior in its presence, and to expel any member by the affirmative vote of not less than two-thirds of its members, specifying in the order of expulsion the cause thereof.

5. Have power to compel the attendance of witnesses and production of papers pertinent to any business before said Common Council or any of its committees.

Section 6. Said Common Council shall meet on the first Monday of each month at seven-thirty o'clock P. M., or, if that day be a holiday, then upon the next day at the same hour. The meetings of said Common Council shall be public.

Section 7. No member of said Common Council shall hold any other office, Federal, State, county, or municipal, except in the National Guard or as a notary public, or be an employé of said city or of said Common Council, or be directly or indirectly interested in any contract with said city or with or for any department or institution thereof; or advance money or furnish material and supplies for the performance of any such contract; or furnish or become surety for the performance of any such contract; or directly or indirectly recommend, solicit, advise, request, or in any manner use his influence to obtain the appointment of any person to any office, position, place, or employment under the City Government, or under any department, board, or officer thereof, but nothing in this section shall impair the right of a member to nominate and recommend any person for any office or position to be filled by appointment or election by the Common Council. Upon taking office, each member shall make and file in the office of the City Clerk an affidavit that he will faithfully comply with and abide by all the requirements of this section. A violation of any of the provisions of this section shall cause a forfeiture of his office.

Section 8. Every legislative act of said city shall be by ordinance. The enacting clause of every ordinance shall be: "Be it ordained, by the Common Council of the City of San Diego, as follows:"

Section 9. No bill shall become an ordinance unless on its final passage, at least a majority of all the members of the Common Council vote in its favor, and the vote be taken by ayes and noes, and the names of the members voting for and against the same be entered in the journal, and no ordinance shall be finally passed until it has been read at two separate meetings of the Common Council, unless by a two-thirds vote of the members of the Common Council present, it is put on its final passage at its first reading.

Section 10. No ordinance shall be revised, re-enacted, or amended by reference to its title, but the ordinance to be revised or re-enacted, or the section thereof amended, shall be re-enacted at length as revised or amended.

Section 11. When a bill is put upon its final passage and fails to pass and a motion is made to reconsider, the vote upon said motion shall not be acted on before the next meeting of the Common Council. No bill for the grant of any franchise shall be finally passed within thirty days after its introduction.

Section 12. No ordinance shall take effect until ten days after its passage, unless otherwise expressed in said ordinance.

Section 13. Every bill, after it has passed, shall be signed by the President of the Common Council in open session in authentication of the passage. In signing such bill he shall call the attention of the Common Council to the bill and that he is about to sign it, and if any member so request, the bill shall be read at length for information as to its correctness as enrolled. If any member objects that the bill is not the same as when considered and passed, such objection shall be passed upon, and if sustained, the President shall withhold his signature and the bill shall be corrected and signed before the Common Council proceeds to any other business.

Section 14. Every bill, which shall have passed the Common Council and been authenticated, as provided in the last section, shall be presented to the Mayor for his



approval. The Mayor shall return such bill to the Common Council within ten days after receiving it. If he approve it, he shall sign it, and it shall then become an ordinance. If he disapprove it, he shall specify such objections thereto in writing. If he do not return it with his disapproval, within the time above specified, it shall take effect as if he had approved it. The objections of the Mayor shall be entered at large in the journal of the Common Council. Said Common Council shall, after five and within thirty days after such bill shall have been so returned, reconsider and vote upon the same; and if the same shall, upon a reconsideration, be again passed by the affirmative vote of not less than two-thirds of the members of said Common Council, the President thereof shall certify that fact on the bill and when so certified the bill shall become an ordinance with like effect as if it had received the approval of the Mayor, but if the bill shall fail to receive, upon the first vote thereon, in said Common Council, an affirmative vote of two-thirds of the members, it shall be deemed finally lost. The vote on such recommendation shall be taken by ayes and noes and the names of the members voting for or against the same shall be entered in the journal of the Common Council.

Section 15. All ordinances and resolutions shall be deposited with the Clerk who shall record the same at length in a suitable book. Ordinances of a general nature shall be published at least once in the city official newspaper.

Section 16. A committee of five members of the Common Council shall constitute the Board of Equalization of said city.

Section 17. The Commissioners of the Board of Public Works, the members of the Board of Police Commissioners (except the Mayor), the members of the Board of Fire Commissioners, the members of the Board of Health, and the Auditor, shall be appointed by the Mayor and confirmed by the Common Council.

Section 18. The Common Council shall elect a City Clerk and City Attorney.

Section 19. The Auditing Committee shall consist of the Mayor, President of the Common Council, City Attorney, and Auditor.

Section 20. When and in so long as the Mayor is temporarily unable to perform his official duties, the President of the Common Council shall act as Mayor pro tempore.

Section 21. When a vacancy occurs in the office of the Mayor, it shall be filled for the unexpired term by the Common Council assembled for that purpose.

When a vacancy occurs in the Common Council, it shall be filled by such Common Council until the next general city election.

Section 22. That the Common Council shall have the power to appoint from its members a committee consisting of three, to be denominated "Finance Committee," and to fill all vacancies in said committee. Said committee shall have power to investigate the transactions and accounts of all officers having the collection, custody, or disbursement of public money or having the power to approve, allow, or audit demands on the treasury; shall have free access to any records, books, and papers in all public offices; shall have power to administer oaths or affirmations, and to examine witnesses, and compel their attendance before it by subpoena. Said committee may visit any of the public offices, when and as often as it thinks proper, and make its examinations and investigations therein without hindrance. It shall be the duty of such committee, as often as once in every six months, to examine the official bonds of all city officers, and inquire into and investigate the sufficiency and solvency of the sureties thereon, and report the facts to the Mayor. Such report shall specify each bond, with the sureties and the amount for which each surety is bound, and state whether or not they are deemed sufficient and solvent. Upon such report the Mayor shall act so as to protect the city, and may require new bonds when necessary, and he may suspend the officer until a sufficient bond is filed and approved. Such committee shall keep a record of its proceedings with the names of the witnesses examined, and a substantial statement of the evidence taken. If from the examination made by such committee, it shall appear that a misdemeanor in office, or a defalcation has been committed by any officer, said committee shall immediately report to the Mayor, who, if he approve said report, shall forthwith suspend or remove such officer. Any police officer shall execute the process and orders of said committee.

Section 23. When an officer, board, or department, provided for in this charter, shall require additional deputies, clerks, or employees, application shall be made to the Mayor therefor, and upon such application it shall be the duty of the Mayor to make investigation as to the necessity for such additional assistance, and if he find the same necessary, he may recommend to the Common Council the appointment of such additional assistance; and thereupon the Common Council, by an affirmative vote of two-thirds of all its members, may authorize such appointment, and provide for the compensation of such appointee, subject to the limitations of this charter.

Section 24. Whenever hereafter in this charter reference is made to the Board of Aldermen or to the Board of Delegates, or to both the Board of Aldermen and to the Board of Delegates, or to each or both Boards of the Common Council, it is to be construed as referring to the Common Council, and whenever officers or committee of each or either, or both, of said boards are referred to, it is to be construed as referring to officers and committees of the said Common Council.

Section 25. That all appointments made by the Mayor must be confirmed by the Common Council before they go into effect.

That all portions of the said charter in conflict with the foregoing provisions be, and the same are hereby, repealed.

That subsection 31 of Section 1 of Chapter 2 of Article 2 of the charter of the city of San Diego, California, be amended so as to read as follows:

31. To fix and determine the rate or compensation to be charged and collected by any person, company, or corporation in this city for the use of telephones; and to fix and determine the maximum rate or compensation to be charged by any person, company, or corporation for gas, electric, or other illuminating power in said city.

That subsection 35 of Section 1 of Chapter 2 of Article 2 of the charter of the City of San Diego, California, be amended so as to read as follows:

35 To provide for the collection of licenses and municipal revenue, and fix the amount thereof and to license for regulation or revenue, hawkers, peddlers, pawnbrokers, auctioneers, and also lunch, refreshment, coffee or tanale counters, stands, booths sheds, or wagons when erected, located, placed, conducted or doing business on any sidewalk, street, or alley in said city; also to license for regulation or revenue any other business or occupation conducted or carried on in the said City of San Diego.

That subsection 46 of Section 1 of Chapter 2 of Article 2 of the charter of the City of San Diego, California, be amended so as to read as follows:

46. To grant authority for a term not exceeding twenty-five years to construct street railways and lay down street railroad tracks upon or over any of the streets of said city, upon which cars may be propelled by horses, mules, steam, or other motive power, or by wire ropes running under the streets and moved by stationary engines, and on such conditions as may be required by this charter, or by ordinance, and from time to time to establish, alter, and regulate the rates of fare to be charged by any person, company, or corporation to which such authority may be granted.

That Section 2 of Chapter 3 of Article 3 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 2. As Auditor he shall number and keep a record of all demands allowed by the Auditing Committee, showing the date of approval, amount, the name of the original holder, the number, on what account, and out of what fund payable. He shall be required to be constantly acquainted with the exact condition of the treasury. He shall, on the first Monday of each month, or oftener, if required, report to the Mayor the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which shall be set forth in a plain and business-like manner, every money transaction of the city, so that he can at any time tell the exact condition of the city's finances. He shall make an annual report showing the source from which the city's revenue was derived and how expended. He shall issue all licenses and turn the same over to the Tax Collector for collection, and shall draw and sign all warrants on the treasurer, except as otherwise in this charter provided. He shall have power to make affidavits and administer oaths necessary in the transaction of all city business.

That Section 1 of Chapter 8 of Article 3 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 1. All salaried officers of this city, other than Mayor and members of the Common Council, must, before they can enter upon the discharge of their official duties, give approved bonds conditioned for the faithful performance of such duties, with two or more sureties, which sureties shall be freeholders within this State and residents thereof, and worth the sums for which they become liable on such bonds over and above all just debts and liabilities in unincumbered property, situated within this State, which is not exempt from execution and forced sale; *provided*, that no official, deputy, clerk, or employé of the said City of San Diego shall be accepted as a surety upon any bond or undertaking to be executed to said city, or for the protection of said city. All official bonds must be approved by the Auditing Committee in open session.

The amount of all official bonds shall be fixed by the Common Council by ordinance.

The sureties on such bonds shall accompany the same with an affidavit that they are each freeholders within this State, and residents thereof, and are each worth the sum for which they become liable as specified in such bond over and above all their just debts and liabilities, exclusive of property exempt from execution; *provided*, that any corporation with a paid up capital of not less than one hundred thousand dollars, incorporated under the laws of the State of California, or any other State of the United States, for the purpose of making, guaranteeing, or becoming a surety upon bonds or undertakings required or authorized by law, or which by the laws of the State where it was originally incorporated has such powers, and which shall have complied with all the requirements of the law, of the State of California, regulating the formation or admission of these corporations to transact such business in the State of California, may become and may be accepted as security or as sole and sufficient surety upon any such undertaking or bond, or upon any other undertaking or bond required by any law or by any provision of this charter, or by any ordinance of the city for the benefit of such city, if approved and accepted by the Auditing Committee, or by the Board, or officer, or department authorized to approve such bonds, and the sureties thereon shall be subject to all the liabilities and entitled to all the rights of natural persons who act as sureties; *provided*, that no such corporation shall be accepted in any case as surety whenever its liabilities shall exceed its assets.

That Section 1 of Chapter 10 of Article 3 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 1. The Common Council shall have power to provide by ordinance for the appointment, by the different departments and officers, of such number of clerks, employés, and deputies as may be necessary to transact the business of such departments and officers, and also to provide the terms of service and fix the compensation of such clerks, employés, and deputies, anything in this charter contained to the contrary notwithstanding; and the Common Council shall have power to order their discharge

whenever their services are no longer needed, *provided*, that this section shall not apply to the Board of Library Trustees, nor to the Board of Park Commissioners, nor to the officers, deputies, clerks, and employes of the said Board of Library Trustees, or the said Board of Park Commissioners.

That Section 6 of Chapter 1 of Article 5 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 6 The Board may appoint such employes as are herein provided for, or as may be authorized by the Common Council. The salaries of all officers, clerks, and employes of the Board, except so far as the same are designated by this charter, shall be fixed from time to time by the Common Council.

That Section 13 of Chapter 1 of Article 5 of the charter of the City of San Diego, California, be and the same is hereby repealed.

That Section 14 of Chapter 1 of Article 5 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 14. All public work authorized by the Common Council to be done under the supervision of the board, and all contracts for materials and supplies in an amount exceeding three hundred dollars, required by the Common Council, or any of the departments of the city, not otherwise provided for in this charter (unless otherwise provided by ordinance), shall be done under written contract, except in cases of urgent necessity, as hereinafter provided. Before awarding any contract authorized by this chapter, the board shall cause notice inviting sealed proposals therefor, to be posted conspicuously in its office and published for not less than five days, and in case the estimated cost thereof exceeds two thousand dollars (\$2,000), to be so posted and published for not less than ten days, except that when any repair or improvement, not exceeding the estimated cost of two hundred dollars (\$200), shall be deemed an urgent necessity by the board, such repair or improvement may be made by the board, under written contract or otherwise, without advertising for sealed proposals.

That Section 15 of Chapter 1 of Article 5 of the charter of the City of San Diego, California, be amended so as to read as follows.

Section 15. Said advertisements and notices shall invite sealed proposals, to be delivered at a certain day and hour at the office of the Board, for furnishing the supplies and materials, and if for work to be done, the materials for the proposed work, or for doing said work, or both, as may be deemed best by the Board, unless otherwise provided by ordinance, and shall contain a general description of the work to be done, the materials or supplies to be furnished, the time within which the work is to be commenced and when to be completed, and the amount of bond to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the Board for full detail and description of said work and materials.

That Section 24 of Chapter 1 of Article 5 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 24. No contract for lighting streets, public buildings, places, or offices shall be made for a longer period than five years, nor shall any contract to pay for gas, electric light, or any illuminating material at a higher rate than is charged to any other consumer, be valid. Demands for lighting public buildings shall be presented monthly to the Board or Department using or having charge thereof, and shall specify the amount of gas, electric light, or other illuminating material consumed in such building during the month. All bids shall state the price for lighting for one year, two years, three years, four years, and five years, and a contract may be entered into for such lighting for one year or any number of years not exceeding five years: *provided*, that before awarding any contract for lighting the streets and public buildings in said city, the said Board of Public Works shall refer all bids to the Common Council, and no bid shall be accepted therefor unless authorized by ordinance.

That Sections 7, 9, and 12 of Chapter 5 of Article 5 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 7. Said Board may recommend to the Common Council such other rules and regulations concerning the public and private sewers and drains in said city, and the Common Council may pass ordinances establishing the same, and prescribing the penalties for any violation thereof.

Section 9. The Common Council may by ordinance authorize the purchase of any personal property, or the acquisition by purchase or condemnation of any real estate, which may be necessary for the construction of any sewer, or the making of any improvement provided for in this chapter. The title to all real estate purchased shall be taken in the name of said city.

Section 12. When the Common Council shall determine upon any improvement for the purpose of sewerage or drainage, which necessitates the acquisition or condemnation of private property, and is unable to agree with the owner thereof upon the amount of compensation or damage to be paid therefor, or when such owner is in any way incapable of making any agreement with reference thereto, and in all cases when the said Common Council shall deem it most expedient, said Common Council may cause said property to be condemned, and proceedings for the condemnation of such property instituted.

That Chapter VII of Article V of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 1. That there shall be a Board of Park Commissioners, consisting of three members, to be appointed by the Mayor with the approval of the Board of Delegates, from among the qualified electors of said city, and they shall hold office for four years,

*provided*, that the terms of office of the Commissioners first appointed shall commence on the first Monday in May, 1905.

Section 2. Immediately upon their appointment they shall elect a President and Secretary from among their number and so classify themselves that one of their number shall go out of office in two years, one in three years, and one in four years.

Section 3. All parks, plazas, and squares now open and dedicated to the public use, or which may hereafter be opened or dedicated to the public use, shall be under the exclusive control and management of said Board of Park Commissioners, with power to lay out, regulate and improve the same.

Section 4. Said Board of Park Commissioners may appoint a Superintendent of Parks, whose duty it shall be to see that the ordinances of the Common Council and the rules of the Park Commissioners are enforced, and who shall perform such other duties relating to said parks, plazas, and squares as may be required of him by said Board of Park Commissioners or by ordinances passed by the Common Council. Said Board of Park Commissioners shall also have power to employ and fix the compensation of such employes as may be necessary for the proper care and improvement of said parks, plazas, and squares; to expend the moneys appropriated by the Common Council or received from any other source, for the purpose of managing and improving said parks, plazas, and squares.

Section 5. That the said Common Council shall levy annually, in addition to all other taxes provided for in this charter, not less than five cents nor more than eight cents on each one hundred dollars valuation of property, for the purpose of maintaining and improving said parks, plazas, and squares.

Section 6. The said Board of Park Commissioners shall have power to pass and adopt such rules and regulations as it may deem necessary for the regulation, use and government of said parks, plazas, and squares.

Section 7. The members of said Board of Park Commissioners shall serve without compensation and shall make a semi-annual report to the Mayor.

That Section 2 of Chapter 1 of Article 6 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 2. The Common Council shall, on or before the second Monday of May in each year, by ordinance, fix the rate of taxes to be levied, and levy the taxes upon all taxable property, both real and personal, in the city, necessary to raise sufficient revenue to carry on the different departments of the municipal government for the current fiscal year; *provided*, that the rate of taxes so levied shall not exceed in any year ninety cents for each one hundred dollars upon the assessment roll, except for the payment of the principal and interest of the bonded debt of the city, or tax for maintenance and improvement of public parks, or other special tax voted by the people, or for school purposes.

That Section 6 of Chapter 1 of Article 6 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 6. That the term "real" and "personal" property, as used in this charter, shall have the same meaning as the same terms used in the revenue laws of this State; and all property subject to taxation, as aforesaid, shall be assessed at its full cash value, which in the judgment of the assessor, at has at 12 o'clock noon on the first day of January, and the lien of the annual city tax levy shall attach at said hour. The description of the lots, blocks, additions, and subdivisions in any assessment shall be deemed to refer specifically to the official map of such lot, block, addition, or subdivision on file in the public office where the same is on file, with the same effect as if such description specifically described such map.

In the assessment of property, advertisement, and sale thereof for taxes initial letters, abbreviations, and the figures may be used to designate lots, blocks, or parts thereof, additions or subdivisions; and such other abbreviations may be used when approved by the Common Council; *provided*, that a written or printed explanation of all abbreviations used appears on the page of the assessment roll or book where the assessment is made in which such abbreviation is used.

That Section 10 of Chapter 1 of Article 6 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 10. The annual tax levied as hereinbefore provided shall become due and payable on the first Monday in June of each year, and all persons paying such taxes before the first day of July, following, shall be entitled to a deduction of five per cent upon the total tax paid by them; and all persons so paying said tax between the first days of July and August of each year, shall be entitled to a deduction of three per cent upon the total tax paid; and all persons so paying said tax between the first days of August and September of each year, shall be entitled to a deduction of two per cent upon the total tax paid; and all persons paying such tax between the first days of September and October of each year shall be entitled to a deduction of one per cent upon the total tax paid; all persons paying such tax between the first day of October and the fourth Monday in November, shall pay the full tax as levied, and upon the fourth Monday in each November, at six o'clock p. m., all unpaid taxes are delinquent, and the Tax Collector must then collect for the use of the city an addition of five per cent.

That Section 18 of Chapter 1 of Article 6 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 18. On the day and hour fixed for the sale, all the property delinquent, upon which the taxes of all kinds, penalties, and costs have not been paid, shall, by operation of law and the declaration of the Tax Collector, be sold to the City of San Diego, and

said Tax Collector shall make an entry "sold to the city" on the delinquent assessment list opposite the tax (and a duplicate certificate of sale shall be delivered to the City Auditor and filed by him in his office, and a like certificate shall be filed in the office of the City Clerk), and said Tax Collector shall be credited with the amount thereof in his settlement with the Auditor, *provided*, that on the day of sale the owner or person in possession of any property offered for sale for taxes due thereon, may pay the taxes, penalties, and costs due.

The Tax Collector must make out in duplicate a certificate of delinquent tax sale for each piece or tract of land sold, dated on the day of sale, stating (when known) the name of the person assessed, a description of the land sold, that it was sold for delinquent taxes to the city, and giving the amount and year of the assessment, and specifying when the city will be entitled to a deed. A redemption of the property sold may be made by the owner or any person in interest within five years from the date of the sale to the city, or at any time prior to the entry or sale of said land by the city, in the manner provided by law for the redemption of property sold to the State for State and County taxes, at the time such redemption is made; *provided*, that the estimate for such redemption must be made by the City Auditor instead of the County Auditor, and the receipt for money paid for such redemption must be given by the City Treasurer instead of the County Treasurer, and upon the production of such receipt and estimate, the City Clerk shall write upon the proper certificate as filed in his office the word "Redeemed," giving the date, and by whom redeemed. The Auditor's fee for such estimate shall be two dollars paid in advance, but the City Clerk shall receive no fee for marking the certificate redeemed. The Auditor's fee, as herein provided, as well as the amount to redeem, shall be paid to the Treasurer by the person redeeming, and such fee shall be apportioned to the salary fund of the city. If the property is not redeemed within five years from the date of the sale thereof to the city, the Tax Collector of said city, or his successor in office, must make to the city a deed to the property, reciting in the deed substantially the matters contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption.

That Sections 19, 20, 21, 22, 23, 24, 25, 26, and 27 of Chapter 1 of Article 6 of said charter be and the same are hereby repealed.

That Chapter 1 of Article VI of the charter of the City of San Diego, California, be amended by adding thereto a new section to be numbered Section 32, which shall read as follows:

Section 32 Whenever it shall be provided by an Act of the Legislature of the State of California that any of the duties now performed, or hereafter to be performed by the Assessor of the City of San Diego, may be performed by the Assessor of the County or San Diego, and that the duties now performed, or hereafter to be performed, by the Tax Collector of said city, may be performed by the Tax Collector of said county, or the duties to be performed, or hereafter to be performed, by any other officer of said city, may be performed by any officer of said county, the City of San Diego, through its Common Council, may avail itself of the provisions of said Act by the adoption of an ordinance ratified by a vote of the qualified electors of said city, as hereinafter provided, and provide that the duties of such officer or officers of said city, or any of such duties as are permitted by such general Act of the Legislature to be performed by such county officer or officers, may be performed by such county officer or officers of the said County of San Diego, at the times and in the manner and to the extent as provided in such General Act of the Legislature.

In case such ordinance shall provide that all the duties of the said Assessor of said city shall be devolved upon the Assessor of the said County of San Diego, or in case such ordinance shall provide that only part of the duties of the said Assessor of said city shall be devolved upon the Assessor of said County of San Diego, and the remaining duties of the said City Assessor shall be performed by such officer of said city as may be designated for that purpose by such ordinance, then upon the taking effect of such ordinance such office of the Assessor of said city shall cease to exist, and is hereby declared to be abolished.

In case such ordinance shall provide that all the duties of the said Tax Collector of said city shall be devolved upon the Tax Collector of the said County of San Diego, or if by such ordinance only part of the duties of the said Tax Collector of said city shall be devolved upon the Tax Collector of said County of San Diego, and the remaining duties of the said Tax Collector of said city shall be performed by such officer of said city as may be designated for that purpose by such ordinance, then upon the taking effect of such ordinance such office of Tax Collector of said city shall cease to exist, and is hereby declared to be abolished.

As to all duties so devolved upon any officer of said county, he shall be ex-officio an officer of the City of San Diego.

The Common Council shall have power to provide, by such ordinance, a system for the assessment, levy, and collection of all taxes of said city, not inconsistent with the provisions of this section, which system shall conform, as nearly as the circumstances of the case may permit, to the provisions of the said General Act of the Legislature and the laws of the State of California in reference to the assessment, levy, and collection of State and County taxes, to the end that the duties of the Assessor of said city may be performed by the Assessor of said county, and the duties of the Tax Collector of said city, as to the taxes thereafter to be collected, may be performed by the Tax Collector of said county. No such ordinance shall take effect until it shall have been submitted

for ratification to the electors of said city at a general municipal or special municipal election, and ratified by a majority of all votes cast on the question of such ratification.

In the event that said city shall so elect to avail itself of the provisions of such General Act of the Legislature, the Auditor of said city shall, on or before the first Monday in August in each year, prepare and transmit to the said Common Council, accompanied with the estimates and reports of each department, which he shall require to be delivered to him from the heads of each department on or before the 20th day of July in each year, an estimate of the probable necessities of the city for the current fiscal year, as provided in Section 1, Chapter 1, Article VI, of this charter and the Common Council shall, on or before the second Monday in September of each year, by ordinance, fix the rate of taxes to be levied and levy the taxes upon all taxable property both real and personal, in the city necessary to raise sufficient revenue to carry on the different departments of the municipal government for the current fiscal year; *provided*, that the rate of taxes so levied shall not exceed in any year one hundred and ten cents on each one hundred dollars upon the assessment roll, except for the payment of the principal and interest of the bonded debt of the city, and also excepting any special tax voted by the people, the tax for maintenance and improvements of public parks, or for school purposes; and for taxation, assessment, and all other purposes the fiscal year of said city shall begin on the first day of July, and the property subject to taxation as aforesaid shall be assessed at its full cash value, which, in the judgment of the Assessor, it had at twelve o'clock noon on the first Monday of March, and the lien of the annual city tax levy shall attach at that hour.

In the event said Common Council shall so elect to avail itself of the provisions of said General Act of the Legislature, and said fiscal year shall be changed, the said Common Council shall have power to provide by taxation for sufficient revenue to carry on the different departments of the municipal government of said city for the period of time from the end of the fiscal year, as it stood before such change was made, to the beginning of the new fiscal year by including the same in the next annual tax levy.

That Chapter 2 of Article VI of the charter of the City of San Diego, California, be amended by adding thereto a new section to be known as Section 15, which shall read as follows:

Section 15. Whenever it shall be determined by the legislative body of said city that the public interest of said city demands the acquisition, construction, or completion of any municipal improvement, including bridges, water-works, water-rights, sewers, light or power works or plants, buildings for municipal use, fire apparatus, and street work, or other works, property, or structures necessary or convenient to carry out the purposes, objects, and powers of the city, the cost of which will be too great to be paid out of the revenues of the city, to be levied during the fiscal year or years during which said improvement is proposed to be made, a special tax not to exceed the sum of twenty cents on each one hundred dollars may be levied on the property assessed for the purpose of taxation within said city, which said rate of taxation may be in addition to the annual rate of taxation allowed by law to be levied thereon. Before said tax shall be levied by the said legislative body of said city, the question of the levy of such tax shall be submitted to the voters of said city at any general or special municipal election, or at a special election to be held for that purpose, and if two thirds of the votes cast for the proposition of levying such tax shall be in favor of the levy thereof, then the levy shall be made, otherwise the taxes shall not be levied. Upon the ballots used at such election the proposition to be voted shall be stated in appropriate words, and the same arranged so that the voter may indicate his choice upon the proposition. If a special election is held, the same shall be held as are other elections within the city. At least two weeks before such election is held, the said legislative body of said city shall adopt an ordinance calling and providing for the same, wherein it shall be stated:

First—The nature of the proposed improvement for the cost of which the special tax shall be levied.

Second—The total amount of money to be raised for such improvement.

Third—The rate of taxation to be levied.

At the time fixed by law for the levying of taxes within said city, the legislative body thereof shall include the special tax herein provided for, which shall be the rate specified in the ordinance calling said election. Nor shall it be levied for a longer period of years than shall be sufficient to raise the amount of money specified in said ordinance. The proceeds for such special tax shall be set apart in a special fund, and shall only be expended for the purpose of making the improvements stated in said ordinance, *provided*, any balance left, after such improvement shall have been fully completed and paid for, shall be transferred to the general fund of said city.

That Section 2 of Chapter 2 of Article 6 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 2. All demands, bills, and claims which may arise against the city, including the payroll of all employees of the city, whether under regular monthly salary or not (except salaries of city officers fixed by this charter), shall be duly verified as hereinafter provided, and be filed with the Secretary of the Auditing Committee, who shall file and number the same in the order of presentation, and refer the same to the Auditing Committee for action, whose duty it shall be to allow or reject the same, in whole or in part, and if allowed, designate the particular fund from which they are to be paid, and endorse upon the back of each bill the date of its allowance or rejection, the amount allowed for, and also the section of the charter, number of ordinance, number of contract, resolution, or order under which the said bill or demand was authorized or

contracted for. These endorsements to be verified by the signatures of the Chairman and Secretary of the Committee. No demand upon the treasury shall be allowed by the Auditing Committee in favor of any officer or other person, or any of their assigns, who is in any manner indebted to the city, without first deducting therefrom the amount of such indebtedness, or in favor of any officer or other person, or his assigns, having the collection, care, custody, or control of public funds, unless the accounts of such officer or other person have been passed, approved, and allowed as is or may be required by law, nor in favor of any officer or other person or his assigns who has neglected to make any oath required by law, ordinance, or other regulation of the Common Council; nor in favor of any officer, or his assigns, who has failed, to the knowledge of the Auditing Committee, to do any duty imposed upon him by law, or ordinance, or other regulation of the Common Council.

That Article VII of the charter of the City of San Diego, California, be amended so as to read as follows:

#### ARTICLE VII.

Section 1. The school system of the City of San Diego shall include primary, grammar, and high schools, and such evening schools, technical schools, and parental schools as now are established, or may hereafter be established by the Board of Education of said city in the San Diego School District under the General School Laws of the State of California. The boundaries of said San Diego School District shall be those now established or that may hereafter be established by and under the General School Laws of the State of California.

Section 2. The government of the San Diego School District shall be vested in a Board of Education, composed of eighteen persons, two of whom shall be elected from each ward, and each of whom shall have been for two years a resident of this city, who shall be styled, Members of the Board of Education. They shall serve without salary. They shall serve four years, or until their successors are elected and qualified. The members of the said Board of Education shall be elected at the same time and in the same manner as the municipal officers of the City of San Diego. Any vacancy in the body shall be filled by the Board from the electors of the ward in which the vacancy has occurred until the next general city election when a member shall be elected to fill the unexpired term.

Section 3. The duties and powers of the Board of Education shall be such as are now, or may hereafter be enjoined and conferred on Boards of Education in City and School Districts by the laws of the State of California.

That Article VIII of the charter of the City of San Diego, California, be amended so as to read as follows:

#### ARTICLE VIII.

The public library and reading-room shall be governed and controlled by a Board of three Trustees, who shall be appointed by the Mayor from among the qualified electors of said city, subject to the approval of the Board of Delegates, and they shall hold office for four years; *provided*, that the terms of the Trustees first appointed shall commence on the first Monday in May, 1905.

Immediately upon their appointment they shall elect a President from among their number and so classify themselves that one of their number shall go out of office in two years, one in three years, and one in four years.

The Common Council of said city shall make an annual tax levy sufficient to raise at least six thousand dollars for the purpose of supporting and maintaining said public library.

In all other particulars said library and reading-room shall be governed and controlled by the provisions of the Act of the Legislature of the State of California, entitled "An Act to establish free public libraries and reading-rooms," approved April 28th, 1880; and the powers and duties of said Board of Trustees shall be as in said Act prescribed.

That Section 15 of Chapter 3 of Article 9 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 15. The Board of Health may locate, establish, and maintain pest houses, and discontinue and remove the same whenever and wherever necessary for the preservation of the public health. Said Board may appoint and remove at pleasure such physicians and nurses (whose compensation shall be fixed by the Common Council by ordinance) for said pest houses as may be necessary to maintain the efficiency of the same, and may cause to be removed thereto and kept therein any person affected with any contagious or infectious disease.

That Section 2 of Article 10 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 2. Every officer, deputy, and clerk, except where otherwise provided in this charter or by ordinance, must have been, at the time of his election or appointment, both an elector of the city, and an actual resident therein for one year next preceding his election or appointment.

That Article 1 of the charter of the City of San Diego, California, be amended by adding thereto a new chapter to be known as Chapter IV, which shall read as follows:

#### CHAPTER IV.

Section 1. The Common Council shall have power to submit to the electors of said city at any election any question required to be so submitted by the constitution, the law, this charter, or by ordinance; *provided*, that in case such question is required by

said constitution, law, charter, or ordinance to be submitted at a special or other particular kind of election, it shall be so submitted, and not otherwise.

Section 2. Any proposed ordinance may be submitted to the Common Council by a petition signed by registered electors of the city equal in number to the percentages hereinafter required. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving his street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the City Clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary the Common Council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The Clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the Clerk shall submit the same to the Common Council without delay.

If the petition accompanying the proposed ordinance be signed by electors equal in number to fifteen per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the Common Council shall either:

(a) Pass said ordinance without alteration within twenty days after the attachment of the Clerk's certificate of sufficiency to the accompanying petition (subject to a referendum vote under the provisions of Section 2 of this Chapter), and if the ordinance shall be passed by the Common Council, but shall be vetoed by the Mayor, and on reconsideration shall fail of passage by the Common Council, then within five days after determination that said ordinance shall have so failed of final adoption, the Common Council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people; or

(b) Forthwith after the Clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the Common Council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people.

If the petition be signed by electors equal in number to at least five per cent but less than fifteen per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, then such ordinance, without alteration, shall be submitted by the Common Council to a vote of the people at the next general municipal election that shall occur at any time after thirty days from the date of the Clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

The ballots used when voting upon said proposed ordinance shall contain the words "For the ordinance" (stating the nature of the proposed ordinance) and "Against the ordinance" (stating general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city, and any ordinance proposed by petition, or which shall be adopted by a vote of the people cannot be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section; *provided*, that there shall not be held under this section of the charter, more than one special election in any period of six months.

The Common Council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general city election, and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the City Clerk shall cause the ordinance or proposition to be printed, and he shall enclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter, at least ten days prior to the election, but the Common Council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the Common Council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition, and of the sample ballot as first above provided.

Section 3. No ordinance passed by the Common Council (except when otherwise required by the general laws of the State, or by the provisions of this charter, respecting street improvements, and except an ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the Common Council, but no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote herein provided), shall go into effect before thirty days from the time of its



final passage and its approval by the Mayor; and if during said thirty days a petition signed by electors of the city equal in number to at least seven per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, protesting against the passage of such ordinance, be presented to the Common Council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the Common Council to reconsider such ordinance, and if the same is not entirely repealed, the Common Council shall submit the ordinance as is provided in Section 2 of this Chapter, to the vote of the electors of the city, either at the next general election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said Section 2, except as to the percentage of signers, and be examined and certified by the Clerk in all respects as is therein provided.

Section 4. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the City Clerk, provided, that the petition sent to the Common Council shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the City Clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the Common Council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the Clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The Clerk shall within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the Clerk shall submit the same to the Common Council without delay. If the petition shall be found to be sufficient, the Common Council shall order, and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the Clerk's certificate to the Common Council that a sufficient petition is filed.

The Common Council shall make or cause to be made publication of notice, and all arrangements for holding of such election, and the same shall be conducted, returned, and the result thereof declared in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the Clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

That all portions of the said charter in conflict with the foregoing provisions be, and the same are hereby, repealed.

That Section 1 of Chapter V of Article III of the charter of the City of San Diego, California, be amended so as to read as follows:

#### CHAPTER V.

##### OF THE CITY ATTORNEY

Section 1. The City Attorney shall be elected by the qualified voters of the City of San Diego, California, at each general city election, and his term of office shall be two years.

STATE OF CALIFORNIA, } ss.  
COUNTY OF SAN DIEGO, }

This is to certify that we, Frank P. Frary, Mayor of the City of San Diego, California, and H. W. Vincent, City Clerk of the City of San Diego, California, have compared the foregoing proposed and ratified amendments to the charter of the said City of San Diego with the original ordinances proposing such amendments and submitting the same to the electors of said City of San Diego at a special election called for that purpose on Saturday, the seventh day of January, 1905, and find that the foregoing is a full, true,

correct, and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter and the allegations of fact following said amendments to said charter, as above set forth, are, and each of them is, true.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the same to be authenticated by the seal of said City of San Diego, this 18th day of January, 1905.

FRANK P. FRARY,  
Mayor of the City of San Diego, California.

[SEAL]

H. W. VINCENT,  
City Clerk of the City of San Diego, California.

AND WHEREAS, The said proposed amendments, and each one of them, so ratified, have been duly presented and submitted to the Legislature of the State of California for approval or rejection, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved, by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each House voting for and concurring therein), That said amendments to the said charter of the said City of San Diego, as proposed and submitted to and adopted and ratified by the qualified electors of the said City of San Diego, be and the same are, and each one of them is, hereby approved as a whole without amendment or alteration for and as amendments to and as part of the charter of the said City of San Diego.*

Senate Concurrent Resolution No. 10 was read.

SENATE CONCURRENT RESOLUTION No. 10 ADOPTED.

Mr. McCartney moved the adoption of Senate Concurrent Resolution No. 10.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Beckett, Boyle, Burge, Busick, Chandler, Cleveland, Coghlan, Coyle, Cronwell, Cullen, Duryea, Espey, Estudillo, Gates, Goodrich, Hawkins, Held, Jarvis, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, King, Manwell, McCartney, McGowan, McKenney, Meisner, Mitchellree, Moore, Olmsted, Perkins, Pryor, Pyle, Severance, Strobridge, Strohl, Thompson, Transue, Tripp, Waste, Whiting, and Mr. Speaker—48.

NOES—None.

Concurrent resolution ordered transmitted to the Senate.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

##### ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 205—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Also: Assembly Bill No. 206—An Act to amend Section 415 of the Act entitled "An Act to establish a Civil Code in the State of California," approved March 21, 1872, in relation to the holding, purchase, and conveyance of real estate by life insurance companies.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

BATES, Chairman.

Assembly Bills Nos. 205 and 206 ordered on second-reading file.

##### ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 402—An Act to appropriate the sum of \$520 to pay the claim of William Saunders against the State of California.

Also: Assembly Bill No. 534—An Act to appropriate the sum of \$2,000 to pay the claim of W. C. Van Fleet for legal services rendered the State of California in the Superior Court of the City and County of San Francisco and the Supreme Court of the

State of California, in an action entitled *Jeremiah F. Sullivan et al. vs. Henry T. Gage et al.*, constituting the State Board of Examiners.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SEVERANCE, Chairman.

Assembly Bills Nos. 402 and 534 ordered on second-reading file, and referred to Committee on Ways and Means.

#### ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

*Mr. Speaker and Members of the Assembly of the State of California:*

Your Select Committee on Commerce and Navigation respectfully reports as follows: We visited the harbor of San Pedro, inspected the wharfage, breakwater, and both inner and outer harbor. Of these, the breakwater is under Federal control; the west side of the harbor is under the control of the City of San Pedro and the east side under the jurisdiction of the Board of Supervisors of the County of Los Angeles. The work done by the Federal Government is certainly of a very extensive and admirable character, and when fully completed will afford great protection to shipping and commerce.

Your committee met with the Chamber of Commerce of Los Angeles, and, after a lengthy discussion, suggestions were offered that the harbor of San Pedro be governed by a Board of Harbor Commissioners. No definite action, however, was taken thereon by your committee.

The State is to be congratulated on the character of the work done in this harbor, and your committee does not hesitate to express its fullest belief that the work outlined by the Federal authorities cannot fail, if carried out in its essential features, to solve effectively and permanently the difficulties that have heretofore beset shipping in this important port. Commerce there is rapidly increasing, and the Federal Government, while having been quite generous in the past, should be memorialized to continue its good work in the future by deepening the channels of the inner and outer harbor, and that the time be extended further on examining the harbor of San Francisco, as stated in the original resolution, to January 30, 1905.

Respectfully submitted.

G. HARTMAN, Chairman  
CULLEN.  
BATES.  
JONES.  
CLEVELAND.  
JARVIS.  
JURY  
McGOWAN.

#### RESOLUTION.

By Mr. Hartman:

(For mileage to Committee on Commerce and Navigation.)

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was granted leave of absence to visit San Pedro Harbor, have visited the same, as in their report. The following members are entitled to mileage for the same, to wit:

603 miles each way; total, 1206 miles.

Gus Hartman (Chairman) .....	\$120 60
F. C. Jones (San Francisco) .....	120 60
Geo. McGowan .....	120 60
Clem Bates .....	120 60
Ward Jarvis .....	120 60
Geo. C. Cleveland .....	120 60
R. H. Jury .....	120 60
J. Cullen .....	120 60

And we ask the adoption of the following resolution:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of Gus Hartman, chairman of said committee, for the sum of \$964 80, as per above statement, said warrant to be drawn upon the fund for the contingent expenses of the Assembly, and the Treasurer be directed to pay the same.

Mr. Stanton moved that the report of the Committee on Commerce and Navigation be printed in the Journal, and that the resolution be referred to the Committee on Mileage.

Motion carried, and such was the order.

## INTRODUCTION AND REFERENCE OF BILLS.

The following bills were introduced:

By Mr. Mitcheltree: Assembly Bill No. 713—An Act to prevent any person or persons from setting nets or drawing a seine to catch fish within one thousand feet of any pier or wharf in the waters of the ocean, in any bay, or along the coast of the State of California, and to provide a penalty therefor.

Read first time, and referred to Committee on Fish and Game.

By Mr. Bates: Assembly Bill No. 714—An Act to amend Sections 285, 290, 292, and 305 of the Civil Code, all relating to the formation of corporations.

Read first time, and referred to Committee on Corporations.

By Mr. Olmsted: Assembly Bill No. 715—An Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers; providing for the appointment of a clerk for said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and to provide for the manner of paying the same, and providing for the expense of conducting said office."

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Pryor: Assembly Bill No. 716—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, by amending Section 194 thereof, relating to the compensations of officers of counties of the thirty-seventh class.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 717—An Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Read first time, and referred to Committee on Judiciary.

By Mr. Moore: Assembly Bill No. 718—An Act to provide continuous support for the prosecution of the work of river improvement, to create a fund therefor, and to make an appropriation for the commencement of such work.

Read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

Also: Assembly Bill No. 719—An Act to authorize the Governor to appoint a committee of three persons to consult with the California congressional delegation with reference to securing desired legislation in the matter of river improvement, and confer with and act in conjunction with a Federal board of engineers to be appointed, and also with a committee of equal number to be selected by the proposed drainage commission of the drainage district to be created in apportioning the cost of improving the Sacramento and San Joaquin rivers, between the National Government, the State of California, and the said drainage district, respectively, and to authorize the payment of money for the expenses thereof.

Read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

Also: Assembly Bill No. 720—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered Section 1265, relating to proceedings to condemn property for a public

use in the name of the people of the State of California, and providing procedure in such cases.

Read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

Also: Assembly Bill No. 721—An Act to create a drainage district, to be called "Sacramento Drainage District"; to promote drainage therein; to provide for the election and appointment of officers for said drainage district; defining the powers, duties, and compensation of such officers, and providing for the creation, division, and management of reclamation, levee, drainage and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district.

Read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

Also: Assembly Constitutional Amendment No. 16—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 14, of Article I, relating to taking or damaging private property for a public use.

Referred to Committee on Swamp and Overflowed Lands and Drainage.

By Mr. Duryea: Assembly Bill No. 722—An Act making an appropriation to pay the claim of the County of El Dorado against the State of California.

Read first time, and referred to Committee on Claims.

By Committee on Roads and Highways: Assembly Bill No. 723—An Act to provide for the survey, location, plans, and estimate of cost of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making an appropriation therefor.

Read first time, and referred to Committee on Ways and Means, and ordered on second-reading file.

By Mr. Espey: Assembly Bill No. 724—An Act to amend Section 9 of an Act entitled "An Act creating a board of commissioners of the building and loan associations, and prescribing their duties and powers," approved March 23, 1893, relating to proceedings to be had in case of violation of law by building and loan associations.

Read first time, and referred to Committee on Building and Loan Associations.

Also: Assembly Bill No. 725—An Act to amend Section 2712 of the Political Code, relating to discretionary powers of boards of supervisors.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 726—An Act to amend Section 2643 of the Political Code of the State of California, relating to the duties of boards of supervisors respecting roads.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 727—An Act to amend Sections 338, 339, and 341 of the Penal Code, and to add two new sections thereto, to be known and designated as Sections 345 and 345a, all relating to pawnbrokers.

Read first time, and referred to Committee on Judiciary.

By Mr. Manwell: Assembly Bill No. 728—An Act to create a reclamation district, to be called "Reclamation District No. 70," and providing for the control and management thereof.

Read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

By Mr. Houser: Assembly Bill No. 729—An Act to authorize the payment of moneys in the hands of the Governor of the State as commander-in-chief of the military forces of the State, received by him from the United States for the payment of amounts due to California United States Volunteers of the late war with Spain, under the provisions of an Act of Congress entitled "An Act to reimburse the Governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the volunteer army of the United States in the existing war with Spain," approved July 3, 1898, as amended by an Act of Congress approved March 3, 1899, direct to the heirs of any deceased claimants against said fund without administration.

Read first time, and referred to Committee on Claims.

By Mr. McCartney: Assembly Bill No. 730—An Act to appropriate \$9,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles, California, to make necessary repairs and improvements in the building of said Normal School.

Read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 731—An Act to appropriate \$50,000 for the repair of the building of the State Normal School at Los Angeles, California, including the construction and installation of a steam heating plant and boiler house for heating said building, and authorizing the board of trustees of said school to make and construct said plant and boiler house.

Read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 732—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1566 of said Code, relative to conditions of sale of estates.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Constitutional Amendment No. 17—To propose to the people of the State of California, amending the Constitution of the State, by adding a new section to Article VI thereof, to be numbered Section 26.

Referred to Committee on Judiciary.

By Mr. Amerige: Assembly Bill No. 733—An Act to regulate the killing of game birds and animals, and to provide revenue therefrom for their restoration and preservation.

Read first time, and referred to Committee on Fish and Game.

By Mr. Hartman: Assembly Bill No. 734—An Act to prevent any combination, agreement, confederation, compact, or understanding, directly or indirectly, by or between two or more fire insurance companies, transacting business in this State, or between officers, agents, or employes of any such companies, relating to the rates to be charged for insurance, regulating and fixing the minimum price or premium to be paid for insuring property located within this State, and providing the punishment for a violation thereof, and providing certain requirements to be had for insurance companies desiring to transact business within this State, in addition to the requirements now provided by law.

Read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Cleveland: Assembly Bill No. 735—An Act to prohibit selling, or giving away, or furnishing, any ale, beer, wine, or other intoxicating liquor within one thousand feet outside of any entrance to any United States military reservation, or military camp, or public school house, and providing a penalty therefor, and declaring places where such acts are performed a public nuisance, and providing for the abatement thereof.

Read first time, and referred to Committee on Public Morals.

#### SPECIAL ORDERS.

Special orders to be taken up immediately after the introduction of bills were now taken up.

Assembly Bill No. 540—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Bliss, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Cromwell, Cullen, Devlin, Drew, Duryea, Ells, Espey, Estudillo, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lynch, Manwell, McKenney, Meincke, Mitcheltree, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Wickersham, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 92—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Beckett, Boyle, Burge, Burke, Busick, Chandler, Coghlan, Coyle, Cromwell, Cullen, Devlin, Drew, Duryea, Ells, Espey, Estudillo, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, Manwell, McCartney, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Wickersham, and Mr. Speaker—57.

NOES—None.

Title read, and approved.

Bill ordered transmitted to the Senate.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

##### ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 346—An Act for the registration of deaths, the issuance and registration of burials and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in

relation to such registration, and fixing penalties for the violation of this Act—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 339—An Act to amend Sections 2978, 2979, and 2982, and to repeal Section 2983 of the Political Code of the State of California, relating to the State Board of Health—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 347—An Act to amend Sections 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, and to repeal Section 3084 of the Political Code of the State of California, relating to the State Board of Health, and the registration of births, marriages, and deaths, and providing for the compensation of a State Statistician and assistants—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

GATES, Chairman.

Assembly Bills Nos. 346, 339, and 347 were ordered on second-reading file.

#### UNFINISHED BUSINESS.

Assembly Bill No. 61—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1409, relating to succession to a person convicted of the murder of his ancestors.

Bill passed on a previous day.

Title, as amended, read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 62—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1314, relating to devises and bequests to persons convicted of the murder of their testators.

Bill passed on a previous day.

Title, as amended, read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 71—An Act to amend Chapter IX, of Title XI, of Part III, of the Code of Civil Procedure of the State of California, relating to the conveyance of real estate by executors and administrators in certain cases.

Passed on file.

Assembly Bill No. 46—An Act to amend an Act entitled "An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Passed on file.

Assembly Bill No. 48—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Passed on file.

Assembly Bill No. 49—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Passed on file.

Assembly Bill No. 119—An Act to amend Section 1255 of the Political Code of the State of California, relating to ballots voted at election.

Bill read third time.



The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Anthony, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Burge, Burke, Busick, Cleveland, Coghlan, Coyle, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gates, Goodrich, Hawkins, Held, Houser, Jarvis, Johnstone, Jones of Tuolumne, Jury, King, Lynch, Manwell, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, and Mr. Speaker—56.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 120—An Act to amend Section 1253 of the Political Code of the State of California, relating to elections.

Passed on file.

Assembly Bill No 555—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavits of registration.

Passed on file.

Assembly Bills Nos. 74, 73, 123, and 276 passed on file.

#### NOTICES OF RECONSIDERATION.

Mr. Drew, by consent, withdrew his notices of motion to reconsider the votes whereby Assembly Bills Nos. 54 and 55 were passed yesterday.

Assembly Bills Nos. 54 and 55 ordered transmitted to the Senate.

#### REPORT OF STANDING COMMITTEE.

##### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

**MR. SPEAKER:** Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly engrossed: Assembly Bill No. 47—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 4235 of said Code, relative to the recording of instruments.

DEVLIN, Chairman.

Bill ordered on file for third reading.

#### THIRD-READING FILE.

Assembly Bill No. 1—An Act to amend Section 1313 of the Civil Code, relating to devises.

Passed on file.

Senate Bill No. 6—An Act to provide three additional Judges of the Superior Court of the County of Los Angeles, for the manner of their appointment, and for their compensation.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lynch, Manwell, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Waste, Whiting, Wickersham, and Mr. Speaker—62.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

Passed on file.

Assembly Bill No. 56—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justice courts and justices.

Passed on file.

Assembly Bill No. 95—An Act to Amend Section 890 of the Code of Civil Procedure, relating to proceedings in justices' courts.

Passed on file.

Assembly Bill No. 47—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 4235 of said Code, relative to recording of instruments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Burge, Burke, Busick, Cleveland, Coghlan, Coyle, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, Lynch, Maxwell, McCartney, McGowan, McKenney, Meincke, Mitchellree, Moore, O'Brien, Olmsted, Perkins, Plaeffe, Pryor, Pyle, Severance, Stanton, Strobbridge, Thompson, Transue, Treadwell, Tripp, Waste, Wickersham, and Mr. Speaker—57.

NOES—Mr. Chandler—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 84—An Act to amend Section 1 of an Act to regulate the practice of veterinary medicine and surgery in the State of California.

Passed on file.

Assembly Bill No. 158—An Act authorizing certain corporations to act as guardians of the persons of abandoned, dependent, and certain other children; with power as such guardians to consent to the adoption of such children; providing for their appointment as such guardians, with the notice to be given and fees remitted.

Passed on file.

Assembly Bill No. 298—An Act to amend Chapter I of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereto, to be numbered Section 9, relating to the powers and duties of city recorders and city clerks, respecting the registration of deaths and the issuance and registration of burial and disinterment permits.

Passed on file.

Assembly Bill No. 300—An Act to amend Article I, Chapter II, Title VII, of Part III, of the Political Code of the State of California, by adding a new section thereto, to be numbered Section 2984, for the enforcement of the rules, orders, and regulations of the State Board of Health within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities and towns in relation to the State Board of Health.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Bliss, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, Lynch, Maxwell, McCartney, McGowan, McKenney, Meincke, Mitchelltree, Moore, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Wickersham, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 301—An Act to amend Subdivision 20, of Section 25, of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to health officers and health regulations, and the powers of boards of supervisors in connection therewith.

Passed on file.

Assembly Bill No. 302—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377a, making it a misdemeanor to violate, or refuse, or neglect to conform to the rules, orders, and regulations of the State Board of Health respecting the quarantine, disinfection, or isolation of persons, animals, things, or places, or the prevention or abatement of contagious or infectious diseases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Boyle, Burge, Busick, Chandler, Cleveland, Coghlan, Coyle, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hawkins, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, Maxwell, McCartney, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Wickersham, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 323—An Act to amend an Act entitled "An Act to establish a system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131a, relating to the powers and duties of the County Recorder respecting the registration of marriages, births, and deaths.

Bill read third time.

#### SELECT COMMITTEE AMENDMENT.

Mr. McCartney moved that a select committee of one be appointed to amend Assembly Bill No. 323 as follows:

Amend by inserting after the word "Recorder," in line 5, page 1, printed bill, the following: "and health officer of a city having a freeholders charter."

Also: By inserting after the word "county," in line 6, page 1, printed bill, the words "or city."

Motion adopted.

Mr. McCartney was appointed as such select committee of one.

## REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 323, with instructions—does now report that the instructions of the Assembly have been carried out.

MCCARTNEY, Committee.

Report adopted.

Assembly Bill No. 323 ordered to reëngrossment and to reprint.

Assembly Bill No. 122—An Act to regulate the work and hours of employes engaged in selling retail drugs and medicines and compounding physicians' prescriptions, and providing a penalty therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Bates, Beardslee, Beckett, Boyle, Burge, Burke, Chandler, Cleveland, Coghlan, Coyle, Cullen, Devlin, Drew, Duryea, Ells, Espey, Estudillo, Hartman, Hawkins, Jarvis, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, Manwell, McCartney, McGowan, McKenney, Meincke, Moore, O'Brien, Pfaffle, Pyle, Severance, Strohl, Transue, Treadwell, Tripp, Waste, Wickersham, and Mr. Speaker—43.

NOES—Messrs. Amerige, Busick, Gans, Goodrich, Houser, Johnstone, Lynch, Olmsted, Perkins, Pryor, Strobridge, and Thompson—12.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 269—An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors; providing for the enforcement thereof by the Commissioners of the Bureau of Labor Statistics, and providing penalties for the violation thereof.

Passed on file.

Assembly Bill No. 248—An Act to re-cede and re-grant unto the United States of America, the Yosemite Valley and the land embracing the Mariposa Big Tree Grove.

Bill read third time.

## SELECT COMMITTEE AMENDMENT.

Mr. Estudillo moved that a select committee of one be appointed to amend Assembly Bill No. 248, as follows:

Amend on page 2 after word "Congress" on line 8, by adding the words: "*provided however, that the re cession and re-grant hereby made shall in nowise affect any vested rights or interest.*"

Motion carried.

Mr. Estudillo was appointed as such select committee of one.

## REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 248, with instructions, does now report that the instructions of the Assembly have been carried out.

ESTUDILLO, Committee.

Report adopted.

Assembly Bill No. 248 ordered to reëngrossment and to reprint.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received, out of order, and ordered printed in the Journal:

## ON WAYS AND MEANS.

(As to bills referred to that committee.)

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. SPEAKER: Your Committee on Ways and Means beg leave to submit its report for the two weeks ending January 27, 1905, as follows:

Bills have been referred to this committee as follows:

Jan.

16—Assembly Bill No. 52—An Act to provide for the purchase of a site for the erection, equipment, and furnishing of a building or buildings, and for the improvement of grounds for the use of the State Normal School at San Francisco, and making an appropriation therefor.....	\$150,000 00
17—Assembly Bill No. 191—An Act to appropriate \$12,245 to pay the claim of Charles Bickerdike.....	12,245 00
18—Assembly Bill No. 282—An Act making an appropriation to pay the salary of the Secretary of the State Text-Book Committee.....	4,125 00
18—Assembly Bill No. 283—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard, for the fifty-fifth year.....	451 45
18—Assembly Bill No. 284—An Act making an appropriation to pay a deficiency in the appropriation for the preservation, protection, and improvement of the Monterey Custom House property.....	119 15
18—Assembly Bill No. 285—An Act making an appropriation to pay a deficiency in the appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney General's office for the fifty-fifth fiscal year.....	111 23
18—Assembly Bill No. 286—An Act making an appropriation to pay for bituminous pavement of the street in front of the Industrial Home of Mechanical Trades for the Adult Blind, Oakland, California.....	2,310 11
18—Assembly Bill No. 287—An Act providing for the payment of the claim of A. G. Knight for conveying the election returns of Presidential Electors to Sacramento, and making an appropriation therefor.....	27 00
18—Assembly Bill No. 288—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-fourth, fifty-fifth, and fifty-sixth fiscal years.....	5,500 00
18—Assembly Bill No. 289—An Act making an appropriation for the transportation of prisoners for the fifty-fifth and fifty-sixth fiscal years.....	18,000 00
18—Assembly Bill No. 211—An Act to appropriate out of the State School Book Fund of the State Treasury the sum of \$4119.71 to pay the claim of Bonestell, Richardson & Co.....	4,119 71
18—Assembly Bill No. 162—An Act to appropriate \$590 to pay the claim of N. Weisbaum.....	590 00
18—Assembly Bill No. 163—An Act to appropriate \$815 to pay the claim of C. A. Weaver.....	815 00
18—Assembly Bill No. 104—An Act to appropriate \$3,350 to pay the claim of John F. Pryor.....	3,350 00
18—Assembly Bill No. 161—An Act to appropriate \$2,085 to pay the claim of E. Weisbaum.....	2,085 00
18—Assembly Bill No. 164—An Act to appropriate \$640 to pay the claim of N. Weisbaum.....	640 00
19—Assembly Bill No. 290—An Act making an appropriation to pay a deficiency in the appropriation for support of the Industrial Home of Mechanical Trades for the Adult Blind for the fifty-fifth and fifty-sixth years.....	2,742 74
20—Assembly Bill No. 228—An Act making an appropriation for the payment of division and brigade N. G. C. headquarters allowances for the fifty-fifth and fifty-sixth fiscal years.....	6,452 00
20—Assembly Bill No. 338—An Act to amend Section 515 of the Political Code, and to provide for the appointment of a statistician, a clerk, and stenographer, and a text book clerk for the Superintendent of Public Instruction, and to fix their compensation.....	11,200 00
20—Assembly Bill No. 123—An Act authorizing the regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.....	12,000 00
23—Assembly Bill No. 405—An Act making an additional appropriation to pay the expenses of maintaining an exhibit of the products of the State of California at the Lewis and Clark Exposition to be held in the City of Portland, Oregon, in 1905.....	70,000 00
23—Assembly Bill No. 151—An Act making an appropriation for searching for beneficial insects.....	10,000 00
23—Assembly Bill No. 93—An Act making an appropriation to pay the judgment of J. R. Hanify.....	280 71
23—Assembly Bill No. 105—An Act to appropriate the sum of \$150 to pay the claim of I. E. Cohn.....	150 00

Jan.

23—Assembly Bill No. 271—An Act making an appropriation of \$650 to pay the claim of D. D. Fish.....	\$650 00
23—Assembly Bill No. 136—An Act appropriating money for building an assembly hall at Preston School of Industry.....	10,000 00
23—Assembly Bill No. 137—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.....	2,500 00
23—Assembly Bill No. 138—An Act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry.....	4,170 47
23—Assembly Bill No. 134—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry.....	25,000 00
23—Assembly Bill No. 133—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.....	500 00
23—Assembly Bill No. 74—An Act making an appropriation of \$6,000 for the construction of cement sidewalks on the public streets of the town of Berkeley surrounding and adjacent to the grounds of the University of California.....	6,000 00
23—Assembly Bill No. 73—An Act making an appropriation of \$250,000 for the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University.....	250,000 00
23—Assembly Bill No. 87—An Act making an appropriation of \$5,075 to repay the Regents of the University of California for moneys appropriated by them to repair, maintain, and erect necessary buildings for a forestry station at Santa Monica.....	5,075 00
23—Assembly Bill No. 169—An Act to create a department of music in the University of the State of California.....	6,000 00
24—Assembly Bill No. 80—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and the best methods of preserving the forests thereof.....	76,000 00
24—Assembly Bill No. 316—An Act to provide for the erection of embankments or levees to care for the flood waters of the Kern River, in Kern County.....	60,000 00
24—Assembly Bill No. 422—An Act to pay the claim of Fred E. Borton.....	750 00
24—Assembly Bill No. 403—An Act making an appropriation of \$750 to pay the claim of W. W. Kaye.....	750 00
24—Assembly Bill No. 529—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Superintendent of Public Instruction's office, for the fifty-sixth fiscal year.....	350 00
24—Assembly Bill No. 530—An Act making an appropriation of \$4,371.20 for the transportation of officers and members of the National Guard of California.....	4,371 20
24—Assembly Bill No. 531—An Act to amend an Act entitled "An Act to provide for the compilation, printing, binding, publishing, and distribution of a Legislative Manual and State Blue Book," etc.....	-----
24—Assembly Bill No. 454—An Act to appropriate \$25,000 to advertise the products of the State of California.....	25,000 00
24—Assembly Bill No. 246—An Act to appropriate the sum of \$4,150 to pay the claim of the Citizens' National Bank of Los Angeles.....	4,150 00
24—Assembly Bill No. 138—An Act appropriating money for the construction of a refrigerating plant at the Preston School of Industry.....	2,500 00
24—Assembly Bill No. 132—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a dam across Sutter Creek.....	-----
24—Senate Bill No. 11—An Act to provide for the purchase of a site for the erection, equipment, and furnishing of a building or buildings, and for the improvement of grounds for the use of the State Normal School at San Francisco.....	150,000 00
24—Senate Bill No. 287—An Act making an additional appropriation to pay the expenses of maintaining an exhibit of the products of the State of California at the Lewis and Clark Exposition to be held in the City of Portland, Oregon, in 1905.....	70,000 00
25—Assembly Bill No. 329—An Act to amend Sections 684 and 685 of the Political Code, relating to the State Board of Examiners, the appointment of an assistant to the secretary of said board, and for the appointment of four clerks of said board, and fixing their compensation.....	-----
25—Assembly Bill No. 85—An Act to provide for the location and construction of a public highway from a point on the Kings River, near the town of Centerville, in Fresno County, to Kings River Cañon.....	100,000 00

Jan.

25—Assembly Bill No. 634—An Act to amend Sections 439, 440, and 441 of the Political Code, relating to the office of the Controller of State, his deputy and assistants, the salaries of the deputies and assistants, and to repeal all laws in conflict therewith .....	
26—Assembly Bill No. 86—An Act to provide for the appointment of the California Cereal Improvement Commission, defining the purposes of said commission, and providing for an appropriation to pay the expenses thereof .....	\$19,000 00
26—Assembly Bill No. 561—An Act making an appropriation for traveling and contingent expenses of the Department of Highways for the remainder of the fifty-sixth fiscal year .....	90 00
26—Assembly Bill No. 580—An Act to provide for the completion of the survey and location and erection of the remaining milestones on the Lake Tahoe wagon road, and making an appropriation therefor .....	2,000 00
26—Assembly Bill No. 276—An Act providing for the purchase of a University farm for the use of the college of agriculture of the University of the State of California .....	250,000 00
27—Assembly Bill No. 81—An Act to appropriate \$410 to pay the claim of L. C. Waite .....	410 00
27—Assembly Bill No. 102—An Act to appropriate the sum of \$1,000 to pay the claim of Sergeant-Major Eugene De Sparr .....	1,000 00
27—Assembly Bill No. 126—An Act to appropriate the sum of \$1,276 to pay the amount of a judgment against the Board of Trustees of Whittier State School, and in favor of Lucy J. Harvey .....	1,276 00
27—Assembly Bill No. 245—An Act making an appropriation to pay the claim of R. B. Young .....	3,131 00
27—Assembly Bill No. 435—An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children .....	\$1,500 00
27—Assembly Bill No. 436—An Act making an appropriation to pay the claim of Richard Price Morgan .....	6,529 08
	<hr/>
	\$1,396,996 85

## BILLS WITHDRAWN.

Jan.

25—Assembly Bill No. 52 .....	\$150,000 00
25—Assembly Bill No. 405 .....	70,000 00
Total .....	<hr/>
	\$220,000 00
Grand total .....	<hr/>
	\$1,176,996 85

## BILLS REPORTED FAVORABLY.

Jan.

25—Assembly Bill No. 211 .....	\$4,119 71
25—Assembly Bill No. 388 .....	10,400 00
25—Assembly Bill No. 539 .....	850 00
25—Assembly Bill No. 246 .....	4,150 00
25—Assembly Bill No. 634 .....	
25—Senate Bill No. 11 .....	150,000 00
25—Senate Bill No. 287 .....	70,000 00
	<hr/>
	\$239,019 71

Total amount of appropriations referred to committee to date .....	\$1,396,996 85
Total appropriations reported favorably .....	239,019 71
Total appropriations remaining in hands of the committee .....	957,977 14

Respectfully submitted.

STANTON, Chairman.

The report was ordered printed in the Journal.

## THIRD-READING FILE—(RESUMED).

Assembly Bill No. 36—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county and township officers, and providing for the appointment of certain deputy county officials.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Beckett, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Cullen, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, Lynch, Manwell, McCartney, McGowan, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, and Mr. Speaker—55.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### RECESS.

At twelve o'clock and twenty minutes P. M., on motion of Mr. McCartney, a recess was declared until two o'clock and thirty minutes P. M. this day.

#### REASSEMBLED.

At two o'clock and thirty minutes P. M. the Assembly reconvened. Speaker Hon. Frank C. Prescott in the chair.

#### INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Mr. McCartney (for Mr. Prescott) was granted leave to introduce out of order Assembly Concurrent Resolution No. 12—Relating to the charter of the City of San Bernardino—as an error had been discovered in the copy of Assembly Concurrent Resolution No. 11, sent to Mr. Prescott and offered by him.

By Mr. Prescott: Assembly Concurrent Resolution No. 12—Approving the charter of the City of San Bernardino, State of California, voted for and ratified by the qualified voters of said city, at a special election held therein for that purpose, on the 6th day of January, 1905.

Concurrent resolution referred to Committee on Municipal Corporations.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 21—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 138 of said Civil Code, relating to orders respecting custody and maintenance of minor children of the marriage in actions for divorce.

Passed on file.

Assembly Bill No. 19—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 69 of said Civil Code, relating to marriage licenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Beardslee, Beckett, Bliss, Burge, Chandler, Coghlan, Coyle, Cullen, Devlin, Ells, Espey, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lynch, Manwell, McCartney, McGowan, Meincke, Mitchellree, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Waste, Wickersham, and Mr. Speaker—48.

**NOES**—Messrs. Duryea and Olmsted—2.

Title read and approved.



## NOTICE OF RECONSIDERATION.

Mr. Stanton gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 19 was passed this day.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

## ON MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. SPEAKER: Your Committee on Mileage, to whom was referred the resolution of Mr. Hartman herewith, referring to the mileage of the Committee on Commerce and Navigation—

The Committee on Commerce and Navigation, to whom was granted leave of absence to visit San Pedro, have visited the same, as in their report.

The following members are entitled to mileage for the same to wit: 603 miles each way; total, 1206:

Gus Hartman (chairman) .....	\$120 60
F. C. Jones (San Francisco) .....	120 60
Geo. O. McGowan .....	120 60
Clem Bates .....	120 60
Ward Jarvis .....	120 60
Geo. C. Cleveland .....	120 60
R. H. Jury .....	120 60
J. Cullen .....	120 60

And we ask the adoption of the following resolution:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of Gus Hartman, chairman of said committee, for the sum of \$964 80, as per above statement, said warrant to be drawn upon the fund for the contingent expenses of the Assembly, and the Treasurer be directed to pay the same.

Have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

BECKETT, Chairman.

## REPORT AND RESOLUTION ADOPTED.

Mr. Beckett moved the adoption of the report of the committee, together with the resolution.

The roll was called, and the report and resolution adopted by the following vote:

**AYES**—Messrs. Anthony, Atkinson, Beardslee, Beckett, Burge, Busick, Chandler, Coghlan, Coyle, Cullen, Devlin, Drew, Duryea, Ells, Espey, Gates, Goodrich, Hartman, Hawkins, Held, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lynch, Manwell, McCartney, McGowan, Meincke, Mitchellree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strowbridge, Strohl, Thompson, Transue, Treadwell, Waste, Wickersham, and Mr. Speaker—47.

**NOES**—None.

## MOTION.

Mr. McCartney moved that when the Assembly adjourn it do so until next Monday, January 30, 1905, at eleven o'clock A. M.

The ayes and noes were demanded by Messrs. Houser, Stanton, and Pyle.

The roll was called, and Mr. McCartney's motion was lost by the following vote:

**AYES**—Messrs. Anthony, Atkinson, Coghlan, Duryea, Ells, Espey, Gates, Jones of San Francisco, Jury, Manwell, McCartney, McGowan, Meincke, Pryor, and Strohl—15.

**NOES**—Messrs. Amerige, Beardslee, Burge, Chandler, Coyle, Devlin, Estudillo, Goodrich, Hawkins, Held, Houser, Johnstone, Jones of Tuolumne, King, Mitchellree, Moore, Olmsted, Perkins, Pfaffle, Pyle, Stanton, Thompson, Transue, Treadwell, Waste, Wickersham, and Mr. Speaker—27.

## EXCUSED.

Mr. Atkinson requested and was granted leave of absence until next Monday at eleven o'clock A. M.

Mr. Houser moved that leave of absence be granted to all members of the San Francisco delegation who desired leave.

Mr. Stanton moved to lay the motion on the table.

Motion to lay on the table carried.

Mr. Mitcheltree was excused for the remainder of the day.

## MOTION—(OUT OF ORDER)—BILL MADE A SPECIAL ORDER.

Mr. Estudillo moved that further consideration of Assembly Bill No. 248 (No. 29 on the file) be made a special order for next Wednesday, immediately after the reading of the Journal, and that the bill be sent to the printer, with a rush order.

Motion carried, and such was the order.

## THIRD-READING FILE—(RESUMED).

Assembly Bill No. 189—An Act to further perpetuate the markings of the Government survey.

Passed on file.

Assembly Bill No. 315—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to the issuance of writs of attachment issued from justices' courts, and providing that several writs may be issued at the same time to the sheriffs or constables of counties other than one in which said justices' court may be situated.

Passed on file.

Assembly Bill No. 184—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 416½, relating to the carrying of concealed deadly weapons, and fixing the penalty therefor.

Passed on file.

Assembly Bill No. 187—An Act to amend an Act entitled "An Act relating to estrays, providing for taking up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force, relating to estrays," approved March 23, 1901, by amending the section thereof.

Passed on file.

Assembly Bill No. 111—An Act to provide for the registration of bonds issued by common school, high school, or union high school districts

Passed on file.

Assembly Bill No. 112—An Act to amend Section 424 of the Penal Code of the State of California, relative to embezzlements and falsifications of accounts by public officers.

Passed on file.

Assembly Bill No. 40—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Passed on file.

Assembly Bill No. 100—An Act to amend Section 2968 of the Civil Code, and to repeal Sections 2969 and 2970 of said Code, relating to the taking of mortgaged property under attachment and execution.

Passed on file.

Assembly Bill No. 407—An Act to amend Section 78 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

#### CALL OF THE HOUSE.

Pending the announcement of result, at three o'clock and fifteen minutes P. M., Mr. Waste moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Atkinson, Beardslee, Beckett, Bliss, Burge, Busick, Chandler, Coghlan, Coyle, Cullen, Duryea, Ellis, Gates, Hartman, Hawkins, Held, Houser, Johnstone, Jones of Tuolumne, Jury, King, Lynch, Manwell, McCartney, McGowan, Meincke, Mitchelltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Wickersham, and Mr. Speaker—43.

At three o'clock and twenty minutes P. M. the Sergeant-at-Arms escorted Messrs. Strobridge, Cromwell, Busick, Lynch, and Manwell before the House.

On motion of Mr. Espey, the gentlemen were excused.

#### FURTHER PROCEEDINGS UNDER CALL DISPENSED WITH.

At three o'clock and twenty-six minutes P. M. Mr. Treadwell moved that the further proceedings under the call of the House be dispensed with.

Motion carried.

The Speaker thereupon declared the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Beardslee, Beckett, Burge, Busick, Chandler, Coghlan, Coyle, Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gates, Goodrich, Hawkins, Held, Houser, Johnstone, Jones of Tuolumne, Jury, King, Lynch, Manwell, McCartney, McGowan, Meincke, Moore, O'Brien, Olmsted, Pfaeffe, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Waste, Wickersham, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### SECOND-READING FILE.

On motion of Mr. Drew, bills on second-reading file were taken up for consideration.

Assembly Bills Nos. 162, 163, 104, 161, 164, 211, and 228 passed on file.

Assembly Bill No. 9—An Act to amend an Act to establish a Political Code, approved March 12, 1872, by amending Section 4080, relating to the planting and preservation of shade and ornamental trees.

During the second reading of bill the following committee amendments were offered:

#### AMENDMENT No. 1.

Amend by striking out the word "must" on line 5, first page, printed bill, and insert in lieu thereof the word "may."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the words "Section 2. This Act shall take effect immediately," on first page, printed bill.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 151 passed on file.

Assembly Bill No. 249—An Act to amend Section 1621 of the Political Code, relating to boards of school trustees and city boards of education. Passed on file.

Assembly Bill No. 297—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of Public Instruction.

Passed on file.

Assembly Bills Nos. 93, 105, 271, and 246 passed on file.

Mr. Transue moved that Senate Bill No. 23—An Act appropriating the sum of \$4,150 to pay the claim of the Citizens' National Bank of Los Angeles, and for money due and owing the said Citizens' National Bank from the State of California—be substituted on the file in place of Assembly Bill No. 246, withdrawn on yesterday, both bills being identical.

Motion carried, and such was the order.

Assembly Bills Nos. 138, 132, and 136 passed on file.

Assembly Bills Nos. 137, 135, 134, 133, 87, and 169 passed on file.

Assembly Bill No. 329—An Act to amend Sections 684 and 685 of the Political Code, relating to the State Board of Examiners, the appointment of an assistant to the secretary of said board, and for the appointment of four clerks of said board, and fixing their compensation.

Passed on file.

Assembly Bill No. 327—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, relating to advertising estrays and the costs and expenses of redeeming them.

Passed on file.

Assembly Bill No. 212—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act providing for the sale of railroad and other franchises in municipalities, and relative to the granting of franchises,'" approved March 23, 1893.

During the second reading of bill the following committee amendments were offered:

## AMENDMENT No. 1.

Amend by inserting the following words after the word "cash" in line 46, page 2 of the printed bill: "or check duly certified."

Amendment adopted.

## AMENDMENT No. 2.

Amend by inserting in line 47, page 2 of the printed bill, after the word "cash" the words "or check duly certified."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out all of Section 2.

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out the title down to and including the quotation marks after the word "Act" in the line of the title, and inserting in lieu thereof: "An Act to amend an Act entitled 'An Act providing for the sale of railroad and other franchises, by municipalities, and relative to granting of franchises,' approved March 23, 1893, by amending Section 1 of said Act."

Amendment adopted.

## AMENDMENT No. 5.

Amend by striking out all of the lines Nos. 1, 2, 3, 4, and 5 of the printed bill down to and including the figures 1897, and inserting in lieu thereof the following: "Section 1. Section 1 of an Act entitled 'An Act providing for the sale of railroad and other franchises, and relative to granting of franchises,' approved March 23, 1893."

Amendment adopted.

## AMENDMENT No. 6.

Amend by striking out of line 5, page 1 of the printed bill the word "Sec." and all of lines 6, 7, 8, and 9.

Amendment adopted.

## AMENDMENT No. 7.

Amend by striking out of line 19, page 2 of the printed bill the word "of" after the word "franchises," and insert in lieu thereof the word "or."

Amendment adopted.

## AMENDMENT No. 8.

Amend by striking out of line 34, page 2 of the printed bill the word "body" after the word "governing."

Amendment adopted.

## AMENDMENT No. 9.

Amend by striking out of line 39, page 2 of the printed bill the word "body" after the word "governing."

Amendment adopted.

## AMENDMENT No. 10.

Amend by striking out of line 41, page 2 of the printed bill the words "franchises or privileges," and insert in lieu thereof the words "franchise or privilege."

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 85 passed on file.

Assembly Bill No. 349—An Act to create and maintain a public highway between the counties of Los Angeles and Kern.

Passed on file.

## INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

The following bill was introduced:

By Mr. Beckett: Assembly Bill No. 736—An Act to amend Section 347 of the Penal Code, relating to the willfully poisoning of food, medicine, or drink.

Read first time, and referred to Committee on Public Health and Quarantine.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

## ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 220—An Act to amend Sections 684 and 685 of the Political Code relating to the State Board of Examiners, the appointment of an assistant to the secretary of said board, and for the appointment of four clerks of said board, and fixing their compensation.

Also: Assembly Bill No. 435—An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

STANTON, Chairman.

Senate Bill No. 220 and Assembly Bill No. 435 were ordered on their respective files for second reading.

## SECOND-READING FILE—(RESUMED).

Assembly Bills Nos. 316, 322, 403, and 80 passed on file.

Assembly Bill No. 176—An Act to amend Section 3788 of the Political Code of the State of California, relating to redemption of lands from tax sales.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 194—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts.

Passed on file.

Assembly Bill No. 193—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

During the second reading of bill the following committee amendment was offered:

## COMMITTEE AMENDMENT.

Amend by striking out all of Section 2 of printed bill.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 380—An Act authorizing the United States Government to lower the water levels of any or all of the following lakes: Lower (or Little) Klamath Lake, Tule (or Rhett) Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also, ceding to the United States all right, title, interest, or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 99—An Act to amend Section 1167 of the Code of Civil Procedure, relating to summons in summary proceedings for obtaining possession of real property.

During the second reading of bill the following committee amendments were offered:

## AMENDMENT No. 1.

Amend by inserting in line 12 of the printed bill, after the word "if," the words "it appears to the court the defendant is concealing himself to avoid the service of summons and."

Amendment adopted.

## AMENDMENT No. 2.

Amend by changing the word "and" to "or" in line 14 of the printed bill.

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out the words "the summons may" in line 15 of the printed bill, and insert in lieu thereof the words "the court may order the summons to"

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 44—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 94 of said Civil Code, relating to extreme cruelty as a cause of action for divorce.

During the second reading of bill the following committee amendments were offered:

## AMENDMENT No. 1.

Amend by striking out all of line 3 after the figures "94" and all of lines 4, 5, 6, 7, and 8, and insert in lieu thereof the following: "extreme cruelty is the infliction of grievous bodily injury or grievous mental suffering upon the other by one party to the marriage."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out all of Section 2.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 457—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expense of actions, alimony, and actions for maintenance and support.

During the second reading of bill the following committee amendments were offered:

## AMENDMENT No. 1.

Amend by striking out beginning with the word "when," in line 6, page 1 of the printed bill, down to and including the word "code," in line 8, and insert in lieu thereof the following: "when the husband willfully deserts or abandons the wife, or when she is entitled to a divorce from him for any cause."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out all of Section 2 of said bill.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 459—An Act to add a new section to the Political Code, to be numbered 4247, to enable county recorders to return or destroy certain papers on file in their office.

During second reading of bill, the following committee amendments were offered:

## AMENDMENT No. 1.

Amend the enacting clause by striking out the word "the" which appears before the word "Senate."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out all of lines 1 and 2 of the printed bill and insert in lieu thereof the following: "Section 1. A new section is hereby added to the Political Code, to be numbered 4247 and to read as follows:"

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out of lines 7 and 8 the words "returning the recorder's receipt therefor," and insert in lieu thereof the words "filing the same."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out of line 11 the words "or receipt returned."

Amendment adopted.

## AMENDMENT No. 5.

Amend by inserting in line 10, page 1 of the printed bill, after the word "property" the word "affected."

Amendment adopted.

## AMENDMENT No. 6.

Amend by striking out the word "will," in line 15, page 2 of the printed bill and insert in lieu thereof the word "may."

Amendment adopted.

## AMENDMENT No. 7.

Amend by striking out of lines 19 and 20, page 2 of the printed bill, the words "on return of the recorder's receipt," and insert in lieu thereof the words "to the party filing the same."

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 76—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

During the second reading of bill the following committee amendments were offered:

## AMENDMENT No. 1.

Amend the title by inserting after the figures 1872, in line 3 of the title, the words "by amending Section 49 thereof."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out all of Section 2.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 280—An Act providing for the purchase of a university farm for the use of the College of Agriculture of the University of California; providing for the appointment of a commission to select and purchase said farm; providing for a school of agriculture and a system of instruction on said farm, and appropriating money therefor.

During the second reading of bill the following committee amendment was offered:



## COMMITTEE AMENDMENT.

Amend by inserting after the word "be," line 7, page 2, Sec. 2 of printed bill, as follows: "of such size and acreage as, in the judgment of the commission, may be necessary for the purposes desired. *Provided, however, there shall be not less than 320 acres of first-class tillable land*"

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, on the special file, and referred to Committee on Ways and Means.

Assembly Bill No. 255—An Act to amend Subdivision 2 of Section 1543 of the Political Code, relating to the duties of county superintendents of schools.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 11 passed on file.

Assembly Bill No. 86—An Act to provide for the appointment of the California Cereal Improvement Commission, defining the purposes of said commission, and providing for an appropriation to pay the expenses thereof.

Passed on file.

Assembly Bill No. 72—An Act to amend Section 595 of the Civil Code, relating to the amount of real estate which may be held by certain corporations.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 251—An Act to add a new section, to be numbered and designated as Section 321b, to an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to regulating the giving and use of proxies to vote corporative stock at any meeting of the stockholders of any corporation organized under the laws of this State.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 159—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 224 thereof, relating to the consent to the adoption of children.

During the second reading of bill the following committee amendments were offered:

## AMENDMENT No. 1.

Amend by striking out all of Section 2.

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out of lines 8 and 9 of the first page of the printed bill the words "adultery or cruelty, and for either cause divorced, or adjudged to be habitually intemperate," and insert in lieu thereof the following: "adultery, cruelty, vagrancy, or habitual intemperance."

Amendment adopted.

## AMENDMENT No. 3.

Amend by inserting in line 11, page 1 of the printed bill, after the word "neglect" the words "or on account of depravity or lewdness; neither is the consent of the parent or parents necessary in the case of an abandoned child."

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 30—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissioners having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895, which became a law March 4, 1899.

During the second reading of bill the following committee amendment was offered:

COMMITTEE AMENDMENT.

Amend by striking out all of Section 2.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 155—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

During the second reading of bill the following committee amendment was offered:

AMENDMENT No. 1.

Amend by striking out all of Section 1 of the printed bill and inserting in lieu thereof the following:

"Section 1. When application has been made to purchase lands from this State subsequent to the 12th day of March, 1872, under any Act providing or assuming to provide for the sale of salt marsh and tide lands, or swamp and overflowed lands, or either or both, and payment has been made to the treasurer of the proper county for the same, in whole or in part, and a certificate of purchase or patent has been issued thereon to the applicant, his successors, or assigns, the title of the State of California to said lands is hereby vested in said applicant, his successors, or assigns, and the same shall be deemed and held to convey the title of the State of California to the lands in such certificate of purchase or patent described to the purchaser therein named, his successors or assigns, upon his making full payment therefor, and the State of California does hereby grant to the purchaser or purchasers named in such certificate of purchase or patent, or his successors or assigns, in case the title has been transferred, all its right, title, and interest in and to the lands in said certificate of purchase or patent described."

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

INTRODUCTION AND REFERENCE OF BILLS, ETC.—(OUT OF ORDER).

By Mr. Pfaffle: Assembly Constitutional Amendment No. 18—Resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 2 of Article XIII, relating to revenue and taxation.

Referred to Committee on Revenue and Taxation.

By Mr. McGowan: Assembly Constitutional Amendment No. 19—The Legislature of the State of California, at its thirty-sixth session, two thirds of all the members elected to the Senate and Assembly voting therefor, proposes to the qualified electors of the State of California an amendment to Section 7 of Article XII of the Constitution.

Referred to Committee on Corporations.

Also: Assembly Bill No. 737—An Act to amend Section 3819 of the Political Code, relating to the recovery of taxes paid under protest.

Read first time, and referred to Committee on Revenue and Taxation.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

Passed on file.

Assembly Bill No. 202—An Act to promote the drainage of wet swamp and overflowed lands, and to promote the public health in the communities in which they lie.

During the second reading of bill the following committee amendments were offered:

AMENDMENT No. 1.

Amend by inserting in line 3 of Section 13 of the printed bill, after the word "drainage," the words "or reclamation."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all of Section 14 of the printed bill.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 668—An Act to amend an Act entitled "An Act to repeal Chapter II, of Title VI, Part III, of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, and each and every section of said Chapter II, and to enact a new Chapter II, of Title VI, of Part III, of said Code, and substitute the same in place of said repealed Chapter II, in said Code, relating to roads and highways," approved February 28, 1883.

Passed on file.

Assembly Bill No. 409—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 38 of said Section 25, relating to a special road-fund tax.

During the second reading of bill the following committee amendment was offered:

COMMITTEE AMENDMENT.

Amend by striking out the words "in the several road districts in proportion to the amount collected from such districts," on lines 493 and 494, Section 38, page 14, printed bill, and inserting the following: "The boards of supervisors shall, by order duly made and entered upon the minutes of the board, designate such road or roads within the county as shall be known as main public roads within the meaning of this subdivision."

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 410—An Act to amend Section 2653 of the Political Code, relating to highways.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 532—An Act protecting the names of those who may furnish materials or labor for the working or developing of mining properties under powers which are obtained by bond or a trust deed.

Passed on file.

Assembly Bill No. 131—An Act to add a new section, to be known as Section 1927 of the Code of Civil Procedure, relating to the admission in evidence of certain statement of facts contained in patents for mineral lands issued or granted by the United States of America.

Passed on file.

Assembly Bill No. 443—An Act to provide for the location and acquirement of mining claims on salt marsh and tide lands owned by the State of California.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 533—An Act to provide for the "Inspector of Mines," to define his duties, and provide for his compensation, the liability of mining operators, and the Inspector of Mines.

Passed on file.

Assembly Bill No. 185—An Act to provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 439—An Act to provide for the disposition of the funds which may hereafter be collected by the State of California from the United States in payment of the claims arising out of the War of the Rebellion.

During the second reading of bill the following amendments were offered:

By Mr. McGowan:

AMENDMENT No. 1.

Amend by striking out of the title of printed bill the words "War of the Rebellion" and inserting in lieu thereof the words: "Indian and Civil wars"

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of Section 1, lines 3 and 4 of printed bill, the words "Wars of the Rebellion."

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 211—An Act to appropriate, out of the State School Book Fund of the State Treasury, the sum of \$4,119.71 to pay the claims of Bonestell, Richardson & Co. for money due and owing said Bonestell, Richardson & Co. from the State of California.

Bill read second time.

MOTION.

Mr. Treadwell moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 211.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Assembly Bill No. 211 was considered in Committee of the Whole.

Mr. Treadwell moved that the committee rise and report Assembly Bill No. 211 back, with a recommendation that it do pass.

Motion carried.

IN ASSEMBLY.

Speaker Prescott in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 211, and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

Report adopted.

Assembly Bill No. 211 ordered to engrossment and on third-reading file.

Assembly Bill No. 246—An Act to appropriate the sum of \$4,150 to pay the claim of the Citizens' National Bank of Los Angeles, for money

due and owing the said Citizens' National Bank from the State of California.

## SENATE BILL NO. 23 SUBSTITUTED.

Mr. Transue moved that Senate Bill No. 23—An Act appropriating the sum of \$4,150 to pay the claim of the Citizens' National Bank of Los Angeles, and for money due and owing the said Citizens' National Bank from the State of California—be substituted on the file for Assembly Bill No. 246, withdrawn on a previous day, both bills being identical, and that Senate Bill No. 23 be made special order for next Monday.

So ordered.

Assembly Bill No. 529—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing. Superintendent of Public Instruction's office for the fifty-sixth fiscal year.

Bill read second time.

## MOTION.

Mr. Stanton moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 529.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Assembly Bill No. 529 was considered in Committee of the Whole.

Mr. Stanton moved that the committee rise and report Assembly Bill No. 529 back, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 529, and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

Report adopted.

Assembly Bill No. 529 ordered to engrossment and on third-reading file.

Assembly Bill No. 634—An Act to amend Sections 439 and 441 of the Political Code, relating to the office of the Controller of State, his deputy and assistants, the salaries of the deputies and assistants, and to repeal all laws in conflict therewith.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 338—An Act to amend Section 515 of the Political Code, and to provide for the appointment of a statistician, a clerk and stenographer, and a text-book clerk for the Superintendent of Public Instruction, and to fix their compensation.

During the second reading of bill the following committee amendment was offered:

## COMMITTEE AMENDMENT.

Amend by striking out the words "four," on line 6, and "hundred," on line 7, page —, printed bill.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bills Nos. 126 and 124 passed on file.

Assembly Bill No. 353—An Act to amend Section 6 of an Act entitled "An Act to provide for compiling, electrotyping, printing, binding, copy-righting, and distributing a State series of school text-books, and appropriating money therefor," approved March 15, 1887.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 171—An Act to amend Section 1617 of the Political Code, relating to boards of school trustees and city boards of education.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 172—An Act to amend Section 1634 of the Political Code, relating to school census marshal.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 207—An Act entitled "An Act to amend Section 1772 of the Political Code of the State of California," relating to certificates upon examination.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 208—An Act entitled "An Act to amend Section 1861 of the Political Code of the State of California, relating to the use of the State School Fund."

Passed on file.

Assembly Bill No. 272—An Act entitled "An Act to amend Section 1670 of the Political Code of the State of California, relating to the establishment of high schools."

During the second reading of bill the following committee amendment was offered:

COMMITTEE AMENDMENT.

Amend by striking out the word "twenty," on line 289, page 9, printed bill and inserting in lieu thereof "forty."

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 173—An Act confirming the organization of school districts.

During the second reading of bill the following committee amendment was offered:

COMMITTEE AMENDMENT.

Amend by striking out all of Section 2.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 77—An Act entitled "An Act to amend Section 443 of the Political Code of the State of California, relating to the State School Fund."

During the second reading of bill the following committee amendments were offered:

AMENDMENT No. 1.

Amend by striking out the title on line —, page 1, printed bill, and inserting in lieu thereof the following: "An Act to amend Section 443 of the Political Code of the State of California, relating to the amount of money to be raised for each census child by State tax."

Amendment adopted.

## AMENDMENT No. 2

Amend by inserting after the word "follows," in the enacting clause, "Section 443 of the Political Code is hereby amended to read as follows:"

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out the word "nine," on line 3, first page, printed bill, and inserting in lieu thereof the word "eight"

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill 447—An Act to amend Section 443 of the Political Code of the State of California, relating to the amount of money to be raised for each census child by State tax.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 125—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of State and county school funds.

Passed on file.

Assembly Bill No. 412—An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by county boards of education.

During the second reading of bill the following committee amendment was offered:

## COMMITTEE AMENDMENT.

Amend by striking out all of Section 2.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 357—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 226—An Act to amend Paragraph 1 of Section 1874 of the Political Code of California, providing that pupils shall not be required to purchase supplemental books, and teachers and school authorities shall be punishable by expulsion from office, or a fine not exceeding \$50, for violation.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 476—An Act to amend Section 1564 of the Political Code of California in regard to teachers' institutes.

During the second reading of bill the following committee amendment was offered:

## COMMITTEE AMENDMENT.

Amend by striking out the words "that such amount must not exceed three hundred dollars for any one year," and inserting in lieu thereof the following: "That any counties participating in joint institutes, as provided by Section 1560, such amount shall not exceed two hundred (\$200) dollars; and in counties that do not participate in such joint institutes, said amount shall not exceed three hundred (\$300) dollars, for any one year."

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 709—An Act to amend Section 1893 of the Political Code, relating to the manner of conducting elections for issuance of bonds in school districts.

Passed on file.

Assembly Bill No. 710 (Committee Substitute for Assembly Bill No. 190)—An Act to amend an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution," approved March 2, 1903.

Passed on file.

SPECIAL FILE OF SENATE BILLS.

Mr. Treadwell moved to take up special file of Senate bills.

Motion carried.

Senate Bill No. 36 (Substitute for Assembly Bill No. 4)—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 580 thereof, relating to banking corporations.

Passed on file.

Senate Bill No. 53—An Act to amend Section 3457 of the Political Code of California, relating to the nature and legal life of warrants of reclamation districts in the State of California.

Passed on file.

Senate Bill No. 50—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable county recorders to return or destroy certain papers on file in their office.

During the second reading of bill the following committee amendments were offered:

AMENDMENT No. 1.

Amend by striking out all of lines 1 and 2 of the printed bill and insert in lieu thereof the following:

"Section 1. A new section is hereby added to the Political Code, to be numbered 4247, and to read as follows:"

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of line 7 the words "returning the recorder's receipt therefor," and insert in lieu thereof the words "filing the same."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of line 11 the words "or receipt returned "

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the word "will," line 16, page 2 of the printed bill, and insert in lieu thereof the word "may."

Amendment adopted.

AMENDMENT No. 5

Amend by striking out of lines 19 and 20, page 2 of the printed bill, the words "on return of the recorder's receipt," and insert in lieu thereof the words "to the party filing the same."

Amendment adopted.

Bill read second time, and ordered to reprint and on third-reading file.

Senate Bill No. 20—An Act to amend Section 1703½ of the Code of Civil Procedure, relating to estates of deceased persons distributed to



persons whose places of residence are unknown, and to minors and incompetent persons.

During the second reading of bill the following committee amendment was offered:

COMMITTEE AMENDMENT.

Amend by inserting in line 1, page 1 of the printed bill before the word "Section" the word and figure "Section 1."

Amendment adopted.

Bill read second time, and ordered to reprint and on third-reading file.

Senate Bill No. 11 (Substitute for Assembly Bill No. 52)—An Act to provide for the purchase of a site for the erection, equipment, and furnishing of a building or buildings, and for the improvement of grounds for the use of the State Normal School at San Francisco, and making an appropriation therefor.

Bill read second time.

MOTION.

Mr. Treadwell moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 11.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Senate Bill No. 11 was considered in Committee of the Whole.

Mr. Treadwell moved that the Committee of the Whole rise and report back Senate Bill No. 11, with a recommendation that it do pass.

Motion carried.

IN ASSEMBLY.

Speaker Prescott in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

GENTLEMEN. The Committee of the Whole have had under consideration Senate Bill No. 11, and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

Report adopted.

Senate Bill No. 11 ordered on special Senate file for third reading.

On motion of Mr. Olmsted the following Senate message was taken up and read:

SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, January 27, 1905.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed Senate Bill No 146—An Act regulating the hours of service on regular duty by members of the fire department of cities of the first class and cities and counties.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary

Senate Bill No. 146 read first time, and referred to Committee on Labor and Capital.

MOTION TO ADJOURN LOST.

Mr. Duryea moved that when the Assembly adjourn this day it be until next Monday at ten o'clock and thirty minutes A. M.

Motion lost.

## BILL TAKEN UP OUT OF ORDER.

Mr. Beardslee moved that Assembly Bill No. 152—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases—be now taken up for further consideration.

Bill read third time on a previous day.

Motion carried.

## SELECT COMMITTEE AMENDMENT.

Mr. Beardslee moved that a select committee of one be appointed to amend Assembly Bill No. 152, as follows:

After the period following the word "together," in line 8, page 1 of printed bill insert "provided, that the provisions of this Act shall not apply to the separate property of the wife held by her at the time of her marriage or acquired by her by devise or succession after marriage."

Motion carried.

Mr. Beardslee was appointed as such select committee of one.

## REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 152, with instructions, does now report that the instructions of the Assembly have been carried out.

BEARDSLEE, Committee.

Report adopted.

Assembly Bill No. 152 ordered to reengrossment and reprint.

## COMMITTEE CLERKS TO REPORT.

Mr. Johnstone moved that all committee clerks be required to report to the Chief Clerk every morning.

Motion carried.

## ADJOURNMENT.

At four o'clock and twenty-six minutes P. M., on motion of Mr. McCartney, the Speaker declared the Assembly adjourned until Monday, January 30, 1905, at ten o'clock and thirty minutes A. M.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, January 30, 1905. }

The Assembly met at ten o'clock and thirty minutes A. M., pursuant to adjournment.

Hon. Frank C. Prescott, of San Bernardino, Speaker of the Assembly, in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Busick, Chandler, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Drew, Duryea, Estudillo, Gans, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Manwell, McCartney, McGowan, Meincke, Mindham, Moore, O'Brien, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, and Mr. Speaker—59.

Quorum present.

## LEAVES OF ABSENCE.

Leaves of absence for the day were granted to Messrs. Walsh, Espey, Gates, Burke, McNamara, Dorsey, Lumley, Vogel, and Creighton.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal of Friday, January 27, 1905, on motion of Mr. Bates, its further reading was dispensed with.

## APPROVAL OF THE JOURNAL.

The Journal of Thursday, January 26, 1905, was read, corrected and approved.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

## ON MUNICIPAL CORPORATIONS.

## ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1905.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 12—Relative to approving the charter of the City of San Bernardino, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 6th day of January, 1905—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BEARDSLEE, Chairman.

Mr. Beardslee moved the adoption of the report of the committee, and that Assembly Concurrent Resolution No. 12 be now read.

Motion carried.

## ASSEMBLY CONCURRENT RESOLUTION No. 12.

Approving the charter of the City of San Bernardino, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 6th day of January, 1905.

WHEREAS, The City of San Bernardino, a municipal corporation of the County of San Bernardino, State of California, now is and was at all the times herein referred to, a city containing a population of more than three thousand five hundred inhabitants and less than ten thousand inhabitants; and

WHEREAS, At a special municipal election, duly held in said city on the 30th day of July, 1904, under and in accordance with the law and provision of Section eight of Article eleven of the Constitution of said State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety days after said election, prepare and propose a charter for the government of the said City of San Bernardino; and

WHEREAS, The said charter was on the 27th day of October, in the year 1904, signed in duplicate by the members of said board of freeholders, and was thereupon duly returned and filed with the president of the board of trustees of said City of San Bernardino, and the other copy thereof was filed with and in the office of the county recorder of the County of San Bernardino; and

WHEREAS, Such proposed charter was thereafter published in the San Bernardino "Daily Times-Index," and in the San Bernardino "Daily Sun," each being daily newspapers of general circulation in said City of San Bernardino, the said charter being published for a period of twenty days and more, the first publication thereof was made within twenty days after the completion of said charter; and

WHEREAS, Said proposed charter was, within not less than thirty days after the completion of said publication, submitted by the board of trustees of the City of San Bernardino to the qualified voters of the City of San Bernardino at the special election previously duly called and therein held on the 6th day of January, 1905; and

WHEREAS, At said last-mentioned special election, a majority of said qualified electors of said city voting at such special election, voted in favor of the ratification of such charter as proposed as a whole; and

WHEREAS, Said board of trustees, after canvassing said returns, duly found and declared that the majority of said qualified electors, voting at special election, had voted for ratifying said charter; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with Section eight of Article XI, of the Constitution of the State of California; and

WHEREAS, Said charter so ratified is in words and figures following, to wit:

## CHARTER OF THE CITY OF SAN BERNARDINO.

### ARTICLE I.

#### BOUNDARIES, RIGHTS, AND LIABILITIES.

SECTION 1. The municipal corporation now existing, known as the City of San Bernardino, shall remain and continue a body politic and corporate in name and in fact, by the name of the City of San Bernardino, and by that name shall have perpetual succession and may sue and defend in all courts and places and in all matters and proceedings whatever, and all property, rights and interests of the said city shall continue and vest in and belong to said city under this charter. It may have and use a common seal and alter it at pleasure; may purchase, receive and hold real and personal property within and without the city limits; may sell and dispose of the same for the common benefit; receive bequests and donations of all kinds of property in trust for charitable or other purposes and do all acts necessary to carry out the purposes of such bequests and donations, with power to manage, sell, or otherwise dispose of the same in accordance with the terms of bequest or donation.

SEC. 2 The boundaries of the City of San Bernardino shall be as follows: Commencing at the southeast corner of block seven of the Rancho San Bernardino, at the intersection of the center lines of Mill street and Waterman avenue, and running thence north along said center line of Waterman avenue, and along the east boundary of said block seven, and of blocks six, five, four, three, two, one and thirty-two of said rancho, to the northeast corner of lot one of said block thirty-two; thence west along the north boundary of said lot one and of lot fourteen of said block thirty-two, and the north line of lots one and fourteen of block thirty-three, lots one and fourteen of block thirty-four, lots one and fourteen of block thirty-five, lots one and fourteen of block thirty-six, lots three and six of block fifty-three, lots three and six of block fifty-nine, to the northwest corner of said lot six of block fifty-nine; thence south along the west line of lots six and five of said block fifty-nine to the southwest corner of said lot five of block fifty-nine; thence east along the south line of said lot five to the intersection of the west line of lot twenty-four of block twenty-one with the north line of Base Line street; thence south along the west line of lots twenty-four and seven in said block twenty-one, lots twenty-four and seven of block twenty-two, lots twenty-four and seven of block twenty-three, lots twenty-four and seven of block twenty-four, and lots twenty-four and seven in block twenty-five, to the southwest corner of said lot seven of block twenty-five, at the intersection of said west line with the north line of First street; thence east along the south line of said block twenty-five and along said north line of First street to the northwest corner of lot eight in block sixty-six, at the intersection of the west line of said lot eight with the said north line of First street; thence south along the west line of lots eight and one of block sixty-six, to the southwest corner of said lot one of block sixty-six, at the intersection of said west line with the center line of Mill street; thence east along the center line of said Mill street, and along the south line of blocks sixty-six, fourteen, thirteen, twelve, eleven, ten, nine, eight and seven, to the southeast corner of said block seven at the place of beginning; all being in and of the Rancho San Bernardino, according to the plan of survey of said rancho, of record in the office of the county recorder of said San Bernardino county.

The jurisdiction of said city, for all purposes of ownership, control, protection, management and maintenance, shall extend to and embrace all that parcel of land about two and one-half miles northwest of the court house in the City of San Bernardino, consisting of ten acres, more or less, and known as the "City Reservoir Tract," and that other parcel of land of about twenty-two acres about one-half mile east of the city limits known as the "Job Antil Tract," and such jurisdiction shall also extend to any other real property that may hereafter be acquired by said City of San Bernardino.

SEC. 3. The city shall be divided into five wards and the five several wards of said city, with boundaries as they now exist, are hereby recognized and established as the wards under this charter. The boundaries of the said wards may at any time hereafter be changed by ordinance passed by the mayor and common council; provided, that such change shall not be made more than once in every two years and shall be made at least ninety days before any general municipal election; and provided further, that the boundaries shall always be made so that all the wards shall be in compact form and equal in population as near as may be.

## ARTICLE II.

## ELECTIONS AND OFFICERS.

*Elections*

SEC. 10. The provisions of all general laws governing elections for State and county officers, not inconsistent with the provisions of this charter, are hereby adopted as the laws governing city elections for city officers, and the provisions of all laws governing general or special elections in municipalities applicable to all municipalities of the State, or to municipalities of the fifth class, and not inconsistent with the provisions of this charter, are hereby adopted as the laws governing all general or special elections held within the city, and in all elections the mayor and common council and the city clerk respectively shall exercise the powers and perform the duties conferred or imposed by law on boards of supervisors and county clerks concerning elections.

SEC. 11. The mayor and common council shall provide for the holding of all city elections. The boundaries of the precincts shall remain as fixed for the election of State and county officers at the last general election, preceding a city election, unless changed by ordinance. Each inspector, judge and clerk of election shall receive four dollars for his services. The election returns from each precinct shall be filed with the city clerk within twelve hours after completion of canvass, who shall immediately place the same in the vaults of the city clerk's office, or in some safe place of deposit under his control, and no person shall be permitted to handle, inspect, examine or in any manner interfere with the same until canvassed by the common council.

On the second day after a city election, exclusive of holidays, at 7:30 o'clock P. M., the mayor and common council shall meet at the city hall and proceed to canvass the election returns and declare the result. If a tie vote should occur between two or more otherwise receiving the highest number of votes for any elective city office, the mayor and common council shall declare no election for such office and shall call a special election to be held within thirty days to fill such office; should more than two candidates be on the ticket for any office, the candidate having the highest number of votes shall be declared elected.

SEC. 12. After the result of an election is declared, or an appointment made, the city clerk under his hand and official seal shall issue a certificate thereof to the person elected or appointed by delivering it to him personally, or by depositing it with postage prepaid in the postoffice, addressed to him at the City of San Bernardino; and within ten days thereafter such person so elected, or appointed, shall file the certificate with his oath of office attached, in the office of the city clerk. When an official bond is required of an officer it shall be approved and filed before entering upon the duties of his office, within twenty days after the certificate of election is issued to him.

SEC. 13. The first election of city officers under this charter shall be held on the second Monday of April, 1905. The officers elected at that time shall consist of a mayor who shall be elected at large and thereafter biennially, and three members of the common council, one each from the first, second and fourth wards of the city to be elected by wards and thereafter they shall be elected every fourth year by the qualified electors of their respective wards. The mayor and such members of the common council shall take office at 12 o'clock, noon, on the second Monday of May, 1905. The present trustees of the third and fifth wards shall hold office during their present term, and shall act as members of the common council from said third and fifth wards until the second Monday of May, 1907. The city marshal, city attorney, city clerk, treasurer, assessor, police judge and recorder shall also continue to hold office and act as such under this charter, until said second Monday of May, 1907.

SEC. 14. There shall be elected at a general municipal election to be held on the second Monday of April, 1907, and every fourth year thereafter, two members of the common council, one each from the third and fifth wards, who shall be elected by the qualified electors of their respective wards; a mayor, city attorney, city clerk and police judge, except that the mayor shall be elected biennially and whose term of office shall be for two years from and after the second Monday in May next succeeding his election. The police judge shall be ex officio city treasurer. The city attorney, city clerk, police judge and ex officio treasurer and the members of the common council shall hold office for a term of four years from and after the second Monday in May next succeeding their election. A general municipal election shall be held biennially on the second Monday in April of every odd numbered year for the election of city officers.

SEC. 15. An office becomes vacant when the incumbent thereof dies, resigns, is adjudged insane, convicted of a felony or of any offense involving a violation of official duties, or is removed from office, or ceases to be a resident of the city, or neglects to qualify by taking the oath of office and filing his official bond within the time prescribed by law or this charter, or shall be absent from the city for more than thirty days consecutively without the consent of the mayor and common council first obtained. The mayor and common council shall not grant a leave of absence for a period longer than sixty days in any case, except for the purpose of transacting official business.

*Bonds and Salaries.*

SEC. 20. Officers of the city, before entering upon the discharge of their official duties, and within twenty days after notice of their election or appointment, shall execute to said city such official bond as may be required by law, ordinance or this charter. When the amount of any bond is not fixed by law, ordinance or this charter, and power to fix the same is not herein conferred upon any board or officer, it may be fixed by ordinance.

All bonds shall be approved by the mayor and common council and filed with the city clerk, and shall be recorded by the city clerk in a book entitled "Official Bonds" and kept for that purpose, except the bond of the city clerk, which shall be filed with the mayor, after being so recorded. The approval of every official bond must be endorsed thereon and signed by the officers approving the same after the examination of the surety.

SEC. 21. City officers shall not be accepted as surety for each other on official bonds. Every bond shall be in form joint and several and made payable to the City of San Bernardino, and contain a condition that the principal will faithfully perform all official duties that may be imposed upon or required of him by law or ordinance, and that at the expiration of his term of office he will surrender to his successor all property, books, papers and documents that may come into his possession as such officer. Said bond must be executed by two or more sureties, but when the amount of the bond is more than five thousand dollars, the sureties may become severally liable for a portion of not less than twenty-five hundred dollars; when there are more than two sureties, said sureties may justify in an amount which in the aggregate shall equal double the amount of said bond. But the mayor and common council may require the treasurer to give a surety company bond, in which case the expense of such bond shall be borne by the city, and may accept and approve of a surety company bond for any officer without other surety.

SEC. 22. Every surety upon an official bond must justify in the manner prescribed by the political code of this State for official bonds.

SEC. 23. When an official bond is required of an officer, the mayor and common council may require an additional bond if, in their opinion, the original bond or any surety becomes insufficient. If such additional bond be not given in thirty days, the mayor and common council must declare the office vacant and thereupon it shall become vacant.

SEC. 24. The officers hereinafter named shall receive the following annual salaries: The mayor, \$800; councilmen, each, \$200; city clerk, \$1,000; city attorney, \$600; chief of police, \$1,500; police judge \$1,000, who shall be ex-officio treasurer. Salaries of all officers shall be payable monthly.

### ARTICLE III.

#### LEGISLATIVE DEPARTMENT.

##### *The Common Council.*

SEC. 30. The legislative power of the city is hereby vested in the common council consisting of five members, three of whom shall constitute a quorum, but a less number may adjourn from time to time, or compel the attendance of other members. No order, except to adjourn for lack of a quorum, or to compel the attendance of a quorum, and no ordinance, or resolution shall be valid unless it receive the affirmative vote of three councilmen.

SEC. 31. Ordinances and resolutions are the formal acts of the council reduced to writing and passed under legal restrictions governing action thereon; orders embrace all other acts which being less formal in character require only to be duly passed by the common council and spread upon the minutes. No order, resolution, or ordinance shall have effect without the approval of the mayor, except when four members of the common council concur in its adoption. In case of orders, the approval of the mayor shall be presumed unless at the same meeting at which the order is passed, the mayor causes his disapproval, with his reasons therefor, to be spread upon the minutes. All resolutions and ordinances after passage must be submitted to the mayor, who shall, within five days after he has received the same, endorse his approval, or disapproval thereon, giving the reason for his disapproval. No ordinance or resolution shall be placed upon its final passage in the common council upon the same day that it has been introduced and read in full the first time, nor until five days thereafter, and every ordinance or resolution to be valid must be passed by a vote of not less than three councilmen and approved by the mayor, provided, that if the mayor fails to approve the same it may be passed by a vote of not less than four councilmen, and shall take effect as if approved by the mayor.

SEC. 32. The enacting clause of all ordinances shall be: "The mayor and common council of the City of San Bernardino do ordain as follows:"

SEC. 33. All ordinances, before taking effect, shall be published at least for three consecutive days, exclusive of holidays, in some daily newspaper printed and published in the City of San Bernardino.

SEC. 34. The common council shall have power to adopt rules for its own proceedings; to compel the attendance of witnesses and absent members; the production of papers in any matters under investigation; to judge of the qualification and election of its own members; to punish any member by a fine not exceeding fifty dollars for disorderly or contemptuous behavior in its presence; and may expel a member or any city officer appointed by the mayor and common council for continued neglect of his duty, or the willful violation of any penal law, or any provision of this charter; but in every case the member or officer accused, if holding office for a definite term, shall be entitled to have written charges preferred and be heard in his own behalf.

The ayes and noes shall be taken and entered in the journal of its proceedings at the request of any member, and must be so taken and entered upon the passage of all ordinances and resolutions, and in matters concerning the granting of franchises, making of contracts, allowing bills, ordering work to be done, or supplies to be furnished, disposing of city property, or any act that may involve the payment of money or the incurring of a debt against the city.

SEC. 35. All meetings of the common council shall be public, and the regular meetings shall be held on the first and third Mondays in each month, unless such days be a legal holiday, when the meeting shall be held on the following day. Adjournments may be taken from a meeting to a day certain, and in such case the adjourned meeting shall be deemed an adjourned regular meeting.

SEC. 36. The mayor shall preside at all meetings of the common council, but shall not be entitled to vote. In the absence of the mayor, the common council may choose one of their own number to preside, who shall retain the right to vote upon all questions under consideration, and shall have the same power to disapprove any order made by the common council, and with like effect as mayor would have had if present at the meeting.

In case of vacancy, or if by reason of absence from the city, or sickness, or from any other cause, the mayor is unable to perform the duties of his office, the common council shall appoint one of their own number mayor pro tempore, who shall have all powers and authority which the mayor would have possessed if personally present and attending to such duties, but such mayor pro tempore shall not lose his vote as councilman.

#### *Subjects of Legislation.*

SEC. 40. The mayor and common council shall have power to pass ordinances, not in conflict with the Constitution of this State, or the United States, or the provisions of this charter, upon all matters pertaining to municipal affairs, as follows:

First—To purchase, receive, and hold real and personal property within or without the city limits; to sell or dispose of the same for the common benefit; *provided, however*, that they shall not have power to sell or dispose of real property without submitting the same to a vote of the people at the next general municipal election, and the approval thereof be given by a majority of the electors voting on the proposition. Nothing in this section shall be construed as affecting the power of the mayor and common council to abandon or close streets.

Second—To make and enforce all such local, police, sanitary, and other regulations as pertain to municipal affairs, and for this purpose may define misdemeanors committed within the city limits, or on lands under the jurisdiction of the city, and provide penalties and punishment therefor, although the offense constituting the misdemeanor be also a violation of the penal laws of the State.

Third—To define nuisances and provide for their removal.

Fourth—To license for purposes of regulation and revenue all and every kind of business, all shows, exhibitions, and lawful games carried on in the city, and to fix the rate of license tax thereon.

Fifth—To levy and collect taxes.

Sixth—To establish and maintain a fire department, prescribe fire limits, and adopt regulations for the protection of the city against fire.

Seventh—To establish and maintain a police force.

Eighth—To protect the city against overflow.

Ninth—To prohibit and suppress lewdness and houses of ill-fame, and all indecent and immoral amusements and exhibitions.

Tenth—To prohibit the storage of gunpowder, oils, or other combustible substances in quantity.

Eleventh—To lay out and maintain parks

Twelfth—To regulate hospitals, pest houses, and slaughter houses, and to provide for their removal or discontinuance.

Thirteenth—To provide cemeteries and regulate their management.

Fourteenth—To establish and regulate a public pound.

Fifteenth—To provide a city prison and require the prisoners undergoing sentence for misdemeanor to perform such labor as may be prescribed.

Sixteenth—To establish, construct, maintain, and repair drains and sewers.

Seventeenth—To establish, build, and repair bridges, to establish, lay out, alter, keep open, open, close, improve, and repair streets, sidewalks, alleys, squares, and other public highways and places within the city, and to drain, sprinkle, oil, and light the same; to remove all obstructions therein; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same in whole or part; and to construct gutters, culverts, sidewalks, and cross walks therein, or upon any part thereof; to cause to be planted, set out, and cultivated shade trees therein; and generally to manage and control all such highways and places.

Eighteenth—To impose fines, penalties, and forfeitures for any and all violations of ordinances; and for any breach or violation of ordinances to fix the penalty by a fine or imprisonment, or both, but no such fine shall exceed five hundred dollars, nor the term of such imprisonment exceed six months. The violation of any lawful ordinance made by the mayor and common council shall constitute a misdemeanor and shall be prosecuted in the name of the people of the State of California.

Nineteenth—To appoint and remove such policemen and other subordinate officers as they may deem proper, and to fix their duties and compensation.

Twentieth—To contract for supplying the city with water for municipal purposes, or to acquire, construct, repair, and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for the use of such city or its inhabitants, or

for irrigating purposes therein, subject to the powers and supervision of the board of water commissioners as in this charter provided.

Twenty-first—To acquire, own, construct, maintain, and operate street railways, telephone and telegraph lines, gas, electrical, and other works for light, power, and heat, and to supply such light, power, and heat to the municipality and the inhabitants thereof; and to acquire, own, and maintain public libraries, museums, gymnasiums, parks, and baths.

Twenty-second—To permit, under such restrictions as they may deem proper, the laying of railroad tracks and the construction and operation of street railways and the running of cars drawn by steam, electricity, or other power thereon; and the laying of gas and water pipes in the public streets; and the construction and maintenance of telegraph and telephone lines therein.

Twenty-third—To maintain public schools.

Twenty-fourth—To prescribe by ordinance the duties of all officers whose duties are not defined by this charter, and to prescribe for any officer duties other than herein prescribed.

Twenty-fifth—To impose and collect an annual license tax on every dog owned or harbored within the limits of the city.

Twenty-sixth—To pass all orders, resolutions, and ordinances, and to do and perform any and all other acts and things necessary or proper to a complete execution of the powers vested by law or this charter, or inherent in the municipality, or that may be necessary or proper for the general welfare of the city or its inhabitants.

Sec. 41. The mayor and common council shall have power, and it shall be their duty to provide by ordinance a system for the assessment, levy, and collection of all city taxes, which system shall conform, as nearly as the circumstances of the case may permit, to the provisions of the laws of this State in reference to assessment, levy, and collection of State and county taxes, except as to the times for such assessment, levy, and collection, and except as to the officers by whom such duties are to be performed. All taxes assessed, together with any percentage imposed for delinquency, and the cost of collection shall constitute liens on the property assessed, from and after the first Monday in March each year, which liens may be enforced by a summary sale of such property and the execution and delivery of all necessary certificates and deeds therefor, and such regulations as may be prescribed by ordinance, or by action in any court of competent jurisdiction to foreclose such lien; *provided*, that any property sold for such taxes shall be subject to redemption within the time and in the manner provided, or that may hereafter be provided by law for the redemption of property sold for State or county taxes. All deeds made upon any sale of property for taxes, or special assessment under the provisions of this charter shall have the same force and effect in evidence as is, or may hereafter be provided by law, for deeds for property sold for non-payment of State or county taxes; *provided*, however, that the maximum rate of taxation to and until the first Monday in March, at noon, 1907, shall not exceed in any one year \$100 upon each \$100 of valuation of property assessed, exclusive of the amount necessary to pay the principal and interest of the bonded indebtedness of the city, and exclusive of the high school tax; and *provided further*, that the maximum rate of taxation thereafter shall not exceed in any one year \$1.35 upon each \$100 valuation of property assessed on the bonded indebtedness of the city, and exclusive of the high school tax.

Sec. 42. The mayor and common council shall have power at any time, by ordinance, to compel all telephone, telegraph, electric-light, power and trolley companies, or other persons, having wires, or fixtures upon the public streets of the city, to place their wires and fixtures underground within the streets of the city; and it shall be the duty of the mayor and common council to pass an ordinance compelling all telephone, telegraph, or other wires, or fixtures on the public streets of the city within the present fire limits, excepting electric-light, power and trolley wires, to place the same underground on or before the first day of June, 1907.

#### *Equalization.*

Sec. 45. Until the mayor and common council shall, by ordinance, avail the city of the provisions of the Act of the Legislature approved March 27, 1895, hereinafter more particularly referred to, the common council shall meet at their usual place of holding meetings on the second Monday of August of each year, at 10 o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session by adjournment from day to day until all the returns of the assessor have been rectified and assessments equalized. They shall have power to hear complaints, and to correct, modify or strike out any assessment upon five days' notice being given, either personally or by mail, to the party whose assessment is to be raised. The corrected list for each assessment shall be the assessment roll for said year. It shall be certified by the city clerk, who shall act as clerk of the board of equalization as being the assessment roll for said tax, and shall be the assessment roll upon which such tax is to be levied in said year. The common council, acting as a board of equalization, shall remain in session as such for ten days; they can adjourn from day to day and shall receive no extra compensation for their labor.

#### ARTICLE IV.

##### EXECUTIVE DEPARTMENT.

#### *Mayor.*

Sec. 50. The chief executive officer of the city of San Bernardino shall be designated the "Mayor." He shall be at least thirty years old, a citizen of the state, and a resident and qualified elector of the city for the five years next preceding the day of his election.



He shall see that all laws and ordinances within his jurisdiction are strictly enforced. He shall vigilantly observe the official conduct of all public officers, and take notice of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection, administration and disbursement of the public funds and property. The books, records and official papers of all departments, boards, officers, and persons in the employ or service of the city shall, at all times, be open to all persons for inspection and examination. He shall take special care to see that all the books and records of said departments, boards, officers and persons are kept in legal and proper form. Any defalcation or willful neglect of duty or official misconduct which he may discover, or which may be reported to him, shall be laid by him before the common council in order that the public interests may be protected and the person in default proceeded against according to law. He shall, from time to time, give the common council information in writing relative to the state of the city's municipal affairs and business, and shall recommend such measures as he may deem beneficial.

He shall have the books and records of all public departments, pertaining to the finances of the city, experted by a competent person at least once in every year. Any person refusing to submit to or permit such an examination, or purposely delaying, or impeding the same, may be suspended from office by the mayor and removed for malfeasance by the mayor and common council. He shall have a general supervision over all the departments and public institutions of the city, and see that they are honestly, economically and lawfully conducted. He shall take all proper measures for the preservation of public order and suppression of all riots and tumults.

SEC. 61. The mayor, with the consent and approval of the common council, shall appoint all officers, and fill all vacancies in an elective office not otherwise provided for in this charter, except members of the common council; *provided*, that in no case where a vacancy has occurred and an appointment been made to an elective office, shall the officer hold beyond the next general municipal election, at which time an election shall be held for that office so vacated to fill the unexpired term. In case of a vacancy in the common council, the mayor and a majority of the remaining members of the common council shall call a special election to be held within thirty days to fill the vacancy for the unexpired term. In case of a vacancy in the office of mayor, the vacancy shall be filled by the common council by a majority vote, and the appointee shall hold office for the unexpired term.

SEC. 62. The mayor shall see that all contracts and agreements with the city are faithfully kept and fully performed, and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the city against all persons or corporations failing to fulfill their agreements or contracts either in whole or in part. He shall have the general supervision of all city officers elected or appointed, except councilmen. He shall have power to suspend any city appointive officer for a dereliction, neglect or non-performance of duty, and shall immediately, in writing, report the same to the common council. If the common council, after a hearing, approve of the suspension, they shall declare the office vacant, or continue the suspension for such time as they may deem proper, and such vacancy shall be filled by the mayor, subject to the approval of the common council. It shall be the duty of every officer and person in the employ or service of the city, when it comes to his knowledge that any contract or agreement with the city, or with any officer or department thereof, or relating to the business of any office, has been or is about to be violated by the other contracting party, to forthwith report to the mayor all facts and information within his possession concerning such matters, and a willful failure so to do, shall be cause for removal of such appointive officer or employé as in the case of malfeasance in office.

SEC. 63. The mayor, or three members of the common council, may in writing call special meetings of the common council; and such call shall state the object of the meeting, and no business other than that stated therein shall be transacted, *provided, however*, that such call shall be served by serving a copy thereof upon each member of the council not joining in the call, and also upon the mayor when not making the call, either personally at least three hours before the time for such meeting, or by depositing a copy thereof in the United States postoffice in said city, with postage prepaid, addressed to the councilman or mayor to be so served, at said city at least twenty-four hours before such meeting.

#### City Attorney.

SEC. 65. The city attorney shall have been an elector of the city for at least two years before his election. He shall be duly admitted to practice by the Supreme Court of the State of California, and shall have been actually engaged in the practice of his profession for a period of at least five years next before his election. It shall be his duty to attend to all suits and other matters in which the city may be legally interested; to give his advice or opinion in writing, whenever required in writing by the mayor or common council, or any board or department or city officer, upon any matter pertaining to municipal affairs. He shall be the legal adviser of all city officers, he shall draft the form of all official, or other bonds given to, and all contracts made with the city; he shall draft, when requested by the mayor or common council, or any member thereof, any and all proposed ordinances, resolutions, or orders of the common council, and do and perform all other things touching his office requested of him by the mayor, or common council, and shall prosecute all civil and criminal cases on behalf of the city, or the board of education.

*City Clerk.*

SEC. 60. The duties of the city clerk shall be to keep the corporate seal and all books, papers, records and all other documents belonging to his office; attend all the meetings of the common council and keep a journal of the proceedings. He shall have full power and authority to take all affidavits and administer all oaths necessary in the transaction of city business, but shall make no charge therefor. His official books and records shall be kept properly indexed and be open to public inspection during office hours. He shall number and keep a record of all demands allowed and certified to him by the boards and commissioners created by this charter, which allowance has been approved by the mayor, showing the date of approval, to whom the same is allowed, the nature of the claim, and the fund out of which the same is payable. He shall keep a complete set of books for the city, in which shall be set forth in a plain business-like manner, every money transaction, so that he can at any time tell the exact condition of the finances of the city. He shall report to the mayor monthly the condition of each fund in the treasury. He shall make an annual report, showing the sources from which the city's revenues were derived, and how expended for the previous fiscal year. He shall issue all licenses, and draw and countersign all warrants on the treasurer. He shall prepare and present to the mayor and common council, on the fourth Monday of July of each year, an estimate of the probable necessities of the city for the ensuing fiscal year, and shall do and perform all other acts required of him by this charter, or by ordinance, or which may be required of him by the mayor and common council.

*City Assessor.*

SEC. 65. Until the mayor and common council shall by ordinance avail the city of the provisions of the Act of the Legislature, approved March 27, 1895, hereinafter more particularly referred to, the office and duties of the city assessor shall be controlled and governed by the law relative to the duties of city assessor as provided in Section 787 of Chapter VI of an Act of the Legislature of the State of California, approved March 13, 1883, entitled: "An Act to provide for the organization, incorporation and government of municipal corporations," and also in accordance with the amendments thereto and the provisions of the ordinances of this city.

*Treasurer.*

SEC. 70. The treasurer shall receive and pay out all moneys belonging to the city, and shall keep an account of all receipts and expenditures, under such rules and regulations as may be prescribed. He shall make a monthly statement to the mayor and common council of the receipts and expenditures of the preceding month, and shall perform all duties required of him by law and the mayor and common council. He shall not pay out any moneys belonging to the city except on claim presented, allowed and submitted in the manner provided by this charter.

SEC. 75. Until the second Monday in May, 1907, the duties of the marshal, treasurer, and recorder shall be those prescribed for marshal, treasurer, and recorder respectively by Chapter VI of the aforesaid Act of the Legislature of the State of California, approved March 13, 1883, and amendments thereto.

*City Engineer.*

SEC. 80. The mayor may, subject to the confirmation of the common council, appoint a civil engineer and surveyor who shall be known as city engineer. He shall perform the duties prescribed by this charter, and such other duties as may be prescribed by the mayor and common council. He shall have had at least five years' practical experience as a civil engineer. He shall possess the same power in said city in making surveys, plats, and certificates as is, or may, from time to time be given by law to county surveyors, and his official acts and all plats, surveys, and certificates made by him shall have the same validity, and be of the same force and effect as are or may be given by law to those of county surveyor. The duties of the city engineer when directed or requested by the common council shall be as follows:

First—To attend all council meetings held for the purpose of discussing, ordering or accepting public works, and advise the council as to all engineering questions;

Second—To examine and report, when directed by the mayor and common council, upon any proposed improvement, repair, or change in the public works of the city;

Third—To perform all civil engineering and surveying necessary in the prosecution of such public work, prepare all plans and specifications, superintend their execution as far as their general scope is concerned, and certify as to the progress or completion of all such public works, improvement, change or repair;

Fourth—To take special charge of the system of underground street monument and bench marks, reset them without delay, if by reason of street improvement, sewer work or any other cause they should be disturbed, or permanently covered with concrete, bitumen, or otherwise; and to extend the system of underground street monuments as fast as the state of his work will permit so as to cover all streets within the city limits;

Fifth—To keep all notes, books and maps in his office thoroughly indexed and systematically arranged in such a manner that his work may be picked up at any time by any competent engineer;

Sixth—To perform such other engineering duties as may be required of him by the mayor and common council.

SEC. 81. The city engineer may appoint such deputies and assistants, not exceeding the number that may be fixed by the mayor and common council, as the duties of his

office may require. The deputies and assistants so appointed shall receive such compensation as may be fixed by the mayor and common council. And they, or any of them, may be removed at pleasure by the city engineer. All maps, plats, field notes, records and other data made by the city engineer shall be the exclusive property of the city, and on going out of office he shall turn the same over to his successor or to the mayor. The city engineer shall receive such compensation for his services as may be determined by ordinance or resolution.

#### *Superintendent of Streets*

SEC. 85. The mayor shall appoint, subject to the confirmation of the common council, a superintendent of streets. He shall perform the duties prescribed by this charter and such other duties as are or may be prescribed by ordinance, law, or the mayor and common council.

The superintendent of streets shall have authority:

First—To have the general management and supervision of all public streets under the regulations and directions of the mayor and common council;

Second—To grant permits, under such regulations as the mayor and common council may adopt, for the opening up of any portion of the public streets; for the temporary use of any part of any public street in front of a new building to be erected, or of an old building to be repaired; for the moving of houses; or for any other purpose other than the public use of any street;

Third—To move, under the direction of the mayor and common council, all obstructions in the public streets;

Fourth—To superintend all necessary repairs of public streets, not let by contract but ordered done by the mayor and common council, and to make and superintend such other repairs of streets, sewers, drains or river banks and channels as are in their nature an immediate and pressing necessity and cannot be delayed without great inconvenience or damage to the public, and come within the emergency cost limit prescribed by this charter;

Fifth—To repair all bridges, conduits and street crossings, and to perform such other services relating to public works as may be made his duty by law or ordinance;

Sixth—To have control of the "Corporation Store Yard."

SEC. 86. The street superintendent shall have the powers of a police officer

### ARTICLE V.

#### JUDICIAL DEPARTMENT.

SEC. 95. The judicial power of the city shall be vested in a police court, consisting of one police judge. He shall be a qualified elector of said city. Any vacancy in his office shall be filled by the mayor with the consent of the common council.

SEC. 96. The police judge shall have the power of examining magistrates, and may commit offenders for trial in the proper court; also to administer and certify oaths and affirmations.

SEC. 97. The police court shall have exclusive jurisdiction of criminal proceedings for violation of the city ordinances; and of all civil actions and proceedings arising out of a violation of such ordinances; and for the collection of any license tax required by any ordinance, except such actions and proceedings as on account of the amount involved, are within the jurisdiction of other courts under the provisions of the constitution of the State.

SEC. 98. The police court shall have jurisdiction concurrently with the justices' court of all actions and proceedings, civil and criminal, arising within the corporate limits of the city and which might be tried in said justices' courts.

SEC. 99. Proceedings in the police court in criminal actions for offenses not triable in such court must be had in conformity with the provisions of Part II, Title III, Chapter VII of the Penal Code of this State; criminal actions triable in such courts shall be in conformity with the provisions of Part II, Title XI, Chapter I of the Penal Code of this state; proceedings in civil actions shall be in conformity with the provisions of Part II, Title XII of the Code of Civil Procedure.

SEC. 100. All fines, penalties and forfeitures collected by said police court shall be the property of the city, and shall be immediately deposited in the city treasury for the use of the said city.

SEC. 101. The city shall furnish for said court a suitable court room and office, and the necessary dockets and all blanks and other books, papers and stationery necessary in the transaction of its business, and the said court shall always be open for the transaction of business, except on Sundays and other non-judicial days.

SEC. 102. In the absence, or upon the disqualification or disability of the judge of said police court, any qualified justice of the peace of the County of San Bernardino, at the request of said police judge, may preside in his place as judge of said police court, with all the powers, authority and jurisdiction of the duly qualified judge thereof.

### ARTICLE VI.

#### HEALTH DEPARTMENT.

SEC. 110. On or before the fourth Monday of April, 1905, the mayor shall appoint, subject to the confirmation of the common council, four members of the board of health, two of whom shall be practicing physicians in good standing of not less than

three years' residence in the city prior to their appointment. The fifth member shall be the present marshal of the city during the incumbency of his office, and thereafter the chief of police.

SEC. 111. The board of health shall serve without compensation.

SEC. 112. Regular meetings of the board of health shall be held at least once a month. Special meetings may be held at the call of the mayor, president of the board, or three members thereof. All meetings shall be public. Three members shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

SEC. 113. The persons appointed members of the board of health shall meet within two weeks after their appointment and elect one of their number president who shall hold office at the will of the board. They shall appoint a competent person to be health officer who shall serve as secretary of the board, and shall have the powers of a police officer in matters pertaining to his office. They shall have power, in case of an epidemic of contagious diseases, to create a pest house, and appoint a competent person, or persons to take charge of the same. They shall have power to employ necessary help to carry into effect health regulations.

SEC. 114. The board of health shall exercise a general supervision over the health of the city, with full power to use all measures necessary to promote the cleanliness and sanitary conditions thereof; to prevent the introduction into the city of malignant, or infectious diseases; to remove, or otherwise dispose of any person, or animal attacked by such disease; and to adopt in reference to such persons or animals, any restrictions, regulations, or measures deemed advisable. Said board shall adopt and enforce such forms and regulations as in their judgment will secure reliable, vital and mortuary statistics, and shall have the supervision of all persons engaged, or appointed to carry out any of the powers conferred on said board.

SEC. 115. It shall be the duty of the mayor and common council to pass such ordinances as may be necessary to enforce the rules and regulations of the board of health.

## ARTICLE VII.

### *The Initiative.*

SEC. 120. Any proposed ordinance may be submitted to the common council by a petition signed by qualified and registered electors of the city equal in number to the percentage hereinafter required. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and such other identification as may be required by the registration law. One of the signers of each such papers shall make oath before an officer qualified to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition, the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the clerk shall submit the same to the council without delay.

If the petition accompanying the proposed ordinance be signed by electors equal in number to thirty per cent of the entire vote cast for all candidates for mayor at the last preceding city election at which a mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special or general municipal election, then the council shall either—

(a) Pass such ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to the referendum vote), and if the ordinance shall be passed by the council, but shall be vetoed by the mayor, and on reconsideration shall fail of passage by the council, then, within five days after determination that said ordinance shall have so failed of final adoption, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people, or,

(b) Forthwith after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people.

The ballots used when voting upon said proposed ordinance, shall contain the words "For the Ordinance" (stating the general nature of the proposed ordinance), and "Against the Ordinance," (stating the general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city, and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people obtained in like manner.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; *provided*, that there shall not be held under this section of the charter more than one special election in any period of twelve months.

*The Referendum.*

Sec. 121. No ordinance passed by the common council (except when otherwise required by the general laws of the State, or by the provisions of this charter, respecting street improvements and except an ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the council, but no grant of any franchise shall be construed to be an urgency matter, but all franchises shall be subject to the referendum vote herein provided) shall go into effect before thirty days from the time of its final passage and its approval by the mayor; and if during said thirty days a petition signed by electors of the city equal in number to at least thirty per cent of the entire vote cast for all candidates for mayor at the last preceding city election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance, and if the same is not entirely repealed, the council shall submit the ordinance proposed to the vote of the electors of the city either at the next general municipal election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of the first section of this article (The Initiative), and shall be examined and certified by the clerk in all respects as therein provided.

*The Recall.*

Sec. 122. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by qualified electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least thirty per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the city clerk; provided, that the said petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence giving the street and such other identification as may be required by the registration law. One of the signers of each such paper shall make oath before an officer qualified to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days after the date of filing such petition the city clerk shall examine, and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and, if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the city clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and, if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay and the council shall thereupon order and fix a date for holding the said election, not less than thirty days, nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The city council shall make, or cause to be made, publication of notice and all arrangements for holding of such election; and the same shall be conducted, returned, and the result thereof declared in all respects as other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

If any special election be ordered held and conducted, it shall be ordered, held, and conducted (except as to date thereof) and the result thereof made known and declared, in the same manner as herein provided for other elections.

## ARTICLE VIII.

## REVENUE AND FINANCE.

Sec. 130. On or before the last Monday in July in each year the city clerk shall transmit to the mayor and common council, accompanied with the estimates and reports of each department, an estimate of the probable financial necessities of the city government for the fiscal year, stating the amount required to meet the interest and principal on all

bonded or funded indebtedness of the city, together with the amount needed for the salaries and probable wants of all the departments of the municipal government in detail, showing specifically the necessities of each fund in the treasury. Such estimate shall also show what amount of income and revenue will probably be collected from fines, licenses, and other sources of revenue, exclusive of taxes upon property, and what amount will probably be required to be levied and raised by taxation in order to meet the necessities of each specific fund for such fiscal year.

SEC. 131. The mayor and common council on or before the first Monday of January, 1907, and annually thereafter while any valid law exists for the assessment and collection of city taxes by officers of the County of San Bernardino, shall pass an ordinance electing to avail the City of San Bernardino of the provisions of an Act entitled: "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporation," approved March 27, 1895, and shall cause a certified copy of such ordinance to be filed with the auditor of said County of San Bernardino. If said act shall be amended, or some other law be substituted in its stead providing for the assessment and collection of city taxes by county officers, the mayor and common council shall conform to the provisions of such amended act or such law in order to avail the city of the privilege of having its taxes assessed and collected by such county officers. Such ordinances shall take effect immediately after their passage and shall not be subject to "The Referendum" as hereinbefore provided.

SEC. 132. After the time of noon on the first Monday of March, 1907, if for any cause there shall not be in force any ordinance availing the city of the privilege of having its taxes assessed and collected by the officers of the county, and during the time that there shall be no such ordinance or provision in force, the city clerk shall be ex officio assessor, and the chief of police shall be ex officio tax collector; they shall perform respectively the duties and have all the powers prescribed by law or ordinance for assessors and tax collectors. While the city avails itself of the privilege of having its taxes assessed and collected by the county officers, the offices of the city assessor and city tax collector shall not exist. The mayor and common council shall have power, by ordinance, to provide for the compensation of the city clerk while acting as ex-officio assessor, and of the chief of police while acting as ex-officio tax collector for such extra services. The taxes so levied and collected shall be apportioned by the treasurer to the several specific funds.

SEC. 133. Whenever the mayor and common council shall by ordinance determine that the public interest or necessity demands the acquisition, construction, or completion of any municipal improvement, the cost of which would be too great to be paid out of the ordinary annual income and revenue of the city, they are hereby given the power and authority to call a special election and submit to the qualified voters of the city the proposition of incurring indebtedness to pay the cost of such improvement set forth in said ordinance. If said proposition be accepted by a two-thirds vote of the qualified electors voting at such election, the mayor and common council may issue bonds of said city in evidence of said indebtedness; provided, that such indebtedness, together with the unpaid and outstanding bonded indebtedness actually existing at the time such proposition is submitted to said voters, shall not exceed three hundred and fifty thousand dollars.

SEC. 134. The mayor and common council shall not create, audit, or allow or permit to accrue any debt or liability in excess of the available money in the treasury that may be legally apportioned and appropriated for such purposes.

SEC. 135. Every claim and demand against the city, except bonds, coupons for interest, claims payable from the school fund, or from funds not controlled by the mayor and common council, shall be verified and filed with the city clerk at least three days before the same shall be allowed or paid, and shall specify in detail the goods or materials furnished, in quantity and quality, the service performed, or other basis of the claim, and by what authority the goods or materials were furnished or the service performed, giving date of the same and the amount of the claim.

SEC. 136. After allowance by the common council, the city clerk shall present such claim or demand to the mayor, who, within five days thereafter, shall endorse thereon, or annex thereto his approval, or disapproval, and return it to the city clerk. The mayor may approve a claim in part, but when a claim is disapproved in whole, or in part, the reasons of the mayor must be given in full. The common council by the affirmative vote of four of its members may allow a claim, or such portion of a claim, as the mayor has disapproved, but not otherwise.

SEC. 137. Upon the allowance of any such claim a warrant shall be drawn on the city treasurer in favor of the person to whom the allowance was made, specifying for what the warrant is drawn, the fund out of which it is to be paid, and that it can be paid only from the money actually collected and in the fund. The warrant shall be signed by the mayor and countersigned by the city clerk.

SEC. 138. Every claim against funds in the city treasury which may have been incurred or authorized by the board of water commissioners, the board of education, or the board of trustees of the public library, shall be verified and presented to the board incurring or authorizing the indebtedness, who shall approve or disapprove the same.

It shall require at least a majority of all the members of any board or commission voting in the affirmative to approve any claim. Each of such claims when so approved shall be paid by a warrant on the city treasury payable out of the proper fund for payment thereof and signed by the president and secretary of the board which shall have approved the same, or in case of the absence of such president, such warrants may be signed by the president pro tempore of the board. The form of the warrant shall be as hereinbefore provided.

SEC. 139. No claim for commodities furnished, or service performed, shall be valid unless prior to furnishing such commodities or the rendition of the service, authority for the same had been given by the common council or some department of the city government having authority so to do. No member of the common council, or member of any department, and no city officer shall have power to create an indebtedness against the city, or to furnish the basis of a claim without said authority.

SEC. 140. No supplies, material, or other item of expenditure, for an amount exceeding \$300, except for personal services, shall be ordered, or purchased by the mayor and common council, or any board, or department of the city, authorized to incur any expenditure, except after first advertising for sealed proposals and awarding a contract to the lowest and best bidder. Each proposal must be accompanied by a certified check in an amount not less than ten per cent of the sum bid, which check must be forfeited to the city upon failure of the person, firm, or corporation bidding to enter into the contract awarded. All contracts awarded by the mayor and common council shall be by ordinance, or resolution. A sufficient bond, payable to the city, with two or more sureties, or a surety company bond, shall be required to secure a faithful performance of each contract awarded.

SEC. 141. The revenue paid into the treasury shall be at once apportioned by the treasurer and kept in separate specific funds as hereinafter provided, and it shall not be lawful to transfer money from one fund to another, or to use the same in payment of demands upon another specific fund, except that money may be transferred from the general fund to any specific fund by resolution of a two-thirds vote of the common council, duly approved by the mayor.

SEC. 142. The several interest and sinking funds of the treasury authorized by law at the time this charter takes effect shall continue therein so long as there shall be occasion therefor, and the moneys therein, or which may belong thereto, shall not be used or appropriated for any purpose other than that for which the same were raised.

SEC. 143. There shall be opened by the treasurer the following specific funds, to wit: Hubbard water bond fund, Antil bond fund, old water bond fund, water fund, street fund, library fund, sewer fund, park-improvement fund, school fund, general fund, and such other funds as may be hereafter designated by ordinance or resolution duly passed by the mayor and common council.

SEC. 144. The mayor and common council, at the time of making the annual tax levy, shall levy for each of said specific funds an amount sufficient to meet the necessary expenditures therefrom. Said funds shall consist of moneys so levied and of such other moneys as may be apportioned thereto. All moneys paid or collected for fines, or fees, or licenses, and all moneys not directed to be paid into any other specific fund shall be paid into the treasury to the credit of the general fund.

SEC. 145. Out of the Hubbard water bond fund shall be paid all Hubbard water bonds and interest coupons thereof as they fall due, out of the Antil bond fund shall be paid all Antil bonds and interest coupons thereof as they fall due; out of the old water bond fund shall be paid the bonds and interest coupons thereof as they fall due.

SEC. 146. Out of the water fund shall be paid all warrants drawn thereon duly authorized by the board of water commissioners.

SEC. 147. Out of the street fund shall be paid all sums authorized to be paid for repairing and improving streets which shall have been accepted so as to become a charge upon said city; for cleaning streets, crossings, and sewers; for street sprinkling, or oiling; for all street work in front of, or assessable upon property owned by said city, or any department thereof, or by the government of the United States; for all repairs upon the public streets deemed of urgent necessity, and for all other expenditures on the streets and highways deemed necessary by the mayor and common council and authorized by any provision of this charter.

SEC. 148. Out of the library fund shall be paid all warrants drawn thereon duly authorized by the board of library trustees.

SEC. 149. Out of the sewer fund shall be paid all sums authorized to be paid for construction and repair of such sewers, or systems of drainage, as may be ordered by the mayor and common council, and which is not chargeable on private property.

SEC. 150. Out of the park improvement fund shall be paid all sums authorized to be paid for such materials, supplies, tools, machinery, appliances, labor and service, as well as for seeds, plants, vines, shrubs, trees, animals, and museums which the common council may procure for preserving, improving, and beautifying the public grounds and parks.

SEC. 151. All moneys received for the grammar, or high school, or any other school authorized by law, or school moneys received from any source, shall be paid into the county treasury, and be disbursed under the general school laws of the State.

SEC. 152. Out of the general fund shall be paid all claims not provided to be paid out of any other specific fund.

SEC. 153. Any demand against the treasury or against any fund thereof remaining unpaid at the end of the fiscal year for lack of money in the treasury applicable to its

payment may be paid out of any money which may subsequently come into the proper fund from delinquent taxes or other uncollected income or revenue for such year. Such demands shall be paid out of such delinquent revenue, when collected, in the order of their registration.

#### ARTICLE IX.

##### WATER DEPARTMENT.

SEC. 160. There is hereby created a commission, consisting of three members, to be known as the board of water commissioners, to be appointed by the mayor, subject to the confirmation of the common council, and whose term of office shall be four years; *provided*, that the term of one of said commissioners first appointed shall expire on the second Monday of May, 1907, and the term of the other two of said commissioners first appointed shall expire on the second Monday of May, 1909. No more than two of the members of said board shall be of the same political party, and no person shall be eligible to appointment as a member of said board unless he shall have been a qualified elector of the city for the period of five years next preceding the date of his appointment.

SEC. 161. Before entering upon the duties of his office, each member of the board of water commissioners shall make and subscribe before some officer authorized by law to certify oaths, the same oath of office required of other city officers.

SEC. 162. The first board of water commissioners appointed hereunder shall, within one week after their confirmation by the common council, and thereafter their successors shall biennially meet and organize by the election of one of their number as president. And said board shall within a reasonable time thereafter, not to exceed thirty days, make an inventory of all the property of the city pertaining to the water department that is on hand and in use, consisting of lands, reservoirs, conduits, rights of way, pipes, pipe lines, hydrants, gates, engines, pumps, tools, wells, and private water service connection, and shall estimate the value of all such property to determine the whole amount the city has invested in its water system; and shall enter said inventory, together with such estimates, in a record book to be kept by said commission, and shall therein keep a record of all property belonging to the water service of the city, afterwards acquired, together with a record and account of the disposition of any property of said department which has been, or may be, sold, lost, destroyed or worn out.

SEC. 163. The board of water commissioners is hereby authorized and empowered as follows.

First—To establish and collect all water rates, collect all rentals from water-bearing lands, and generally regulate, control, manage, renew, repair, and extend the entire water system of the city; *provided, however*, that no indebtedness shall be incurred by said board unless there shall be sufficient moneys on hand in the water fund of the city at the time the indebtedness is incurred to pay the same.

Second—To employ and discharge at will such help as the necessities of the water service may demand, and fix the compensation of any and all employes in said water service, and said employes to be paid out of the water fund; and said board shall have power to require of any employe in the water department an adequate bond for the faithful performance of his duties.

Third—To make rules and regulations governing the conduct of said board and the members thereof.

SEC. 164. The board shall have power to control and order the expenditure of all money received from sale or use of water, for the defraying of expenses for maintenance and repairs and operation of the water system, and for any expenses or additions to the same, and for supplying the city with water for any and all purposes; *provided*, that all such money shall be deposited in the treasury of the city to the credit of a fund to be known as the water fund, and shall be kept separate and apart from other moneys of the city, and shall only be drawn from said fund upon demands authenticated by the signatures of the president and secretary of the board, or in the absence of the president, by the signatures of two members and the secretary of the board, except that the common council at the time of fixing the general tax levy, may in its discretion by ordinance or resolution, apportion and set apart out of the moneys then in said water fund in excess of two thousand dollars, an amount sufficient to meet all sums coming due for interest or principal, or for interest and principal, upon any or all outstanding water-works bonds before the time for the next general tax levy; and the city treasurer shall thereupon transfer the moneys so apportioned to the proper bond fund, and shall use the money so apportioned to make the aforesaid payment and for no other purpose; and if there shall be a surplus remaining the same shall forthwith be re-transferred into said water fund.

SEC. 165. Said board shall cause to be kept in proper books provided therefor, a complete and accurate account of all the receipts and disbursements on account of said water system, and the same shall be kept open to the inspection of the public at any and all reasonable hours.

SEC. 166. Said board first appointed hereunder shall within a reasonable time after their appointment, cause to be made and drafted by a competent engineer a suitable map showing the entire water system of the city; its source of supply, reservoirs, mains, gates, stop-off cocks, size of pipe, hydrants and all individual water service connections; said map to be the official map of the water system of the city. And from time to time, as the water service of the city increases, said board shall cause to be made additional maps showing in detail the increased water service of the city.



Sec. 167. Not less than thirty days, nor more than forty days, prior to the fixing of the general tax levy by the common council, and at any other time when required by the common council, said board shall make and file with the clerk of said common council, a report, showing a full detailed statement of the financial condition of the water department; together with an estimate of the needs and requirements of said department for the ensuing year and the costs thereof. And whenever required by the common council said board shall make and file with the clerk of said common council, a full and complete detailed statement of all property of whatsoever nature or kind belonging to said water department.

Sec. 168. The city clerk shall be ex-officio secretary of said board, and shall keep a record of the proceedings thereof; and shall, whenever required so to do, certify such proceedings under his hand, the same to be authenticated by seal, if a seal is adopted and provided by said board for that purpose.

Sec. 169. The board shall hold regular stated meetings at the city hall at least twice in each month, and as often as the necessities of the water department require.

Sec. 170. The members of said board shall each receive a salary as compensation for his services, payable monthly out of the water fund of the city, as follows. The president, \$300 a year, and each of the other members \$150 a year.

Sec. 171. It shall be the duty of the mayor and common council to pass such ordinances as may be necessary to enforce the rules and regulations of said board of water commissioners.

## ARTICLE X.

### POLICE AND FIRE DEPARTMENTS.

Sec. 180. The police and fire departments shall be under the control and management of the mayor and common council who shall have power:

First—To fix and prescribe the salaries, qualifications, duties, rank, badges of office and uniforms of the officers, members and employees of said departments, to prescribe rules and regulations for the government and discipline of the same, and to prescribe and enforce penalties for the violation thereof;

Second—To hear and summarily determine all complaints of misconduct, inefficiency, or violation of rules or other charges against any officer, member or employee of said departments, and to take such action thereon as shall be most conducive to the maintenance and discipline and efficiency of such departments. In all investigations, or trials conducted by them, they shall have power to issue subpoenas for the attendance of witnesses, and the production of papers and documents before them, which subpoenas shall be signed by the mayor, or other presiding officer of the council, and served as required by law in case of subpoenas from the superior court, and the certificate of service of a subpoena by a policeman shall be proof thereof; and on failure, or refusal to attend as required by such subpoenas, the person, or persons, so offending shall be subject to the same penalties and punishment by said council as are prescribed by law for like offenses in the superior courts. The mayor, or any member of the council, may administer oaths, or affirmations, in the conduct of such investigation,

Third—To maintain a fire alarm and police telegraph or telephone, and manage, or control the same, and to appoint the superintendent thereof in like manner as other employees of the police and fire departments.

Sec. 181. The police department shall consist of a chief of police, and such officers and other policemen as the mayor and common council may determine, but the police force, other than the chief of police, and special policemen appointed for a limited time for a special purpose, shall not exceed one police officer for each one thousand and five hundred inhabitants of the city.

Sec. 182. On or before the third Monday of April, 1907, the mayor shall appoint, subject to the confirmation of the common council, some competent person who shall be known as the chief of police of the City of San Bernardino. The chief of police, for the suppression of any riot, public tumult, disturbance of the public peace, or any organized resistance against the laws of public authorities in the lawful execution of their functions, shall have the powers that are now, or may hereafter be conferred upon sheriffs by the laws of this State, and shall in all respects be entitled to the same protection, and his lawful orders shall be promptly executed by deputies, police officers and watchmen in the city, and every citizen shall also render aid when required for the arrest of offenders and maintenance of public order. He shall execute and return all process issued and directed to him by any legal authority; and shall enforce all ordinances of the city, and arrest all persons guilty of a violation of the same. He shall prosecute before the competent tribunal all breaches, or violations of city ordinances. He shall also have charge of the city prison and prisoners confined therein, and all those who are sentenced to labor upon the streets, or public works of the city, and shall see that all orders and sentences in reference thereto are fully executed and complied with, and shall perform such other duties as may be prescribed by the mayor and common council. The chief of police shall be ex-officio a member of the board of health, and ex-officio license tax-collector, and shall collect all license taxes.

Sec. 183. The fire department shall consist of a chief engineer and as many assistants, drivers, hosemen, and other employees as the mayor and council may determine.

Sec. 184. Said mayor and common council shall supervise and possess power and authority over all the funds, moneys, and appropriations for the use of the police and fire departments, also the organization, government and discipline of said departments, and shall have control of all the property and equipments belonging to the same.

SEC. 185. Said mayor and common council shall have power to make all necessary rules and regulations to carry into execution and effect the foregoing powers contained in this article, and in general to manage and control said departments.

## ARTICLE XI.

### SCHOOL DEPARTMENT.

SEC. 190. The school department shall comprise all the public schools of the City of San Bernardino school district as the boundaries now exist, including all that territory now in such school district lying outside of the boundaries of the city, and such outside territory shall be deemed a part of said city for the purpose of holding the general municipal election, and shall be an election precinct by itself, and its qualified electors shall vote only for the board of education and on questions submitted to a vote of the people pertaining to school matters; and said outside territory shall be deemed a part of said city for all matters connected with the school department, and the annual levying and collecting of the property tax for the school fund. The school department shall include primary and grammar schools and high schools, and may, at the discretion of the city board of education, include evening schools, kindergartens and technical or industrial schools. *Provided*, that no school moneys shall be used for kindergartens or technical schools when such use will prevent the board from maintaining free primary, grammar and high schools for nine months, and the necessary evening schools for four months in each year.

SEC. 191. The government of the school department is hereby vested in a city board of education consisting of five members, to be elected at large, who shall serve without compensation. The term of office of a member of the board of education shall be four years. Three members of said board shall be elected at the general municipal election in the year 1906, and every four years thereafter, and two members at the general municipal election in the year 1907, and every four years thereafter.

SEC. 192. No person shall be eligible to become a member of the board of education who is not at least twenty-five years of age, and who has not been a resident of the school district for five years next preceding his election.

SEC. 193. The board of education shall elect a city superintendent of schools who shall be ex officio secretary of the board, and he shall be a practical educator who has had at least five years' experience as a teacher in public schools in addition to the general qualifications for the employment of teachers.

SEC. 194. The board of education shall enter upon the discharge of their duties on the second Monday in May after their election, and the board shall meet upon said date and organize by electing one of their number president, and biennially thereafter. They shall hold regular meetings at least once each month at such place and time as may be designated by its rules. Special meetings may be called by the president, or by any three members. No business shall be transacted at such special meetings that has not been distinctly stated in the call. A majority of the members shall constitute a quorum, but an affirmative vote of three members shall be necessary to pass an order. The sessions of the board shall be public and its minutes open to public inspection. The board may determine the rules of its proceedings and the ayes and noes shall be taken and recorded when demanded, and they shall be taken and recorded on all questions involving elections, or appointments, or the expenditure of money.

SEC. 195. The powers and duties of the board of education are as follows:

First—To establish and maintain public schools, and to change, consolidate, or discontinue the same;

Second—To manage and control the school property;

Third—To employ, pay and dismiss teachers, janitors, school census marshals and such persons as may be necessary to carry into effect the powers and duties of the board; to fix, alter, allow and order paid their salaries or compensation; and to withhold, for good and sufficient cause, the whole, or any part, of the salary, or wages of any person, or persons employed as aforesaid; *provided*, that no election of a teacher, or other person employed by the board shall be construed as a contract, either as to the duration of time or amount of wages of such person;

Fourth—To make, establish and enforce all necessary rules and regulations for the government and progress of public schools, and for the investigation of charges against any person in the employ of the department, and to carry into effect the laws relating to education;

Fifth—To establish and regulate the grade of schools and determine the course of study, the mode of instruction and what text books, other than those published by the State, shall be used in said schools;

Sixth—To provide for the school department all necessary supplies, and incur such other incidental expenses as may be necessary for the welfare of the department;

Seventh—To build, alter, repair, rent, and provide school houses, and to furnish the same with proper school furniture, apparatus and appliances, and to insure any and all school property;

Eighth—To take charge of any and all real estate and personal property that may have been or that may be hereafter acquired for the use and benefit of the public schools of the city;

Ninth—To grade, fence and improve all school lots;

Tenth—To sue, or defend suits when necessary in administering the affairs of the school department,

Eleventh—To determine annually the amount of school tax necessary for the maintenance of free public schools, and for carrying into effect all provisions of law regarding the same, and the amount so determined by said board of education shall be reported in writing to the mayor and common council. This report shall specify the proper items of the amount of money required, in addition to the state and county school moneys, to maintain grammar and primary schools; the amount required for the high school, and other city schools, and what will be required to pay all fixed and incidental expenses, including the cost of erecting new buildings, and of repairing old ones;

The mayor and common council are hereby authorized and directed to levy and collect as school tax an amount which, after making proper allowance for delinquencies, will produce a sum that, taken with the estimated amount to be received from the state and county, will make the amount sufficient to maintain the schools; *provided, however*, that such levy shall not exceed twenty-five cents on the hundred dollars exclusive of the levy for high school purposes;

Twelfth—To prohibit any child under six years of age from attending the public schools, except where kindergartens are established, and in kindergartens to prohibit the attendance of children under four years of age;

Thirteenth—In their discretion to admit non-resident children to any of the departments of the school upon the payment, at such time as the board may direct, of tuition fees to be fixed by the board; *provided*, that the tuition fee required and collected shall in no case be less than the cost per capita of maintaining the school to which the pupil is admitted;

Fourteenth—The board of education shall be the trustees of all school property both real and personal, and shall have power to purchase such land as may be required for school buildings and school purposes, and may sell or otherwise dispose of such property as may not be required for the use of the schools; *provided, however*, that they shall not have power to sell or dispose of real property without submitting the same to a vote of the people at the next general municipal election and the approval thereof is given by a majority of the electors voting on the proposition; and *provided further*, that the sale of real estate shall be advertised by posting notices thereof thirty days prior to such sale in a conspicuous place at the postoffice building of the City of San Bernardino, and upon the property to be sold. Such sale shall be made to the highest bidder at public auction. The board of education may decline to accept such highest bid, provided in their judgment the same is less than the real value of such property;

Fifteenth—To exclude from the schools and school libraries all books, publications or papers of a sectarian, partisan or denominational character;

Sixteenth—To furnish books and stationery for children of parents unable to furnish them; and all books so furnished shall belong to the city and shall be kept in the libraries of the school when not in use;

Seventeenth—The board of education may provide for special examinations for positions in high schools, kindergartens or technical schools, and issue upon such examinations special certificates;

Eighteenth—To use and apply the school funds of the city for the purposes herein named, and for no other purposes whatever. And, generally, to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said board, and to increase the efficiency of the public schools in the city.

Sec. 196. The superintendent of schools shall, at the regular meeting in the month of June of each year, submit to the board a detailed statement of the amount, as near as may be ascertained, of fuel, blanks, blank-books, books for indigent children, apparatus and such other school appliances as may be necessary for the use of the city schools and the board for the year following.

Sec. 197. The board of education shall, upon the receipt of the statement from the superintendent, as in the preceding section provided, call for sealed bids for furnishing the articles in said statement specified. This they may do by advertising in some daily paper published in the city, or by sending notice that bids will be received as stated to the several San Bernardino dealers in the lines of the articles wanted. These bids shall be publicly opened in the office of the city superintendent, and the contracts awarded to the lowest and best bidder, and the board shall have power to reject any and all bids.

Sec. 198. No teacher shall be elected, or appointed to a position in the school department, except in technical, or industrial schools that may be established, or as special teacher of some branch, who does not hold a California primary, grammar grade or high school certificate, in full force, and who has not completed a course of study in an accredited normal school, university or college; *provided*, that this section shall not be construed as depriving any teacher of his position who is employed as a teacher in the schools of this city at the time of the adoption of this charter.

Sec. 199. The city superintendent of schools and each member of the board of education shall have power to administer oaths and affirmations in all matters connected with the department. And the board shall have power to compel the attendance of witnesses in all matters of examination, or investigation before such board. In case of a vacancy in the board of education the remaining members shall fill any vacancy until the next general municipal election when a member or members shall be elected to fill the unexpired term or terms.

Sec. 200. All claims payable out of the school fund shall be filed with the secretary of the board, and before payment shall be approved by a majority of all the members elected to said board upon a call of ayes and noes, which shall be recorded.

## ARTICLE XII.

## FREE PUBLIC LIBRARY.

SEC. 205. The free public library shall be under the management of a board of five trustees who shall be appointed by the mayor subject to the approval of the common council; *provided*, that the first board of trustees under this charter shall take office on the second Monday of May, 1905, and shall at their first meeting so classify themselves by lot that three of their number shall go out of office at the expiration of two years, and two at the expiration of four years; otherwise their term of office shall be for four years. On the second Monday in May succeeding every general municipal election, the board shall organize by choosing one of their number president. They shall also elect some suitable person as secretary who shall act and hold office at the pleasure of the board.

SEC. 206. The position of trustees shall be one of honorary trust without salary, or compensation, and all appointments made by them shall be made without regard to politics, and irrespective of sex. Said library trustees shall not be less than twenty-five years of age, and must have been residents of said city at least five years prior to their appointment.

SEC. 207. The mayor and common council shall, at the request of the board of trustees, in making the annual tax levy, and as a part thereof, levy a rate which shall produce a minimum amount of at least \$2,000 for the purpose of maintaining said library and for purchasing books, journals and periodicals.

SEC. 208. If payment into the treasury of any money or property derived by donation or bequest would be inconsistent with the conditions or terms of any such donation, or bequest, said board shall provide for the safety and preservation of the same, and the application thereof to the use of said library in accordance with the terms and conditions of such donation or bequest.

SEC. 209. The title to all property, real and personal, now owned or hereafter acquired by purchase, donation, or bequest, or otherwise, for the purpose, or use of said library, when not inconsistent with the terms of its acquisition, shall vest and be and remain in said city, and in the name of said city may be sued for and defended by action at law, or otherwise.

SEC. 210. The board shall meet at least once each month, and a majority shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. It shall elect a librarian and such assistants as may be necessary. The secretary shall keep a full account of all property, money, receipts, and expenditures, and a record of all its proceedings. The secretary must serve without compensation.

SEC. 211. The board shall have power:

First—To make and enforce all rules, regulations, and by-laws necessary for the administration, government, and protection of said library and all property belonging thereto, or that may be loaned thereto.

Second—To administer any trust declared, or created for such library and reading rooms.

Third—To define the powers and prescribe the duties of all officers; determine the number of, and elect all necessary subordinate officers and assistants, and at their pleasure remove any such officer, or assistants.

Fourth—To purchase necessary books, journals, publications, and other personal property.

Fifth—To fix salaries of the librarian and assistants, and other employes; to rent and equip such building or buildings, room, or rooms as may be necessary for such library and reading rooms.

Sixth—To allow non-residents to borrow books upon such conditions as the board may prescribe.

Seventh—To provide memorial tablets and niches or other means to perpetuate the memory of any person who makes donations or bequests to the public library.

Eighth—To do all that may be necessary to carry into effect the provisions of this charter with reference to said library and reading rooms.

SEC. 212. Said board, on or before the third Monday in July of each year, shall make a report to the mayor and common council giving the condition of its trust, with full statement of all property and money received, whence derived, how used and expended, the number of books, journals, and other publications on hand, the number added by purchase, gift, or otherwise, during the next preceding fiscal year, the number lost or missing; the number and character of those loaned, and such other statistics, information, and suggestions as may be of general interest, and also a financial report showing all receipts and disbursements, with particulars thereof, and the names of all employes, and the salaries paid to each.

## ARTICLE XIII.

## MISCELLANEOUS.

SEC. 220. The fiscal year of the City of San Bernardino shall begin on the first day of July and end on the last day of June of each year.

SEC. 221. The word "city," wherever it occurs in this charter, unless it expressly appears otherwise, means the City of San Bernardino.

SEC. 222. Whenever oath of office is mentioned in this charter, it means the oath of office or affirmation in form as prescribed by the constitution of this State.

SEC. 223. All laws, ordinances, and resolutions relating to the City of San Bernardino, now in force and not inconsistent with this charter, shall be and remain in force after this charter takes effect until repealed or changed by the proper authority; and all actions and proceedings in any court wherein said city is a party, when this charter takes effect, shall continue thereafter with said city as a party until regularly disposed of.

SEC. 224. In all matters pertaining to municipal affairs, concerning which provision is not made in this charter, the general laws of the State, in force at the time, shall be in force in this city, so far as the same may be applicable to the class of cities to which this city may belong.

SEC. 225. No person holding a salaried office of this city, whether by election or appointment, shall hold any other office of honor, trust, or emolument under the government of the United States, or of this State, except the office of notary public, court commissioner, or an office in the National Guard, and any person holding any salaried office of this city, who, during his term of such office, shall accept or hold any other office as aforesaid, except that of notary public, court commissioner, or in the National Guard, shall be deemed thereby to have vacated the office held by him under this city government, and the same shall immediately become vacant.

SEC. 226. All officers, boards, and commissioners shall each, on going out of office, turn over and deliver to their respective successors in office, all books, papers, documents, records, archives, and all other property or things pertaining to their respective offices, boards, or departments, in their possession or under their charge or control.

SEC. 227. The common council shall provide by ordinance the hours that the several offices of the city shall be kept open for the transaction of business.

SEC. 228. Officers of the city must not be interested in any contract made by them in their official capacity, or by any body or board of which they are members; and no officer shall, while in office, accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate, employé, or other person under his charge or direction, or from any candidate or applicant for any position as employé and subordinate to or under him; and any claim or compensation for work done, or supplies or materials furnished, in which any such officer is interested, shall be void, and if audited and allowed, shall not be paid by the treasurer. Any willful violation of the provisions of this section shall be a ground for removal from office, and shall be a misdemeanor and punished as such.

SEC. 229. It shall be the duty of every city officer, upon receiving into his hands money belonging to the municipality, to forthwith deposit the same with the city treasurer, except where otherwise provided by this charter.

SEC. 230. Every elective or appointive officer of the city shall hold office during the term prescribed by this charter, and until his successor is elected or appointed and qualified; and every appointive officer whose term is not fixed, shall hold office during the pleasure of the officer or board appointing him, and when an appointment is made to fill a vacancy in an unexpired term, the person appointed shall, if it be an appointive office, hold for the unexpired term; and if for an elective office, until the next succeeding general municipal election, at which time the office shall be filled for the balance of the term by an election.

SEC. 231. All officers who by the provisions of this charter shall be continued in office until the second Monday in May, 1907, shall be entitled to continue to draw the salary fixed at the time of their election for their respective offices until the expiration of their terms.

SEC. 232. Until the second Monday of May, 1907, it shall be the duty of the present city marshal to continue to perform the duties and obligations required of him by virtue of his office, in conformity with the provisions of an Act of the Legislature, approved March 13, 1883, and entitled "An Act to provide for the organization, incorporation and government of municipal corporations," as set forth in Section 790 thereof.

SEC. 233. The common council shall at their first regular meeting in January of each year fix a rate for printing, advertising, and job printing.

SEC. 234. Every ordinance shall embrace but one subject, which shall be clearly indicated in its title, and when the subject is not so indicated the ordinance shall be void as to the matter not indicated. No ordinance shall be amended by reference only to its title, but when amended the section or sections thereof amended shall be re-enacted at length as amended.

SEC. 235. Every officer mentioned in this charter, except officers appointed by the board of education, either elected or appointed, must have been a citizen of the United States and a resident of the city for at least one year, or such other time as is prescribed by this charter, next preceding his election or appointment.

SEC. 236. No claim or demand of any kind whatever shall be the basis or ground for an action or proceeding against the city for the collection or on account thereof, unless a verified claim in writing, clearly specifying the item or items constituting such claim or demand shall be filed with the city clerk, or with the board or commission having jurisdiction to allow or reject the same, at least thirty days prior to the commencement of such action or proceeding.

SEC. 237. Every claim or demand against the city presented to the board of water commissioners, or to the board of library trustees, shall be verified and filed with the clerk of the board at least three days before the same shall be allowed or paid.

SEC. 238. In all cases where advertising is required for sealed proposals under Section 140 of this charter, the mayor and common council, or any board or officer making such advertisement, shall have power to reject any or all bids and re-advertise in their discretion.

Sec. 239. Until the second Monday in May, 1905, in all matters concerning which provision is not made in this charter, the provisions of the Act of the Legislature approved March 13, 1883, entitled "An Act to provide for the organization, incorporation and government of municipal corporations," and amendments thereto, in so far as they are applicable to cities of the fifth class, shall be and remain in full force and effect in this city.

Sec. 240. Whenever it becomes necessary for the city to take or damage private property for public use, the mayor and common council may direct proceedings to be taken therefor under the provisions of the Code of Civil Procedure of this State to procure the same.

Sec. 241. The mayor and common council shall have power and authority to employ and engage such legal counsel and services and other assistants, as may be necessary and proper for the interest and benefit of the city and the inhabitants thereof.

Sec. 242. The city attorney and city clerk shall each have power to appoint a deputy whose duties and obligations shall be those of his principal, and the police judge shall have power to appoint a deputy whose duties and obligations shall be those of his principal, relating to his duties as treasurer only. Every principal shall be personally responsible for the official acts of any deputy appointed by him, and he, and his bondsmen, shall be responsible on his official bond for all such acts; *provided*, such deputies, when appointed, shall be paid by the officers appointing them; and *providing further*, that the deputy city attorney, if one shall be appointed, shall have the same qualifications as his principal.

Sec. 243. It shall be the duty of each board or officer authorized to allow claims against the city treasurer, to have published once a month, all such claims allowed by such board or officer for the preceding month, in a newspaper published in this city.

Sec. 244. This charter shall take effect from and after its approval by the legislature of the State of California.

We, the undersigned, members of the board of fifteen freeholders of the City of San Bernardino, in the State of California, elected at a special election held in said city on the 30th day of July, 1904, to prepare and propose a charter for such city, under and in accordance with Sections 8 and 8½ of Article XI of the Constitution of this State, have prepared and we do hereby propose the foregoing as and for a charter for said city.

In witness whereof we hereunto sign our names in duplicate at said City of San Bernardino, this 27th day of October, A. D. 1904.

A. G. KENDALL, President.  
JOHN ANDRESON.  
H. M. BARTON.  
M. L. COOK  
GEORGE M. COOLEY.  
J. J. HANFORD.  
W. S. HOOPER.  
L. D. HOUGHTON.  
JOS. INGERSOLL.  
JAMES MURRAY.  
W. M. PARKER.  
H. C. ROLFE.  
J. W. CATICK, Secretary.

STATE OF CALIFORNIA,  
COUNTY OF SAN BERNARDINO, } ss.  
CITY OF SAN BERNARDINO. }

I, C. F. Riley, President of the Board of Trustees of the City of San Bernardino, State of California, do hereby certify that the Board of Freeholders whose names appear signed to the foregoing proposed charter, together with F. B. Daily and I. R. Brun, who were absent at the time the said charter was signed, and whose names do not appear signed thereto, were, on the 30th day of July, 1904, at a special municipal election held in said City of San Bernardino, on said day, duly elected by the qualified voters of said city, to prepare and propose a charter for said city; that each of said Freeholders had been a qualified elector and freeholder for more than five years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as President of said Board of Trustees within ninety days after said election, as required by Section 8 of Article XI of the Constitution of this State; that such proposed charter was then published in the "Daily Times-Index," and in the "Daily Sun" of San Bernardino for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; that within not less than thirty days after the publication of said charter, as required by said Section 8, to wit: On the 6th day of January, 1905, said charter was submitted at a special election duly held therein for the purpose of ratifying or rejecting said proposed charter.

That said proposed charter as a whole was duly ratified at said election by the majority of the votes of the qualified electors of said city, and that the returns of said election were duly canvassed by the Board of Trustees of said City of San Bernardino on the 9th day of January, 1905, and the result thereof declared as above set forth, and that in all manners and things pertaining to said proposed charter the provisions of said section of the constitution and of the laws of the State of California, pertaining to the adoption of the charter, have been fully complied with in every particular.

In witness whereof I have hereunto set my hand and affixed the corporate seal of said city this 10th day of January, 1905.

C. F. RILEY,  
President of the Board of Trustees of the City of San Bernardino  
HARRY ALLISON,  
City Clerk.

Attest:

[SEAL]

Now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring* (the majority of all the members elected to each House voting for and concurring herein), That said charter of the City of San Bernardino as presented to, and adopted and ratified by, the qualified electors of said city, be and the same is hereby approved as a whole, for and as the charter of said City of San Bernardino, as aforesaid.

Concurrent resolution read.

#### ADOPTION OF THE RESOLUTION.

Mr. Beardslee moved the adoption of Assembly Concurrent Resolution No. 12.

The roll was called, and the concurrent resolution adopted by the following vote:

**AYES**—Messrs Anthony, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Busick, Chandler, Coghlan, Cromwell, Cullen, Drew, Duryea, Estudillo, Gans, Hartman, Hawkins, Held, Houser, Johnson, Johnstone, Jones of San Francisco, Jury, Lucey, McCartney, McGowan, Meincke, Mindham, O'Brien, Perkins, Pryor, Pyle, Rolley, Severance, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, and Mr. Speaker—45.

**NOES**—None.

Mr. Beardslee moved that Assembly Concurrent Resolution No. 12 be immediately transmitted to the Senate.

So ordered.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

##### ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1905.

**MR. SPEAKER:** Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 308—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Assembly Bill No. 309—An Act to provide for the completion of the main building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Assembly Bill No. 305—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Assembly Bill No. 307—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Assembly Bill No. 304—An Act to provide for the completion of certain buildings at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Assembly Bill No. 303—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and that they be re-referred to the Committee on Ways and Means; then retain their place on the file.

Also: Assembly Bill No. 306—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, with seven amendments, and recommend that the same do pass, as amended.

HELD, Chairman.

Assembly Bills Nos. 308, 309, 305, 307, 304, 303, and 306 ordered referred to Committee on Ways and Means and on the second-reading file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 103—An Act to amend an Act entitled "An Act to amend Sections 3, 5, 6, and 8 of Article II of an Act entitled 'An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State hospitals for the insane, and to provide for the care, custody and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties'" (approved March 31, 1897), approved March 21, 1899, concerning the appointment of women physicians—have had same under consideration, and respectfully report the same back, with a substitute therefor, and by a majority vote recommend that the substitute do pass.

HELD, Chairman.

#### SUBSTITUTE BILL INTRODUCED—(OUT OF ORDER).

By Committee on State Hospitals and Asylums: Assembly Bill No. 738 (Substitute for Assembly Bill No. 103)—An Act to amend an Act entitled "The Political Code of the State of California," relating to the employment of women as physicians in State Hospitals for the care and treatment of the insane, and in the California Home for the Care and Training of Feeble-Minded Children at Eldridge, Sonoma County.

Read first time, and ordered on the second-reading file.

Assembly Bill No. 103 withdrawn.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

##### ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1905

MR. SPEAKER. The undersigned, your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 3—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, relating to powers of boards of trustees of cities of the fifth class.

Also: Assembly Bill No. 178—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of boards of trustees of cities of the fifth class.

Also: Assembly Bill No. 319—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof.

All of said three bills relating to the same subject-matter—have had the same under consideration, and respectfully report the same back and recommend that each of the said bills be withdrawn by its respective author, and that the substitute bill therefor prepared by your Committee on Municipal Corporations, and presented herewith, be substituted for said Assembly Bills Nos. 3, 178, and 319; that said substitute bill take the place of Assembly Bill No. 3 on the file, and that said substitute bill do pass.

BEARDSLEE, Chairman

Mr. Beardslee moved the adoption of the report of the committee.  
Motion carried.

#### INTRODUCTION OF SUBSTITUTE BILL.

The following substitute bill was introduced:

By Committee on Municipal Corporations: Assembly Bill No. 739 (Substitute for Assembly Bills Nos. 3, 178, and 319)—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, relating to powers of boards of trustees of cities of the fifth class.

Bill read first time and ordered on second-reading file in place of Assembly Bill No. 3.

Assembly Bills Nos. 3, 178, and 319 withdrawn.



## REPORTS OF STANDING COMMITTEES—(RESUMED).

## ON MUNICIPAL CORPORATIONS

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1905.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 5—relative to two amendments to charter of City of Sacramento—have had the same under consideration, and respectfully report the same back, and recommend that the Assembly do concur therein.

BEARDSLEE, Chairman.

Mr. Busick moved that Senate Concurrent Resolution No. 5 be now taken up for consideration.

Motion carried.

## SENATE CONCURRENT RESOLUTION No. 5.

Resolution approving two amendments to the charter of the City of Sacramento, a municipal corporation, voted for and ratified by the qualified electors of said city on the 3d day of November, A. D. 1903.

WHEREAS, The City of Sacramento, in the County of Sacramento, State of California, contains a population of over ten thousand and less than one hundred thousand inhabitants, and has ever since the year 1891, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8, of Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city voting at a special election duly called and held for that purpose on the 17th day of May, 1892, and was duly approved by the Legislature of the State of California on the 7th day of February, 1893 (Statutes of 1893, page 545), which charter has never been amended; and

WHEREAS, Fifteen per cent of the qualified voters of the said City of Sacramento duly petitioned the Board of Trustees of said city to submit two certain proposed amendments to the charter of said city to the qualified voters thereof for approval, pursuant to Section 8, Article XI, of the Constitution of the State of California, and said Board of Trustees of the City of Sacramento, did thereafter, on the 24th day of August, 1903, duly submit the same to the qualified voters of the said City of Sacramento at the general city election to be held on the 3rd day of November, A. D. 1903; which said amendments are hereinafter set forth; and

WHEREAS, Said proposed amendments were, and each of them was published for twenty days in a daily newspaper printed and published in said City of Sacramento, and of general circulation therein, to wit, in the Sacramento Union, said publication ending on the 17th day of September, 1903; and

WHEREAS, A general municipal election was held in said City of Sacramento on the 3d day of November, 1903, (at least forty days after the publication of said proposed amendments for twenty days in said daily newspaper of general circulation in said City of Sacramento, to wit, the Sacramento Union), and said proposed amendments to said charter were duly submitted to the qualified electors of said city for their ratification at said general municipal election; and

WHEREAS, At said general election more than a majority of the qualified electors voting thereon, voted in favor of the ratification of said amendments and did ratify said amendments and each and both of said proposed amendments to said charter; and

WHEREAS, The Board of Trustees of said City of Sacramento at its first regular meeting thereafter, to wit, on the 9th day of November, 1903, duly canvassed the returns of said election and duly found, determined and declared that more than a majority of such qualified electors voting thereon at said election, had voted for and ratified each of said proposed amendments to said charter; which said amendments are in the words and figures following, to wit:

1. That a new section be added to said city charter to be known as section 231, which shall read as follows:

Section 231. *The Initiative.* Any proposed ordinance may be submitted to the Trustees by a petition signed by registered electors of the city equal in number to the percentage hereinafter required. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from date of filing such petition the City Clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary the Trustees shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The Clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without

prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found sufficient, the Clerk shall submit the same to the Trustees without delay.

If the petition accompanying the proposed ordinance be signed by the electors equal in number to fifteen per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the Trustees shall either:

(a) Pass said ordinance without alteration within twenty days after the attachment of the Clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote under the provisions of Section 232 of this charter) and if the ordinance shall be passed by the Trustees, but shall be vetoed by the Mayor and on reconsideration shall fail of passage by the Trustees then, within five days after determination that said ordinance shall have so failed of final adoption, the Trustees shall proceed to call a special election at which said ordinance, without alteration shall be submitted to a vote of the people; or

(b) Forthwith after the Clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the Trustees shall proceed to call a special election at which said ordinance, without alteration shall be submitted to a vote of the people.

If the petition be signed by electors equal in number to at least ten per cent but less than fifteen per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, then such ordinance without alteration, shall be submitted by the Trustees to a vote of the people at the next general municipal election that shall occur at any time after thirty days from the date of the Clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

The ballots used when voting upon said proposed ordinance shall contain the words "For the Ordinance" (stating the nature of the proposed ordinance) and "Against the Ordinance" (stating general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition and passed by the Trustees as provided in paragraph (a) of this section or which shall be adopted by a vote of the people, cannot be repealed or amended, except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section, *provided*, that there shall not be held under this section of the charter, more than one special election in any period of six months.

The Trustees may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general or special (unless the State law forbids the submission of such proposition at said special election) city election; and should such proposition so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. Whenever any ordinance or proposition is required or authorized by this charter to be submitted to the voters of the city, at any election, the City Clerk shall cause the ordinance or proposition to be printed, and he shall enclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter, at least ten days prior to the election, but the City Trustees may order such ordinance or proposition to be printed in the official newspaper of the city and published in a like manner as ordinances adopted by the Trustees are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballot as first above provided.

2 That a new section be added to said city charter to be known as Section 232, which shall read as follows:

Section 232 *The Referendum*. No ordinance passed by the City Trustees (except when otherwise required by the general laws of the State or by the provisions of this charter, respecting street improvements and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the Trustees, but no grant of any franchise or concession shall be construed to be an urgency measure, but all franchises and concessions shall be subject to the referendary vote herein provided) shall go into effect before thirty days from the time of its final passage and its approval by the Mayor, and if during said thirty days a petition signed by the electors of the city equal in numbers to at least ten per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, protesting against the passage of such ordinance, be presented to the Trustees, the same shall thereupon be suspended from going into operation, and it shall be the duty of the Trustees to reconsider such ordinance and if the same is not entirely repealed the Trustees shall submit the ordinance as is provided in Section 231 of this charter, to the vote of the electors of the city, either at the next general election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said Section 231, except as to the percentage of signers, and be examined and certified by the Clerk in all respects as is therein provided.

Any ordinance or measure that the Trustees or the qualified electors of the city shall have authority to enact, the Trustees may of its own motion submit to the electors for adoption or rejection at a regular or special election, in the same manner and with the

same force and effect as is provided in this charter for ordinances or measures submitted on petition. At any special election called under the provisions of this charter there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may legally be submitted at such an election. If the provisions of two or more measures approved or adopted at the same election, under the provisions of this charter conflict, then the measure receiving the highest affirmative vote shall control.

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO, } ss.  
CITY OF SACRAMENTO.

This is to certify that we, W. J. Hassett, Mayor of the City of Sacramento, and M. J. Desmond, City Clerk of the said City of Sacramento, have compared the foregoing proposed and ratified amendments to the charter of the said City of Sacramento, with the original resolution proposing such amendments and submitting the same to the qualified electors of said city, at the general municipal election held on the third day of November, 1903, and that the foregoing is a full, true and correct copy thereof; and we further certify that the facts set forth in the preamble preceding said amendments to said charter, are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and the seal of said City of Sacramento, this seventh day of January, A. D. 1905.

W. J. HASSETT,  
Mayor of the City of Sacramento.

[SEAL] M. J. DESMOND,  
City Clerk of the City of Sacramento.

AND WHEREAS, Said proposed amendments so ratified have been duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with Section 8, of Article XI, of the Constitution of the State of California—

Now, therefore be it

*Resolved by the Senate of the State of California, the Assembly concurring* (a majority of all members elected to each House voting for the adoption of this resolution, and concurring herein), That the said amendments to the said charter of said City of Sacramento hereinabove set forth, as presented and submitted to and adopted and ratified by the qualified electors of said city, be and the said amendments are, hereby approved as a whole, for and as amendments to the said charter of said City of Sacramento.

Concurrent resolution read.

#### ADOPTION OF SENATE CONCURRENT RESOLUTION No. 5

The roll was called, and Senate Concurrent Resolution No. 5 adopted by the following vote:

**AYES**—Messrs. Anthony, Barnes, Bates, Beardslee, Branstetter, Burge, Busick, Chandler, Coghlan, Coyle, Cronwell, Cullen, Drew, Duryea, Estudillo, Gans, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, Lucey, Manwell, McCartney, McGowan, Meincke, O'Brien, Perkins, Pryor, Pyle, Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, and Mr. Speaker—46.

**NOES**—None.

Mr. Busick moved that Senate Concurrent Resolution No. 5 be immediately transmitted to the Senate.

Motion carried.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

##### ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1905.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 433—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, relating to compensation of officers in cities of the fifth class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 450—An Act to validate the organization and incorporation of municipal corporations—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 154—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal cor-

porations," approved March 13, 1883, relating to the powers of trustees of cities of the fifth class—have had the same under consideration, and respectfully report the same back, without recommendation.

BEARDSLEE, Chairman

Assembly Bills Nos. 433, 450, and 154 were ordered on the second-reading file.

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1905

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 660—An Act to pay the claim of Lawrence J. Dunnigan against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 424—An Act to pay the claim of E. A. Dulipas administrator of the estate of John P. Duhp, deceased, against the State of California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SEVERANCE, Chairman.

Assembly Bills Nos. 660 and 424 referred to Committee on Ways and Means and ordered on second-reading file.

INTRODUCTION AND REFERENCE OF BILLS.

The following bills were introduced and referred as follows:

By Mr. Chandler: Assembly Bill No. 740—An Act to amend Sections 245 and 246 of the Political Code, and inserting a new section in such code, to be known as Section 247a, all relating to the appointment, dismissal, and compensation of legislative employes.

Read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Transue: Assembly Bill No. 741—An Act to amend Section 593 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how corporations for purposes other than profit are formed.

Read first time, and referred to Committee on Corporations.

By Mr. Burge: Assembly Bill No. 742—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 201 thereof, relating to salaries and fees of county and township officers in counties of the forty-fourth class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Coghlan: Assembly Bill No. 743—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1140 thereof, relating to the discharge of juries.

Read first time, and referred to Committee on Judiciary.

By Mr. Stanton: Assembly Bill No. 744—An Act to amend Section 1577 of the Political Code, relating to the formation of school districts

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 745—An Act making an appropriation to pay assessments for sewers on street frontage at the Industrial Home of Mechanical Trades for the Adult Blind.

Read first time, and referred to Committee on Ways and Means.

By Mr. Bates: Assembly Bill No. 746—An Act to amend Section 427 of an Act entitled "An Act to establish a Civil Code of the State of Cali-

fornia," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. McCartney: Assembly Bill No. 747—An Act to amend Section 945 of the Penal Code, relating to the joinder of charges in one indictment or information.

Read first time, and referred to Committee on Judiciary.

#### PRIVILEGES OF THE FLOOR.

On motion of Mr. Pyle, the privileges of the floor were extended to the Hon. C. W. Merritt, an ex-member of the Assembly.

#### RESOLUTION.

The following resolution was offered:

By Mr. Transue:

(To pay certain persons out of the Contingent Fund.)

WHEREAS, The Assembly of the thirty-fifth session of the Legislature, by resolution duly adopted, did vote certain sums of money to certain persons for services rendered, the same to be payable out of the Contingent Fund of the Assembly of the thirty-fifth session of the Legislature; and

WHEREAS, By reason of the deficiency in said Contingent Fund said persons did not receive the said amounts so voted them; therefore, be it

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the persons hereinafter mentioned for the sums hereinafter set forth, and the Treasurer is directed to pay the same; the said sums to be payable out of the Contingent Fund of the Assembly of the thirty-sixth session of the Legislature:

Chlo Lloyd	\$56 70
Lewis A. Hilborn	45 00
E. J. Dwyer	27 00
H. F. Bridges	27 00
Al Lewald	27 00
Jake Steppacher	18 00
C. W. Curtis	13 50
R. L. Dempsey	9 00
Geo. Wells	9 00
Ida Thomas	5 04
Alice Burns	5 04
Agnes Kelley	5 04
Pauline Smith	5 04
Wm. Wright	3 78
Thomas Smith	3 78
A. A. Wood	13 50
Clark Howard	13 50
Ed Gill	13 50
Thos. G. Walker	13 50
J. T. Stafford	138 60
J. A. Galland	9 00
Bert Swan	21 06
Ben L. Peckham	21 06
Ed Smith	21 06
W. C. Guirey	9 00
W. W. Benchley	3 15

Resolution referred to Committee on Contingent Expenses and Accounts.

#### NOTICE OF RECONSIDERATION WITHDRAWN.

Mr. Stanton withdrew the notice of reconsideration he had given on the last legislative day to reconsider the vote whereby Assembly Bill No. 19 was passed, and Assembly Bill No. 19 was ordered transmitted to the Senate.

## SPECIAL ORDER.

Senate Bill No. 23—An Act appropriating the sum of \$4,150 to pay the claim of the Citizens' National Bank of Los Angeles, and for money due and owing the said Citizens' National Bank from the State of California.

Bill read second time.

## MOTION.

Mr. Transue moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 23.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Senate Bill No. 23 was considered in Committee of the Whole.

Mr. Transue moved that the Committee of the Whole rise and report back Senate Bill No. 23, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 23—An Act appropriating the sum of \$4,150 to pay the claim of the Citizens' National Bank of Los Angeles, and for money due and owing the said Citizens' National Bank from the State of California—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

Report adopted.

Senate Bill No. 23 ordered on special Senate file for third reading.

## UNFINISHED BUSINESS.

Assembly Bill No. 71—An Act to amend Chapter IX, of Title XI, of Part III, of the Code of Civil Procedure of the State of California.

Passed on file.

Assembly Bill No. 46—An Act to amend an Act entitled "An Act to amend Section 10 of the Code of Civil Procedure of the State of California."

Passed on file.

Assembly Bill No. 48—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California."

Passed on file.

Assembly Bill No. 49—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California."

Passed on file.

Assembly Bill No. 120—An Act to amend Section 1253 of the Political Code of the State of California.

Passed on file.

## SPECIAL FILE.

Assembly Bill No. 555—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavit of registration.

Passed on file.

Assembly Bill No. 74—An Act making an appropriation of \$6,000 for the construction of cement sidewalks on the public streets of the town of Berkeley.

Passed on file.

Assembly Bill No. 73—An Act making an appropriation of \$250,000 for the construction of an agricultural building to be erected by the Regents of the University of California.

Passed on file

Assembly Bill No. 123—An Act authorizing the Regents of the University of California to hold farmers' institutes.

Passed on file.

Assembly Bill No. 276—An Act providing for the purchase of a university farm for the use of the College of Agriculture of the University of the State of California.

Passed on file.

Assembly Bill No. 280—An Act providing for the purchase of a university farm for the College of Agriculture of the University of California

Passed on file.

Assembly Constitutional Amendment No. 10—Relating to proposing an amendment to the State Constitution, providing for free public school books.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 10,

Relating to proposing an amendment to the State Constitution, providing for free public school books.

*Resolved by the Assembly, the Senate concurring* That the Legislature of the State of California, at its regular session commencing on the second day of January Anno Domini one thousand nine hundred and five, two thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes that Section 7, of Article IX, of the Constitution of the State of California, be amended to read as follows:

Section 7. The Governor, the Superintendent of Public Instruction, the President of the University of California, and the professor of pedagogy therein, and the members of the State normal schools, shall constitute the State Board of Education, and shall compile or cause to be compiled, and adopt, a uniform series of text-books for use in the common schools throughout the State. The State Board must cause such text-books when adopted, to be printed and published by the Superintendent of State Printing, at the State Printing Office, and when so printed and published, to be distributed to the pupils of the public schools free. The text-books so distributed shall continue in use not less than four years; and said State Board shall perform such other duties as may be prescribed by law. The Legislature shall provide for the board of education in each county in the State. The county superintendents and the county boards of education shall have the control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions.

Constitutional amendment read.

The Committee on Constitutional Amendments submitted the following amendments:

COMMITTEE AMENDMENT No. 1.

On line 10 of the printed bill strike out the word "members" and insert in lieu thereof "principals."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

On line 13 of the printed bill strike out the word "distributed" and insert in lieu thereof the word "adopted."

Amendment adopted.

COMMITTEE AMENDMENT No. 3.

On line 13 of printed bill after the word "the" insert the word "public."

Amendment adopted.

## COMMITTEE AMENDMENT No. 4.

On line 18 of printed bill after the word "public" insert the word "common"

*Amendment adopted.*

## COMMITTEE AMENDMENT No. 5.

On line 18 of printed bill after the word "free" strike out period (.) and insert the words "of charge, under such rules and regulations as the State Board of Education may prescribe."

*Amendment adopted.*

Assembly Constitutional Amendment No. 10 ordered to engrossment and reprint.

Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23, of Article IV, thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employes of the Senate and Assembly.

## ASSEMBLY CONSTITUTIONAL AMENDMENT No. 3.

A resolution to propose to the people of the State of California, an amendment to the Constitution of the State by amending Sections 2 and 23, of Article IV, thereof, relating to the length of legislative sessions, the compensation of members of the Legislature and limiting the number of employes of the Senate and Assembly.

The Legislature of the State of California at its regular session commencing on the 22 day of January, 1905, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that Sections Nos. 2 and 23, of Article IV, of the Constitution of the State of California be amended so as to read as follows:

Section 2. The sessions of the Legislature shall commence at 12 o'clock M., on the first Monday after the first day of January next succeeding the election of its members, and after the election held in the year 1880 be biennial, unless the Governor shall in the interim convene the Legislature by proclamation. No pay shall be allowed to the members for a longer time than eighty days. No bill shall be introduced in either House sixty days after the commencement of each session without the consent of two thirds of the members thereof.

Section 23. The members of the Legislature shall receive for their services a per diem and mileage to be fixed by law and paid out of the public treasury. Such per diem shall not exceed \$8, and such mileage shall not exceed 10 cents per mile, and for contingent expenses not to exceed \$25 for each session. The Legislature may provide for the employment of help, but in no case shall the expense for employes or attachés exceed the sum of \$600 per day for either House, nor shall the pay of any attaché be increased after he is elected or appointed.

*Constitutional amendment read.*

The Committee on Constitutional Amendments submitted the following amendments:

## COMMITTEE AMENDMENT No. 1.

In Section 2, lines 8 and 9, of printed bill, strike out the word "January" and insert in lieu thereof the word "February."

*Amendment adopted.*

## COMMITTEE AMENDMENT No. 2.

In Section 2, line 10, printed bill, strike out the figures "1880" and insert in lieu thereof, the figures "1906."

*Amendment adopted.*

## COMMITTEE AMENDMENT No. 3.

In Section 23, line 19, of printed bill, strike out the figures "\$800," and insert in lieu thereof, the figures "\$10.00."

*Amendment adopted.*



## COMMITTEE AMENDMENT No. 4.

In Section 23, line 23, of printed bill, strike out the figures "\$600.00," and insert in lieu thereof the figures "\$450 00"

Amendment adopted.

## SPEAKER PRO TEM. CALLED TO THE CHAIR.

At eleven o'clock and thirty minutes A. M. the Speaker called Hon. T. E. Atkinson, Speaker pro tem., to the chair.

## CONSIDERATION OF CONSTITUTIONAL AMENDMENTS MADE SPECIAL ORDER.

Pending the consideration of Amendment No. 4, Mr. Drew moved that the further consideration of Assembly Constitutional Amendment No. 3, and all constitutional amendments relating to the question of attachés and employes of the Legislature be made the special order for next Thursday morning, immediately after the reading of the Journal.

Motion carried.

## SPEAKER RESUMED THE CHAIR.

At eleven o'clock and forty minutes A. M., Speaker Prescott resumed the chair.

## THIRD-READING FILE.

Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

Passed on file.

Assembly Bill No. 56—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justice courts and justices.

Passed on file.

Assembly Bill No. 95—An Act to amend Section 890 of the Code of Civil Procedure, relating to proceedings in justices' courts.

Passed on file.

Assembly Bill No. 84—An Act to amend Section 1 of an Act to regulate the practice of veterinary medicine and surgery in the State of California.

Passed on file.

Assembly Bill No. 158—An Act authorizing certain corporations to act as guardians of the persons of abandoned, dependent, and certain other children; with power as such guardians to consent to the adoption of such children; providing for their appointment as such guardians, with the notice to be given and fees remitted.

Passed on file.

Assembly Bill No. 298—An Act to amend Chapter I of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, by adding a new section thereto, to be numbered Section 9, relating to the powers and duties of city recorders and city clerks respecting the registration of deaths and the issuance and registration of burial and disinterment permits.

Passed on file.

Assembly Bill No. 301—An Act to amend Subdivision 20, of Section 25, of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended

March 23, 1901, relating to health officers and health regulations, and the powers of boards of supervisors in connection therewith.

Passed on file.

Assembly Bill No. 323—An Act to amend an Act entitled "An Act to establish a system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131a, relating to the powers and duties of the county recorder respecting the registration of marriages, births, and deaths.

Passed on file.

Assembly Bill No. 269—An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof.

Passed on file.

Assembly Bill No. 21—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 138 of said Civil Code, relating to orders respecting custody and maintenance of minor children of the marriage in actions for divorce.

Passed on file.

Assembly Bill No. 189—An Act to further perpetuate the markings of the Government survey.

Passed on file.

Assembly Bill No. 315—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to the issuance of writs of attachment issued from justices' courts, and providing that several writs may be issued at the same time to the sheriffs or constables of counties other than the one in which said justices' court may be situated.

Passed on file.

Assembly Bill No. 184—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 416½, relating to the carrying of concealed deadly weapons, and fixing the penalty therefor.

Passed on file.

Assembly Bill No. 187—An Act to amend an Act entitled "An Act relating to estrays, providing for taking up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by amending the second section thereof.

Passed on file.

Assembly Bill No. 111—An Act to provide for the registration of bonds issued by common school, high school, or union high school districts.

Passed on file.

Assembly Bill No. 112—An Act to amend Section 424 of the Penal Code of the State of California, relative to embezzlements and falsifications of accounts by public officers.

Passed on file.

Assembly Bill No. 40—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending

Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Passed on file.

Assembly Bill No. 100—An Act to amend Section 2968 of the Civil Code and to repeal Sections 2969 and 2970 of said code, relating to the taking of mortgaged property under attachment and execution.

Passed on file.

Assembly Bill No. 192—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called on Assembly Bill No. 192, and the bill passed by the following vote:

**AYES**—Messrs. Anthony, Arnerich, Atkinson, Baines, Bates, Beardslee, Branstetter, Burge, Busick, Chandler, Coghlan, Cooper, Coyle, Cullen, Devlin, Drew, Duryea, Estudillo, Gans, Goodrich, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, McCartney, McGowan, Meincke, Mindham, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, and Mr. Speaker—55.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### REPORTS OF STANDING COMMITTEES.

The following report was submitted by the Committee on Engrossment and Enrollment:

##### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reengrossed:

Assembly Bill No. 1—An Act to amend Section 1313 of the Civil Code, relating to devises.

Assembly Bill No. 120—An Act to amend Section 1253 of the Political Code of the State of California, relating to elections.

Assembly Bill No. 71—An Act to amend Chapter IX, of Title XI, of Part III, of the Code of Civil Procedure of the State of California, relating to the conveyance of real estate and personal property by executors and administrators in certain cases.

Assembly Bill No. 46—An Act to amend an Act entitled "An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Assembly Bill No. 48—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1903, relating to legal holidays.

Also: That the following bills have been correctly engrossed:

Assembly Bill No. 187—An Act to amend an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force, relating to estrays," approved March 23, 1901, by amending the second section thereof.

Assembly Bill No. 111—An Act to provide for the registration of bonds issued by common-school, high school, or union high school districts.

Assembly Bill No. 40—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1302 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Assembly Bill No. 112—An Act to amend Section 424 of the Penal Code of the State of California, relative to embezzlement and falsification of accounts by public officers.

Assembly Bill No. 315—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to the issuance of writs of attachment issued from justices' courts, and providing that several writs may be issued at the same time to the sheriffs or constables of counties other than the one in which said justices' court may be situated.

Assembly Bill No. 100—An Act to amend Section 2968 of the Civil Code, and to repeal Sections 2969 and 2970 of said Code, relating to the taking of mortgaged property under attachment and execution.

Assembly Bill No. 361—An Act regulating the commitment of criminals to the State Prison at San Quentin and the State Prison at Folsom.

Assembly Bill No. 360—An Act regulating the grading of prisoners in the State Prison at San Quentin, in the State Prison at Folsom, and the Preston School of Industry at Ione.

Assembly Bill No. 365—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a State reform school for juvenile offenders, and to make an appropriation therefor,' approved March 11, 1889, by amending the title to said Act, and by amending Sections 1, 4, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by adding three new sections thereto, to be numbered respectively Sections 16a, 16b, and 16c, relating to a change in the name of the institution, and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State school located and established under the aforesaid Act, and now maintained by the State of California at Whittier, in the County of Los Angeles therein," approved March 23, 1893, and adding certain sections thereto.

DEVLIN, Chairman.

Assembly Bills Nos. 1, 71, 46, 48 and 120 ordered on file for passage.

Assembly Bills Nos. 187, 111, 40, 112, 315, 100, 361, 360 and 365 ordered on third-reading file.

#### CONSTITUTIONAL AMENDMENTS RE-REFERRED.

Mr. McCartney moved that Assembly Constitutional Amendments Nos. 11, 12, and 17 be withdrawn from the Committee on Judiciary, and referred to the Committee on Constitutional Amendments.

Motion carried.

#### BILL WITHDRAWN.

Mr. Atkinson requested and was granted permission to withdraw Assembly Bill No. 120—An Act to amend Section 1253 of the Political Code of the State of California, relating to elections.

Bill withdrawn.

#### CONSIDERATION OF THIRD-READING FILE—(RESUMED).

Assembly Bill No. 365—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a State reform school for juvenile offenders.'"

Passed on file.

Assembly Bill No. 361—An Act regulating the commitment of criminals to the State Prison at San Quentin and the State Prison at Folsom.

Passed on file.

Assembly Bill No. 366—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and the Preston School of Industry."

Passed on file.

Assembly Bill No. 360—An Act regulating the grading of prisoners in the State Prison at San Quentin, in the State Prison at Folsom, and the Preston School of Industry at Ione.

Passed on file.

Assembly Bill No. 364—An Act giving to superior judges the right to impose indeterminate sentences and prescribing the method of imposing the same.

Passed on file.

Assembly Bill No. 363—An Act amending an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor."

Passed on file.

Assembly Bill No. 377—An Act to amend Section 1524, Penal Code of California, relating to search warrants.

Passed on file.

Assembly Bill No. 175—An Act fixing a limit of time within which a purchaser at tax sale shall apply for a tax deed.

Passed on file.

Assembly Bill No. 89—An Act to amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time therefor.

Passed on file.

Assembly Bill No. 415—An Act to repeal Section 2652, entitled "An Act to establish a Political Code," relating to road poll-tax.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Busick, Coghlan, Cooper, Coyle, Cullen, Devlin, Duryea, Estudillo, Gans, Goodrich, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, McCartney, McGowan, Meincke, Mindham, Moore, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Strobridge, Strohl, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, and Mr. Speaker—50.

NOES—Messrs. Chandler, Cromwell, Drew, Houser, Slaven, and Thompson—6.

Title read and approved.

Assembly Bill No. 541—An Act fixing the salaries of three assistant reporters of the decisions of the Supreme Court and District Courts of Appeal.

Passed on file.

Assembly Bill No. 1—An Act to amend Section 1313 of the Civil Code, relating to devises.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called.

#### CALL OF THE HOUSE.

Pending the call of the roll, Mr. Goodrich, at twelve o'clock noon, moved a call of the House.

Motion carried.

At twelve o'clock and five minutes P. M. Mr. Goodrich moved that further proceedings under the call of the House be dispensed with.

So ordered.

Whereupon the Speaker declared the bill passed by the following vote:

AYES—Messrs. Arnerich, Barnes, Bates, Beardslee, Branstetter, Burge, Chandler, Coyle, Cromwell, Cullen, Devlin, Drew, Duryea, Estudillo, Gans, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Manwell, McCartney, McGowan, Meincke, Mindham, Moore, O'Brien, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Thompson, Transue, Treadwell, Waste, Weyand, Whiting, and Mr. Speaker—44.  
NOES—Messrs. Anthony, Atkinson, Busick, Coghlan, Cooper, Jones of San Francisco, Jury, King, Perkins, Strobridge, and Strohl—11.

Title read and approved.

Bill ordered transmitted to the Senate.

## NOTICE OF MOTION TO RECONSIDER.

Mr. Slaven gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 415 was passed this day.

## SECOND-READING FILE.

Assembly Bill No. 162—An Act to appropriate \$590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 163—An Act to appropriate \$815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 104—An Act to appropriate \$3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 161—An Act to appropriate \$2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 164—An Act to appropriate \$640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Passed on file.

Assembly Bill No. 211—An Act to appropriate out of the State School-Book Fund of the State Treasury the sum of \$4,119.71 to pay the claim of Bonestell, Richardson & Co. for money due and owing said Bonestell, Richardson & Co. from the State of California.

Passed on file.

Assembly Bill No. 228—An Act making an appropriation for the payment of division and brigade N. G. C. headquarters allowances for fifty-fifth and fifty-sixth fiscal years.

Passed on file.

Assembly Bill No. 151—An Act making an appropriation for sea<sup>50</sup> to ing for beneficial insects.

Passed on file.

## TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., Mr. Stanton<sup>make</sup> an motion that the time for recess be extended for fifteen minutes.  
Motion carried.

Assembly Bill No. 249—An Act to amend Section 1621 of the Political Code, relating to boards of school trustees and city boards of education.

During the second reading of the bill the following amendment was offered:

By Mr. Chandler:

In line 8 of the printed bill strike out the following: "and at least sixty per cent of the county fund."

Amendment lost.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 297—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of Public Instruction.

Passed on file.

Assembly Bill No. 93—An Act making an appropriation to pay the judgment of J. R. Hanify against the State of California for damage sustained by the breakage of Fremont-Street Wharf in the City and County of San Francisco.

Passed on file.

Assembly Bill No. 105—An Act to appropriate the sum of \$150 to pay the claim of I. E. Cohn against the State of California for money advanced.

Passed on file.

Assembly Bill No. 271—An Act making an appropriation of \$650 to pay the claim of D. D. Fish.

Passed on file.

Assembly Bill No. 138—An Act appropriating money for the construction of a refrigerating plant at the Preston School of Industry.

Passed on file.

Assembly Bill No. 132—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a dam across Sutter Creek.

Passed on file.

Assembly Bill No. 136—An Act appropriating money for building an assembly hall at Preston School of Industry.

Passed on file.

Assembly Bill No. 137—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Passed on file.

Assembly Bill No. 135—An Act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry.

Passed on file.

Assembly Bill No. 134—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry.

Passed on file.

Assembly Bill No. 133—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Passed on file.

Assembly Bill No. 87—An Act making an appropriation of \$5,075 to the Regents of the University of California for moneys approved by them to repair, maintain, and erect necessary buildings for

a forestry station at Santa Monica, and prescribing the duties of the Controller and Treasurer in relation thereto.

Passed on file.

Assembly Bill No. 169—An Act to create a department of music in the University of the State of California; to provide a professorship of music, and to appropriate money therefor.

Passed on file.

RECESS.

At twelve o'clock and thirty-five minutes P. M., on motion of Mr. Stanton, a recess until two o'clock and thirty minutes P. M. this day was declared.

REASSEMBLED.

At two o'clock and thirty minutes P. M. the Assembly reconvened. Speaker Hon. Frank C. Prescott in the chair.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 329—An Act to amend Sections 684 and 685 of the Political Code, relating to the State Board of Examiners, the appointment of an assistant to the Secretary of said Board, and for the appointment of four clerks of said Board, and fixing their compensation.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 327—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, relating to advertising estrays and the costs and expenses of redeeming them.

Passed on file.

Assembly Bill No. 85—An Act to provide for the location and construction of a public highway from a point on the Kings River, near the town of Centerville, in Fresno County, to Kings River Cañon, making an appropriation therefor, and providing for a commission to build, etc.

Passed on file.

Assembly Bill No. 349—An Act to create and maintain a public highway between the counties of Los Angeles and Kern.

Passed on file.

Assembly Bill No. 316—An Act to provide for the erection of embankments or levees to care for the flood waters of the Kern River, in Kern County.

Passed on file.

Assembly Bill No. 322—An Act to pay the claim of Fred E. Bo and making an appropriation therefor.

Passed on file.

Assembly Bill No. 403—An Act making an appropriation of \$7 pay the claims of W. W. Kaye.

Passed on file.

Assembly Bill No. 80—An Act to provide for the joint investigation with the Federal Government of the water resources of the State the best methods of preserving the forests thereof, and to make appropriation for the expenses of such investigation.

Passed on file.



Assembly Bill No. 194—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts.

During the second reading of bill the following committee amendment was offered:

COMMITTEE AMENDMENT.

Amend by striking out all of Section 2 of printed bill.

Amendment adopted.

Bill read second time, ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 11—An Act to abate the gopher and squirrel nuisance upon or adjacent to cultivated lands.

Passed on file.

Assembly Bill No. 86—An Act to provide for the appointment of the California Cereal Improvement Commission, defining the purposes of said commission and providing for an appropriation to pay the expenses thereof.

Passed on file.

Assembly Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

During the second reading of bill the following committee amendments were offered:

COMMITTEE AMENDMENT No. 1.

Amend by inserting on line 43, second page, printed bill, after the word "thereafter," the following: "and before final judgment."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by striking out all of Section 2 of printed bill.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and third-reading file.

Assembly Bill No. 668 (Committee Substitute for Assembly Bill No. 408)—An Act to amend an Act entitled "An Act to repeal Chapter II, of Title VI, Part III, of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, and each and every section of said Chapter II, and to enact a new Chapter II, of Title VI, of Part III, of said Code, and substitute the same in place of said repealed Chapter II, in said Code, relating to roads and highways," approved February 28, 1883.

Bill read second time, ordered to engrossment and on third-reading file.

MR. DURYEA CALLED TO THE CHAIR.

At two o'clock and thirty-five minutes P. M., Hon. Frank A. Duryea in the chair.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 532—An Act protecting the claims of those who may furnish materials or labor for the working or developing of mining properties under powers which are obtained by bond or a trust deed.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 131—An Act to add a new section to be known as Section 1927 of the Code of Civil Procedure, relating to the admission

in evidence of certain statement of facts contained in patents for mineral lands issued or granted by the United States of America.

Passed on file.

Assembly Bill No. 533—An Act to provide for the Inspector of Mines, to define his duties, and provide for his compensation, the liability of mining operators, and the Inspector of Mines.

Passed on file.

Assembly Bill No. 126—An Act to appropriate the sum of \$1,276 to pay the amount of a judgment against the Board of Trustees of Whittier State School and in favor of Lucy J. Harvey, and directing the State Controller to draw his warrant for the same and the State Treasurer to pay the same.

Passed on file.

Assembly Bill No. 102—An Act to appropriate the sum of \$1,000 to pay the claim of Sergeant-Major Eugene De Sparr.

Passed on file.

Assembly Bill No. 208—An Act entitled an Act to amend Section 1861 of the Political Code of the State of California, relating to the use of the State School Fund.

Passed on file.

Assembly Bill No. 125—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of State and county school funds.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 709—An Act to amend Section 1893 of the Political Code relating to the manner of conducting elections for issuance of bonds in school districts.

Passed on file.

Assembly Bill No. 710—An Act to amend an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution," approved March 2, 1893.

Passed on file.

Assembly Bill No. 435—An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children.

Passed on file.

Assembly Bill No. 245—An Act making an appropriation to pay the claim of R. B. Young for materials, labor, and insurance premiums paid in the construction and erection of the Whittier State School.

Passed on file.

Assembly Bill No. 81—An Act to appropriate \$400 to pay the claim of L. C. Waite against the State of California, upon a judgment recovered in an action entitled "L. C. Waite vs. the State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 436—An Act making an appropriation to pay the claim of Richard Price Morgan.

Passed on file.

Assembly Bill No. 273—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 3788½, relating to the time

within which deeds must be executed for property sold for delinquent taxes to purchasers other than the State of California.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 524—An Act to amend Sections 3671 and 3746 of the Political Code of the State of California, both relating to revenue and taxation.

Passed on file.

Assembly Bill No. 585—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the disposition of moneys received by the State on a sale of lands acquired by the State at tax sales.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 713 (Committee Substitute for Assembly Bill No. 358)—An Act to prevent any person or persons from setting nets or drawing a seine to catch fish within one thousand feet of any pier or wharf in the waters of the ocean, in any bay, or along the coast of the State of California, and to provide a penalty therefor.

Passed on file.

Assembly Bill No. 453—An Act to appropriate \$20,000 for the improvement of Big Basin Park.

Bill read second time.

The following amendment was read:

COMMITTEE AMENDMENT.

Amend by striking out Section 5, first page, printed bill.

Amendment adopted.

MOTION.

Mr. McCartney moved that the Assembly resolve into a Committee of the Whole, with Mr. Duryea in the chair, for the purpose of considering Assembly Bill No. 453.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Duryea in the chair.

Assembly Bill No. 453 was considered in Committee of the Whole.

Mr. McCartney moved that the Committee of the Whole do rise, and report back that Assembly Bill No. 453 as amended do pass.

IN ASSEMBLY.

Mr. Duryea in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 453, and do now report the same back, with amendments, and recommend that the same do pass as amended.

DURYEA, Chairman.

Report adopted.

Assembly Bill No. 453 was ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 218—An Act to amend Section 2690 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings on approval of viewer's report in the matter of public highways.

During the second reading of bill the following committee amendment was offered:

COMMITTEE AMENDMENT No. 1.

Amend by striking out the words "This Act shall go into effect immediately from and after its passage" on lines 1 and 2, Section 2, second page, printed bill.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 554—An Act to provide for completing the survey, locating, and constructing a State highway from a point on the Trinity River, in Trinity County, near the town of North Fork; then westerly down said river about forty miles, to connect with an existing road in Humboldt County, and making an appropriation therefor.

Passed on file.

Assembly Bill No. 67—An Act to appropriate the sum of \$20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon the Sonora and Mono road, a State highway.

Passed on file.

Assembly Bill No. 279—An Act to provide for the location, construction, and management of a State highway from a point on the Lake Tahoe State wagon road at or near Meyer's Station, thence past Tallac, Emerald Bay and McKinney's to Tahoe City, and making an appropriation therefor.

Passed on file.

Assembly Bill No. 311—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

During the second reading of the bill the following committee amendments were offered:

COMMITTEE AMENDMENT No. 1.

Amend by inserting the following: "The people of the State of California, in Senate and Assembly, do enact as follows:"

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by striking out, on line 3, page 1, of the printed bill, the words "Undertaking in cases not specified."

Amendment adopted.

COMMITTEE AMENDMENT No. 3.

Amend by striking out all of Section 2.

Amendment adopted.

COMMITTEE AMENDMENT No. 4.

Amend by striking out of line 20, page 2, of the printed bill, the words "Adjudged to be such."

Amendment adopted.

COMMITTEE AMENDMENT No. 5.

Amend by inserting in line 19, second page of the printed bill, after the word "a" and before the word "director" the words "persons adjudged to be a"

Amendment adopted.

COMMITTEE AMENDMENT No. 6.

Amend by striking out of line 19, second page of the printed bill, the word "a" at the end of the line and insert in lieu thereof the word "such."

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 10—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

During the second reading of bill the following committee amendments were offered:

COMMITTEE AMENDMENT No. 1.

Amend by striking out of line 15, page 1, of the printed bill, the word "auction," and insert in lieu thereof the word "action."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by striking out all of Section 2.

Amendment adopted.

COMMITTEE AMENDMENT No. 3.

Amend by striking out all of Section 2.

Amendment adopted.

COMMITTEE AMENDMENT No. 4.

Amend by striking out of line 18, page 2, of the printed bill, the word "same."

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 417—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered 1177, relating to the settlement and engrossment of bills of exceptions in criminal proceedings and actions.

During the second reading of bill the following committee amendment was offered:

COMMITTEE AMENDMENT No. 1.

Amend by striking out of lines 13, 14, and 15 the words "cause the same to be engrossed by the court commissioner, under the direction of the judge," and insert in lieu thereof "fix a time within which the same shall be engrossed by the party presenting the same."

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 217—An Act to amend Section 1699 of the Code of Civil Procedure of the State of California, relating to payment of taxes and decrees of distribution of estates.

During the second reading of bill the following committee amendments were offered:

COMMITTEE AMENDMENT No. 1.

Amend by striking out of line 7, of the printed bill, the word "collateral."

Amendment adopted.

## COMMITTEE AMENDMENT No. 2.

Amend by striking out of lines 7 and 8 the words "fixed by order of the court," and inserting in lieu thereof the following: "which is due and payable."

Amendment adopted.

## COMMITTEE AMENDMENT No. 3.

Amend by striking out of line 2 of the title of the Act the figures "1699" and insert in lieu thereof the following figures: "1669."

Amendment adopted.

## COMMITTEE AMENDMENT No. 4.

Strike out of line 1, Section 1 of the printed bill, the figures "1699" and insert in lieu thereof the following figures: "1669."

Amendment adopted.

## COMMITTEE AMENDMENT No. 5.

Strike out of line 3, of the printed bill, the figures "1699" and insert in lieu thereof the following figures: "1669."

Amendment adopted.

## COMMITTEE AMENDMENT No. 6.

Strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 258—An Act to amend Section 731, Code of Civil Procedure of California, relating to the abatement of private and public nuisances.

During the second reading of bill the following committee amendments were offered:

## COMMITTEE AMENDMENT No. 1.

Amend by striking out the comma after the figures 731 in the title and insert in lieu thereof the words "of the."

Amendment adopted.

## COMMITTEE AMENDMENT No. 2.

Amend by striking out line 2, Section 1, the words "this State," and insert in lieu thereof the words "State of California."

Amendment adopted.

## COMMITTEE AMENDMENT No. 3.

Amend by striking out of lines 3 and 4, of the printed bill, the words "nuisance defined and what actions may be brought therefor."

Amendment adopted.

## COMMITTEE AMENDMENT No. 4.

Amend by inserting in line 6, after the word "nuisance" a comma.

Amendment adopted.

## COMMITTEE AMENDMENT No. 5.

Amend by striking out all of Section 2.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 437—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

During the second reading of the bill the following committee amendments were offered:

COMMITTEE AMENDMENT No. 1.

Amend by striking out of line 2, of the printed bill, the words "so as."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by striking out all of Section 2.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 590—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1365, relating to the persons who shall be entitled to administer estates of deceased persons, and the order in which such persons shall be so entitled.

Bill read second time, ordered engrossed and on third-reading file.

Assembly Bill No. 522—An Act creating the office of Public Defender, fixing his duties and compensation, and providing him with a contingent fund with which to properly carry out the duties thereof.

During the second reading of bill the following committee amendments were offered:

COMMITTEE AMENDMENT No. 1.

Amend by striking out all of Section 4 after the word "month" in line 9, page 2 of printed bill, and insert in lieu thereof the following: "Said salaries shall be paid as the salaries of other county officers are paid."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by striking out all of the title after the word "compensation," in line 3 thereof, and insert a period in lieu thereof.

Amendment adopted.

COMMITTEE AMENDMENT No. 3.

Amend by inserting in line 2 of the title, before the word "fixing," the word "and."

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 176—An Act to amend Section 3788 of the Political Code of the State of California, relating to redemption of lands from tax sales.

Assembly Bill No. 380—An Act authorizing the United States Government to lower the water levels of any or all of the following lakes: Lower (or Little) Klamath Lake, Tule (or Rhett) Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also ceding to the United States all right, title, interest or

claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State.

Assembly Bill No. 255—An Act to amend Subdivision II of Section 1543 of the Political Code, relating to the duties of County Superintendents of Schools.

Assembly Bill No. 72—An Act to amend Section 595 of the Civil Code, relating to the amount of real estate which may be held by certain corporations.

Assembly Bill No. 251—An Act to add a new section to be numbered and designated as Section 3215 to an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to regulating the giving and use of proxies to vote corporate stock at any meeting of the stockholders of any corporation organized under the laws of this State.

Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Assembly Bill No. 410—An Act to amend Section 2653 of the Political Code, relating to highways.

Assembly Bill No. 443—An Act to provide for the location and acquirement of mining claims on salt marsh and tide lands, owned by the State of California.

Assembly Bill No. 185—An Act to provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects.

Assembly Bill No. 211—An Act to appropriate, out of the State School Book Fund of the State Treasury, the sum of \$4,119 71 to pay the claim of Bonestell, Richardson & Co. for money due and owing said Bonestell, Richardson & Co. from the State of California.

Assembly Bill No. 529—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Superintendent of Public Instruction's office, for the fifty-sixth fiscal year.

Assembly Bill No. 634—An Act to amend Sections 439, 440, and 441 of the Political Code, relating to the office of Controller of State, his deputy and assistants, the salaries of the deputy and assistants, and to repeal all laws in conflict therewith.

Assembly Bill No. 353—An Act to amend Section 6, of an Act entitled "An Act to provide for compiling, electrotyping, printing, binding, copyrighting, and distributing a State series of school text-books, and appropriating money therefor," approved March 15, 1887.

Assembly Bill No. 171—To amend Section 1617 of the Political Code, relating to boards of school trustees and city boards of education.

Assembly Bill No. 172—An Act to amend Section 1634 of the Political Code, relating to school census marshal.

Assembly Bill No. 207—An Act entitled an Act to amend Section 1772 of the Political Code of the State of California, relating to certificates upon examination.

Assembly Bill No. 447—An Act to amend Section 443 of the Political Code of the State of California, relating to the amount of money to be raised for each census child by State tax.

Assembly Bill No. 357—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby.

Assembly Bill No. 226—An Act to amend Paragraph 1 of Section 1874 of the Political Code of California, providing that pupils shall not be required to purchase supplemental books, and teachers and school authorities shall be punishable by expulsion from office, or a fine not exceeding \$50, for a violation

Also: Beg leave to report that the following Assembly bill has been correctly reengrossed:

Assembly Bill No. 49—To amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Also: Beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 84—An Act to amend Section 1 of an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended March 20, 1903.

Assembly Bill No. 21—An Act to amend an Act entitled "An Act to establish a Civil Code, approved March 21, 1872, by amending Section 138 of said Civil Code, relating to orders respecting custody and maintenance of minor children of the marriage in actions for divorce.

Assembly Bill No. 189—An Act to reestablish and further perpetuate United States Government section corners where formerly established by a Government surveyor, perpetuating the same, and providing for the expense thereof.

Assembly Bill No. 184—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 417a, relating to the carrying of concealed weapons, and fixing the penalty therefor.

DEVLIN, Chairman.

Assembly Bills Nos. 176, 380, 255, 72, 251, 472, 410, 443, 185, 211, 529, 634, 353, 171, 172, 207, 447, 357, 84, 21, 189, 184, 226 and 49 were ordered on third-reading file.



## SECOND-READING FILE—(RESUMED).

Assembly Bill No. 576—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

During the second reading of the bill the following committee amendment was offered:

Amend by striking out all of Section 2.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 446—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 2955 of said Code, in regard to chattel mortgages, designating what property may be mortgaged.

During the second reading of the bill the following committee amendments were offered:

## COMMITTEE AMENDMENT No. 1.

Amend by inserting a new paragraph at the end of the bill as follows: "Twenty-first, bees and bee-hives, apiaries, and apiary stock, including frames, combs, and extractors, also honey at apiaries."

Amendment adopted.

## COMMITTEE AMENDMENT No. 2.

Amend by inserting in line 1, page 1, of the printed bill, before the word "section" the word and figure "Section 1."

Amendment adopted.

## COMMITTEE AMENDMENT No. 3.

Amend by inserting in line 1, page 1, of the printed bill, after the word "fifty-five" the words "of the Civil Code of the State of California."

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 330—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 680, making it a misdemeanor for any person or corporation to negligently permit, suffer, or cause barb-wire to lie unrolled and loose upon the ground.

During the second reading of the bill the following committee amendment was offered:

Strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 34—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections, and buildings," approved March 23, 1876, by amending Section 3 of said Act, and an Act amendatory thereof, approved March 27, 1895.

During second reading of the bill the following committee amendments were offered:

## COMMITTEE AMENDMENT No. 1.

Amend by striking out of line 22, of the printed bill, the words "the largest" and insert in lieu thereof the words "a general."

Amendment adopted.

## COMMITTEE AMENDMENT No. 2.

Amend by striking out of line 22 the word "the," before the word "newspaper," and insert in lieu thereof the word "a."

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 462—An Act to amend Sections 1917 and 1920 of the Civil Code, relating to legal interest.

Bill read second time, ordered engrossed and on third-reading file.

Assembly Bill No. 350—An Act to prevent the payment of municipal officers out of the funds of the county.

During the second reading of the bill the following committee amendments were offered:

## AMENDMENT No. 1.

Amend the title by inserting before the word municipal the words "fees to."

Amendment adopted.

## AMENDMENT No. 2.

Amend by adding on line 4, first page, printed bill, the words "This Act to take effect immediately."

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 401—An Act to amend Section 6 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations."

During the second reading of the bill the following committee amendment was offered:

## COMMITTEE AMENDMENT No. 1.

Amend, as follows, on line 1, first page, printed bill, insert before the word "Section," the words "Section 1. Section 6 of an Act entitled 'An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the service so rendered to such municipal corporations.'"

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 205—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

During the second reading the following amendments were offered:

By Mr. Transue:

Amend by striking out the comma (,) after the word April, on line 3, page 1 of the printed bill.

Amendment adopted.

Amend by striking out the word "nor" after the word "states" on line 11, page 2 of the printed bill, and insert in lieu thereof the word "not."

Amendment adopted.

Amend by striking out the words "the States of California, Washington and Oregon," on lines 14 and 15, page 2 of the printed bill, and inserting in lieu thereof the following: "any State or Territory of the United States."

Amendment adopted.

Amend by striking out all of Section 2, on page 3 of the printed bill.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 206—An Act to amend Section 415 of the Act entitled "An Act to establish a Civil Code in the State of California," approved March 21, 1872, in relation to the holding, purchase, and conveyance of real estate by life insurance companies.

During the second reading of bill the following amendments were offered:

By Mr. Transue:

Amend by striking out the word "in" on line 3 of title, page 1, printed bill, and insert in lieu thereof the word "of."

Amendment adopted.

Amend by striking out the words "organized under the laws of the state" on line 4, page 1, printed bill.

Amendment adopted.

Amend by striking out all of Subdivision 5 after the word "same," on line 23, page 2, printed bill.

Amendment adopted.

Amend by striking out all of Section 2.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 346—An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act.

During the second reading of bill the following committee amendment was offered:

Amend by striking out the words "That the recorder of each city, county, county, city and incorporated town, and each city or town clerk where there is no city or town recorder, shall be the local registrar in and for such primary registration district, and shall perform all the duties of local registrar as hereinafter provided," on lines 1, 2, 3, 4, and 5, page 2, printed bill, and inserting in lieu thereof the following: "That the recorder of each city and county, county, and the clerk of each city or incorporated town, shall be the local registrar in and for such primary registration district, and shall perform all such duties of local registrar as hereinafter provided; *provided, however,* that in cities having a freeholders' charter the health officer shall act as local registrar, and perform all the duties thereof."

Also, that Section 20 shall be stricken out.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 339—An Act to amend Sections 2978, 2979, and 2982, and to repeal Section 2983 of the Political Code of the State of California, relating to the State Board of Health.

During the second reading of the bill the following committee amendment was offered:

Amend by inserting after the word "thereof" of line 39, page 2, printed bill, the following: "They must perform such duties as are or may be required by law for the detection and prevention of the adulteration of articles used for food or drink, and for the punishment of persons guilty of violation of any law providing against such adulteration." Also, strike out all of Section 6.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 347—An Act to amend Sections 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, and to repeal Section 3084 of the Political Code of the State of California, relating to the State Board of Health and the registration of births, marriages, and deaths, and providing for the compensation of a State statistician and assistants.

During the second reading of the bill the following committee amendment was offered:

Amend by striking out all of Section 13.

Amendment adopted.

Bill read second time, ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 413—An Act to amend Section 1 of an Act entitled "An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled An Act to amend an Act approved February 28, 1887, entitled An Act to amend an Act to amend an Act to appropriate money for the support of the aged persons in indigent circumstances residing in the home of the Veterans' Home Association.'"

Passed on file.

Assembly Bill No. 201—An Act authorizing the Directors of the Veterans' Home of California to purchase and take over for the State of California, to be used and controlled by said Board in the interests of the Veterans' Home of California, a certain piece of land adjoining the premises of the said Veterans' Home of California, in the County of Napa, and appropriating the sum of \$3,000 to pay for the purchase of same.

Passed on file.

Assembly Bill No. 474—An Act to appropriate \$7,500 to sink artesian wells and to develop artesian water on the lands of the Mendocino State Hospital.

Passed on file.

Assembly Bill No. 378—An Act to provide for the fencing and improvement of the grounds of the Mendocino State Hospital.

Passed on file.

Assembly Bill No. 550—An Act making an appropriation for the purchase of land adjoining the Napa State Hospital.

Passed on file.

Assembly Bill No. 66—An Act to provide for the construction of a new hotel in the Yosemite Valley.

Passed on file.

Assembly Bill No. 465—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol Building.

Passed on file.

Assembly Bill No. 402—An Act to appropriate the sum of \$520 to pay the claim of William Saunders.

Passed on file.

Assembly Bill No. 534—An Act to appropriate the sum of \$2,000 to pay the claim of W. C. Van Fleet.

Passed on file.

Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 580 thereof, relating to banking corporations.

Bill read third time on a previous day.

The question being on the final passage of the bill.

The roll was called, and the bill was refused passage by the following vote:

AYES—Messrs. Anthony, Arnerich, Barnes, Bates, Busick, Coghlan, Cullen, Devlin, Drew, Estudillo, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Manwell, McCartney, Meincke, Mindham, O'Brien, Pyle, Severance, Strobrige, Strohl, Transue, Tripp, and Weyand—28.

NOES—Messrs. Beardslee, Branstetter, Burge, Chandler, Cleveland, Cooper, Coyle, Cromwell, Duryea, Gans, Goodrich, Hartman, Hawkins, Jarvis, Jones of San Francisco, Jury, King, Lucey, McGowan, Moore, Perkins, Pfaffle, Pryor, Rolley, Stanton, Thompson, Treadwell, Waste, and Whiting—29.

#### NOTICE OF MOTION TO RECONSIDER.

Mr. Cromwell gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 36 was refused passage this day.

#### INVITATION TO LUNCH.

The Speaker (Mr. Duryea in the chair) presented the following telegram, which was read:

BERKELEY, CAL., January 30, 1905.

GEN. FRANK C. PRESCOTT, *Speaker of the Assembly* Mrs. Wheeler and myself cordially invite all members of the Assembly with their wives to lunch with us at Hearst Hall, at 12:30 P. M., Friday, February 3d.

BENJ. IDE WHEELER.

Mr. Waste moved that the invitation be referred to the Committee on Universities, to confer with the Committee on Education of the Senate, to arrange with Mr. and Mrs. Wheeler a suitable day for the members of the Legislature to visit Berkeley and accept of their proffered hospitality.

Motion carried, and such was the order.

Senate Bill No. 53—An Act to amend Section 3457 of the Political Code of California, relating to the nature and legal life of warrants of reclamation districts in the State of California.

Passed on file.

Senate Bill No. 50—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their office.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

**AYES**—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Burge, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Devlin, Drew, Duryea, Estudillo, Gans, Goodrich, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, King, Manwell, McCartney, McGowan, Meincke, Mindham, Moore, O'Brien, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Stanton, Strohl, Transue, Treadwell, Tripp, Waste, and Whiting—50.

**NOES**—Messrs. Houser and Thompson—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 20—An Act to amend Section 1703½ of the Code of Civil Procedure, relating to estates of deceased persons distributed to persons whose places of residence are unknown, and to minors and incompetent persons.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

**AYES**—Messrs. Anthony, Arnerich, Atkinson, Bates, Beardslee, Burge, Busick, Chandler, Cleveland, Coghlan, Coyle, Cullen, Devlin, Drew, Duryea, Estudillo, Gans, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, King, Lucey, Manwell, McCartney, McGowan, Meincke, Mindham, Moore, O'Brien, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Stanton, Strobidge, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, and Whiting—52.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 11—An Act to provide for the purchase of a site for the erection, equipment, and furnishing of a building or buildings, and for the improvement of grounds for the use of the State Normal School at San Francisco, and making an appropriation therefor.

Passed on file.

Senate Bill No. 220—An Act to amend Sections 684 and 685 of the Political Code, relating to the State Board of Examiners, the appointment of an assistant to the secretary of said board, and for the appointment of four clerks of said board, and fixing their compensation.

Bill read second time, and ordered on third-reading file.

#### UNFINISHED BUSINESS.

Assembly Bill No. 71—An Act to amend Chapter IX, of Title XI, of Part III, of the Code of Civil Procedure of the State of California, relating to the conveyance of real estate and personal property by executors and administrators in certain cases.

Bill read third time and passed on a previous day.

Title read, and approved as amended, on motion of Mr. Waste, and Assembly Bill No. 71 ordered transmitted to the Senate.

Mr. Treadwell moved to take up Assembly Bill No. 211, which had been reported back properly engrossed.

Motion carried.

Assembly Bill No. 211—An Act to appropriate out of the State School-Book Fund of the State Treasury the sum of \$4,119.71 to pay the claim of Bonestell, Richardson & Co., for money due and owing said Bonestell, Richardson & Co. from the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Branstetter, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cullen, Devlin, Drew, Duryea, Goodrich, Hartman, Hawkins, Held, Houser, John, Johnson, Jones of Tuolumne, Jury, King, Lucey, Manwell, McCartney, McGowan, Meincke, Mindham, O'Brien, Perkins, Pfaeffe, Pryor, Pyle, Severance, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, and Whiting—47.

**NOES**—Mr. Burge—1.

Title read and approved.

Bill ordered transmitted to the Senate.

#### INTRODUCTION OF BILL—(OUT OF ORDER).

Mr. Devlin requested, and was granted, leave to introduce a bill out of order.

The following bill was introduced:

By Mr. Devlin: Assembly Bill No. 748—An Act to add a new section to the Political Code, to be numbered 1366a, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

Read first time, and referred to Committee on Elections and Election Laws.

#### UNFINISHED BUSINESS—(RESUMED).

Assembly Bill No. 46—An Act to amend an Act entitled "An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Bill read third time on a previous day.

Mr. McCartney moved that a select committee of one be appointed to amend Assembly Bill No. 46, as follows:

Amend the title by striking out all after the word "entitled," on line 2 of said title, the words "An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days, approved March 23, 1893, relating to legal holidays," by inserting in lieu thereof the following words: "An Act to establish a Code of Civil Procedure, approved March 11, 1872, relating to legal holidays and non-judicial days."

Motion carried.

Mr. McCartney was appointed such select committee.

#### REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 46, with instructions, does now report that the instructions of the Assembly have been carried out.

MCCARTNEY, Committee.

Report of select committee adopted.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 46, as follows:

Amend by striking out the period at the end of line 22, second page, printed bill, and adding the following, "provided, that this law making Saturday afternoon a legal holiday shall only apply to cities of the first and first and one half classes."

Motion carried.

Mr. Drew was appointed such select committee.

## REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 46, with instructions does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

Report of select committee adopted.

Bill passed on file pending consideration of companion bills to follow.

Assembly Bill No. 48—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Bill read third time on a previous day.

Mr. McCartney moved that a select committee of one be appointed to amend Assembly Bill No. 48, as follows:

Amend the title by striking out all after the word "entitled" in line 2 of said title, the words "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days, approved March 23, 1903, relating to legal holidays," by inserting in lieu thereof the following words: "An Act to establish a Political Code, approved March 12, 1872, by amending Section 10 of said Code, relating to legal holidays and non-judicial days."

Motion carried.

Mr. McCartney was appointed as such committee.

## REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 48, with instructions, does now report that the instructions of the Assembly have been carried out.

McCARTNEY, Committee.

Report of select committee adopted.

Bill passed on file, pending presentation of further amendments.

Assembly Bill No. 49—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Passed on file.

## RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Mr. Transue:

(To purchase a new carpet for the Assembly Chamber.)

Resolved, That the Sergeant-at-Arms of the Assembly and the Chairman of the Committee on Contingent Expenses and Accounts be and they are hereby authorized to purchase carpets and linings for the Assembly Chamber at a cost not to exceed \$2,800, and the Controller is hereby directed to draw his warrant for the same, payable out of the fund for contingent expenses of the Assembly, and the Treasurer is directed to pay the same.

Resolution referred to the Committee on Contingent Expenses and Accounts.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received out of order and read:

## ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1905.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 148—An Act regulating the hours of service on regular duty by members of the fire department of cities of the first class and cities and counties—have had the same



under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 82—An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MINDHAM, Chairman.

Senate Bills Nos. 146 and 82 were ordered on the Senate special second-reading file.

#### INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

Mr. Goodrich requested, and was granted, unanimous consent to introduce the following bills out of order:

By Mr. Goodrich: Assembly Bill No. 749—An Act to amend Section 416 of Article V, Chapter III, of the Political Code of the State of California, relating to fees of the Secretary of State, and his duty.

Read first time, and referred to Committee on Revenue and Taxation.

Also: Assembly Bill No. 750—An Act entitled "An Act to amend Article II, of Chapter III, of Part IV, of Division First of the Civil Code of the State of California," by adding a new section thereto, to be numbered 379, providing for the more effectual supervision and control of corporations.

Read first time, and referred to Committee on Revenue and Taxation.

Also: Assembly Bill No. 751—An Act to prescribe a method of electing boards of education in cities controlled by charters other than those controlled by the city and county government.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 752—An Act to amend the Political Code by adding thereto a new section, to be numbered 1874a, creating the office of secretary to the State Text-Book Committee, defining the duties pertaining to said office, authorizing the said Text-Book Committee to elect a secretary to fill said office, and fixing his compensation, and to repeal all Acts and parts of Acts in conflict with this Act.

Read first time, and referred to Committee on Education.

#### ADJOURNMENT.

Mr. Weyand moved that the Assembly do now adjourn until to-morrow at ten o'clock A. M.

Motion carried.

At four o'clock and fifteen minutes P. M., Mr. Duryea in the chair, on motion of Mr. Weyand, declared the Assembly adjourned until Tuesday, January 31, 1905, at ten o'clock A. M.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,

Tuesday, January 31, 1905. }

The Assembly met at ten o'clock A. M., pursuant to adjournment.

Hon. Frank C. Prescott, of San Bernardino, Speaker of the Assembly, in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Maxwell, McCartney, McGowan, McNamara, Meincke, Mindham, Moore, O'Brien, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—66.

Quorum present.

## LEAVE OF ABSENCE.

Leave of absence for the day was granted to Mr. Amerige.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal of Monday, January 30, 1905, on motion of Mr. Pfaeffe, its further reading was dispensed with.

## APPROVAL OF THE JOURNAL.

The Journal of Friday, January 27, 1905, was read, corrected, and approved.

## PETITION.

Speaker Prescott presented the following petition, which was read and ordered filed:

(Relative to furnishing statues in National Statuary Hall.)

THE ASSOCIATION PIONEER WOMEN OF CALIFORNIA, }  
GOLDEN GATE HALL, SAN FRANCISCO, October 7, 1904. }

*To the Hon. Speaker of the Assembly of California, Sacramento, California.*

SIR: The following petition is handed to you in the confidence that it will be brought immediately to the attention of the Assembly and receive its favorable action:

## PETITION TO THE ASSEMBLY OF THE STATE OF CALIFORNIA.

## GENTLEMEN:

WHEREAS, by Section 1814 of the Revised Statutes of the United States the President is authorized to invite all the States of the Union to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem worthy of this national commemoration; and when so furnished, the same shall be placed in the National Statuary Hall in the Capitol of the United States; and

WHEREAS, The great and glorious State of California, now in its fifty-fifth year, is not represented in this respect, though there are many Californians whose services during life have given them national renown, it is fitting and proper that California, the extreme west of the national domain, be so represented; now,

THEREFORE, We, the undersigned, The Association of Pioneer Women of California and other residents of the State of California, most earnestly petition the honorable Legislature of 1905 to make an appropriation at this session, adequate for the placing of such statues, in pursuance of said law, Section 1814 of the Revised Statutes of the United States.

Respectfully,

A. M. HARDMAN, President.  
Mrs. J. POPPE, Secretary.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

##### SAN FRANCISCO DELEGATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1905.

MR. SPEAKER: The San Francisco Delegation, to whom was referred Assembly Bill No. 64—An Act for the relief of Patrick Creighton—have had the same under consideration, and respectfully report the same back, with three amendments, and recommend that it do pass as amended.

McGOWAN, Chairman.

Bill ordered on second-reading file.

##### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 79—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3652, and by adding a new section, to be numbered 3652½, relating to the time of completion of assessment roll, and the giving of notice by the assessor of the amount of the assessment, and the date of meeting of boards of equalization—reports the same back, with eight amendments, and with the recommendation that it do pass as amended.

Also: Senate Bill No. 218—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals—reports the same back, with four amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 24—An Act to add a new section to the Code of Civil Procedure, to be known as Section 637, relating to cases in the Superior Court in equity and at law without a jury, in which testimony shall at request of a party be reduced to writing, and upon appeal be heard *de novo*—reports the same back, with three amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 419—An Act to amend the Code of Civil Procedure of the State of California by amending Section 859 thereof, relating to amendment of pleadings.

Also: Assembly Bill No. 476—An Act to add a new section to Chapter 111, Title I, Part 11, of the Penal Code of the State of California, to be numbered Section 714a, giving the right to appeal from justices' courts in certain cases.

Also: Assembly Bill No. 583—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered and known as Section 1163, relating to the recording of a certificate of residence.

Also: Assembly Bill No. 584—An Act to amend Section 412 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the publication of summons when the defendant is absent from the State, concealed, or is a foreign corporation having no agent in this State, or is a person who cannot be found within this State.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DURYEA, Chairman.

Assembly Bills Nos. 79, 24, 419, 475, 583, and 584, ordered on second-reading file.

Senate Bill No. 218 ordered on Senate special file for second reading.

##### ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1905.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution by adding thereto a new section to Article IX, to be known as Section 13, relating to the exemption from taxation of the property now or hereafter belonging to the Cogswell Polytechnical College.

Also: Assembly Constitutional Amendment No. 15—For the recall of officials by electors.

Also: Assembly Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to Article XIII, by adding a new section thereto, to be known and designated as Section 124, relating to the exemption from taxation, all the buildings used solely and exclusively for the accommodation, support and maintenance of minor orphans, or half-orphans, or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use, and occupation thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they be not adopted.

Also: Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 17, of Article VI, of said Constitution, relating to the compensation of Justices of the Supreme Court and Judges of the Superior Court—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

HOUSER, Chairman.

Assembly Constitutional Amendments Nos. 5, 15, 8 and 11 ordered on file for adoption.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 30, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly Concurrent Resolution No. 12—Relative to approving the city charter of San Bernardino, and concurred in Assembly Amendments to Senate Bill No. 57.

LEWIS A. HILBORN, Secretary.  
By J. W. HARPER, Assistant Secretary.

Assembly Concurrent Resolution No. 12 ordered to enrollment.

#### INTRODUCTION AND REFERENCE OF BILLS.

The following bills were introduced:

By Mr. Mindham: Assembly Bill No. 753—An Act to pay the claim of Philip Baeur against the State of California, and to make an appropriation therefor.

Read first time, and referred to Committee on Claims.

By Mr. Cleveland: Assembly Bill No 754—An Act to amend an Act entitled "An Act to establish a Penal Code," providing for the punishment and removal of officers who fail to do their duty.

Read first time, and referred to Committee on Judiciary.

By Mr. Strobidge (by request): Assembly Bill No. 755—An Act relating to fraternal beneficiary associations.

Read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Weyand: Assembly Bill No. 756—An Act to add a new section to the Civil Code, under Title II, of Part II thereof, to be numbered Section 3443, relating to contracts with reference to compensation for future services.

Read first time, and referred to Committee on Judiciary.

By Mr. Manwell (by request): Assembly Bill No. 757—An Act to provide for the formation of drainage districts; to provide for the government of the same, and to authorize the levy and collection of assessments from the property benefited to pay the expense thereof.

Read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

By Mr. Devlin: Assembly Bill No. 758—An Act to amend Section 1476 of the Penal Code, relating to writs of habeas corpus.

Read first time, and referred to Committee on Judiciary.

By Mr. Rolley : Assembly Bill No. 759—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the port of Eureka, on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbor master, defining their duties, and providing for their compensation.

Read first time, and referred to Committee on Commerce and Navigation.

By Mr. McCartney : Assembly Bill No. 760—An Act to amend Sections 418, 419, 456, and 485, of the Political Code, relating to the salaries of appointees in the offices of the Secretary of State, of the State Treasurer, and the Surveyor-General.

Read first time, and referred to Committee on Ways and Means.

#### BILL RE-REFERRED.

Mr. Gans moved that Assembly Bill No. 616 be recalled from the Committee on Fruit and Vine Interests, and referred to the Committee on Ways and Means.

Motion carried, and such was the order.

#### RESOLUTION.

Mr. Arnerich offered the following resolution :

(To pay Al Lewald.)

*Resolved*, That the Controller is hereby directed to draw his warrant on the Contingent Fund of the Assembly for \$27 in favor of Al Lewald, the same being a balance due on claim ordered paid by the Assembly during its thirty-fifth session, and unpaid because of depletion of fund.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

#### MOTION TO RE-REFER BILL LOST.

Mr. Cleveland moved that Assembly Bill No. 369 be recalled from the Committee on Judiciary, and referred to the Committee on Public Health and Quarantine.

Motion lost.

#### RESOLUTION.

By Mr. Devlin:

(To elect Assistant Engrossing and Enrolling Clerk.)

WHEREAS, Section 246 of the Political Code requires this Assembly to elect, on the thirtieth day of the session, an additional Assistant Engrossing and Enrolling Clerk, and as the duties of that office are exceedingly important, therefore, be it

*Resolved*, That C. S. MacMullan, on account of his many years of experience in that office, and his efficiency, be and he is hereby elected such Assistant Clerk.

Resolution read.

#### RESOLUTION LOST.

Mr. Devlin moved the adoption of the resolution without reference to committee.

The roll was called on the adoption of the resolution, with the following result:

AYES—Messrs. Barnes, Bates, Busick, Cleveland, Cooper, Coyle, Cromwell, Devlin, Duryea, Gates, Goodrich, Hawkins, Held, John, Johnson, Jones of Tuolumne, Jury, King, Lumley, Manwell, McCartney, McGowan, Moore, O'Brien, Perkins, Praefle, Pryor, Pyle, Rolley, Severance, Stanton, Thompson, Transue, Tripp, Waste, Weyand, Whiting, and Mr Speaker—38

NOES—Messrs. Atkinson, Burge, Cullen, Drew, Gans, Hartman, Johnstone, Lucey, McNamara, Meincke, Strobridge, Strohl, Treadwell, and Vogel—14.

## BILL RE-REFERRED.

Mr. Cleveland moved that Assembly Bill No. 453 (No. 90 on file) be re-referred to the Committee on Ways and Means.

Motion carried, and such was the order.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received, out of order, and read:

## ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 245—An Act making an appropriation to pay the claim of R. B. Young.

Also: Assembly Bill No. 531—An Act to amend an Act entitled "An Act to provide for the compilation, printing, binding, publishing, and distributing of a legislative manual, etc.

Also: Assembly Bill No. 289—An Act making an appropriation for transportation of prisoners for the fifty-fifth and fifty-sixth fiscal years.

Also: Assembly Bill No. 282—An Act making an appropriation to pay the salary of the secretary of the State Text-Book Committee.

Also: Assembly Bill No. 284—An Act making an appropriation to pay a deficiency in the appropriation for the Monterey Custom House.

Also: Assembly Bill No. 283—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers of N. G. C.

Also: Assembly Bill No. 285—An Act making an appropriation to pay deficiency in the Attorney-General's office.

Also: Assembly Bill No. 287—An Act providing for the payment of the claim of A. G. Knight for conveying the election returns, etc.

Also: Assembly Bill No. 288—An Act making an appropriation for the arrest of criminals without the limits of the State, etc.

Also: Assembly Bill No. 93—An Act making an appropriation to pay the judgment of J. R. Hanify against the State of California, etc.

Also: Assembly Bill No. 105—An Act to appropriate the sum of \$150 to pay the claim of I. E. Cohn.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

STANTON, Chairman.

Assembly Bills Nos. 245, 531, 289, 282, 284, 283, 285, 287, 288, 93, and 105 ordered on second-reading file.

## INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

The following bills were introduced, out of order, and referred as follows:

By Mr. Slaven: Assembly Bill No. 761—An Act to regulate the selling of stock in wheat, barley, oats, and other cereals, and to prohibit the sale thereof on margin or for future delivery.

Read first time, and referred to Committee on Judiciary.

By Mr. Cromwell: Assembly Bill No. 762—An Act making an appropriation to pay the claim of John V. Powers.

Read first time, and referred to Committee on Claims.

## SPECIAL ORDERS.

Senate Bill No. 23—An Act appropriating the sum of \$4,150 to pay the claim of the Citizens' National Bank of Los Angeles, and for money due and owing the said Citizens' National Bank from the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs Anthony, Arnerich, Barnes, Bates, Beardslee, Branstetter, Burge, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Cullen, Davlin, Drew, Duryea, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lumley, McCartney, McGowan, McNamara, Meincke, Mindham, Moore, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Stobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—57.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### CONSTITUTIONAL AMENDMENT RECOMMITTED.

Mr. Jones of San Francisco moved that Assembly Constitutional Amendment No. 5 be recommitted to the Committee on Constitutional Amendments.

Motion carried.

#### PRIVILEGES OF THE FLOOR.

On motion of Mr. Gates, the privileges of the floor were granted to ex-State Senator Hon. W. A. Shippee.

#### SPECIAL ORDER.

Assembly Bill No. 71—An Act to amend Chapter IX, of Title XI, of Part III, of the Code of Civil Procedure of the State of California, relating to the conveyance of real estate by executors and administrators in certain cases.

Passed on file.

Assembly Bill No. 46—An Act to amend an Act entitled "An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Bill read third time on a previous day.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 46, as follows:

Amend by striking out the period (.) at the end of line 22, page 2, printed bill, and adding the following: "provided, that this law, making Saturday afternoon a legal holiday, shall only apply to cities of the first, first and one half, and second classes."

Amendment adopted.

Mr. Drew was appointed as such committee.

#### REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 46—An Act to amend an Act entitled "An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays—with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

Report of select committee adopted.

Bill ordered to reëngrossment, reprint, and on file for passage.

Assembly Bill No. 48—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Bill read third time on a previous day.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 48, as follows:

Amend by striking out the period at the end of line 22, second page, printed bill, and adding the following: "provided that this law making Saturday afternoon a legal holiday shall only apply to cities of the first, first and one half, and second class."

Motion carried.

Mr. Drew was appointed as such select committee.

#### REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 48—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays—with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

Report of select committee adopted.

Bill ordered to reëngrossment, reprint, and on file for passage.

Assembly Bill No. 49—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Bill read third time on a previous day.

Mr. McCartney moved that a select committee of one be appointed to amend Assembly Bill No. 49, as follows:

Amend the title by striking out all after the word "entitled," in line 2, of said title, the words "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays, by inserting in lieu thereof the following words: "An Act to establish a Civil Code, approved March 21, 1872, by amending Section 7 of said Code, relating to legal holidays and non-judicial days."

Also: Amend by striking out of line 3, page 1, after the word "Section," of the printed bill, the figures "10" and insert in lieu thereof the figure "7."

Motion carried.

Mr. McCartney was appointed as such select committee.

#### REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 49—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays—with instructions, does now report that the instructions of the Assembly have been carried out.

McCARTNEY, Committee.

Report of select committee adopted.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 49, as follows:

Amend by striking out the period at end of line 23, page 2, printed bill, and inserting in lieu thereof the following: "provided, that this law making Saturday afternoon a legal holiday shall only apply to cities of the first, first and one half, and second classes."

Motion carried.

Mr. Drew was appointed such select committee.

#### REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 49—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved



March 23, 1893, relating to legal holidays—with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

Report of select committee adopted.

Bill ordered to reëngrossment, reprint, and on file for passage.

#### SPECIAL FILE.

Assembly Bill No. 555 (Substitute for Assembly Bill No. 116)—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavits of registration.

Passed on file.

#### THIRD-READING FILE.

Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued license to practice in all the courts of this State.

Mr. Houser moved that Assembly Bill No. 114 be passed on file.

Motion carried.

Assembly Bill No. 56—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justice courts and justices.

Passed on file.

Assembly Bill No. 95—An Act to amend Section 890 of the Code of Civil Procedure, relating to proceedings in justices' courts.

At the request of Mr. Treadwell, Assembly Bill No. 95 was ordered to the foot of the third-reading file.

Assembly Bill No. 84—An Act to amend Section 1 of an Act to regulate the practice of veterinary medicine and surgery in the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Barnes, Bates, Beardslee, Branstetter, Burge, Busick, Chandler, Coghlan, Cooper, Coyle, Cullen, Devlin, Drew, Duryea, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Jury, King, Manwell, McCartney, McGowan, McNamara, Meincke, Mindham, Moore, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Strobidge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 158—An Act authorizing certain corporations to act as guardians of the persons of abandoned, dependent, and certain other children; with power as such guardians to consent to the adoption of such children; providing for their appointment as such guardians, with the notice to be given and fees remitted.

Passed on file.

Assembly Bill No. 298—An Act to amend Chapter I of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, by adding a new section thereto, to be numbered Section 9, relating to the powers and duties of city recorders and city clerks, respecting the registration of deaths and the issuance and registration of burial and disinterment permits.

Passed on file.

Assembly Bill No. 301—An Act to amend Subdivision 20, of Section 25, of an Act entitled "An Act to establish a uniform system of county

and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to health officers and health regulations, and the powers of boards of supervisors in connection therewith.

Passed on file.

Assembly Bill No. 323—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131a, relating to the powers and duties of the county recorder, respecting the registration of marriages, births, and deaths.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Barnes, Beardslee, Branstetter, Burge, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cullen, Devlin, Drew, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, King, Maxwell, McCartney, McGowan, McNamara, Meincke, Mindham, Moore, O'Brien, Perkins, Pfaffie, Pryor, Pyle, Severance, Stanton, Strobridge, Strohl, Thompson, Trause, Treadwell, Tripp, Vogel, Waste, Weyand, and Whiting—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

MR. MCGOWAN CALLED TO THE CHAIR.

At eleven o'clock and ten minutes A. M. Hon. George A. McGowan, of San Francisco, in the chair.

SPECIAL FILE—(RESUMED).

Assembly Bill No. 269—An Act regulating the employment and hours of labor of children, prohibiting the employment of minors, under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement thereof by the Commissioners of the Bureau of Labor Statistics, and providing penalties for the violation thereof.

Passed on file.

Assembly Bill No. 21—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 188 of said Civil Code, relating to orders respecting custody and maintenance of minor children of the marriage in actions for divorce.

Passed on file.

Assembly Bill No. 189—An Act to reestablish and further perpetuate United States Government section corners where formerly established by Government surveyor, perpetuating the same, and providing for the expense thereof.

Read third time.

Mr. Chandler moved that a select committee of one be appointed to amend Assembly Bill No. 189, as follows:

Amend by striking out all after the enacting clause and inserting the following:

"SECTION 1. When any County Surveyor in the discharge of his duties as such, or otherwise, shall ascertain that any United States Government section corner has been obliterated or is marked with a wooden stake, earth mound, or other perishable monument, he must within reasonable time after ascertaining such facts, reestablish and mark the same by placing at such corner a monument of heavily galvanized pipe, or galvanized iron stake not less than two inches in diameter and not less than two feet long, or other monument of equal size and unperishability.

"SEC. 2. All such monuments located in public highways shall be placed with the top not less than twelve inches below the surface of the ground, but when not located

in public highways they shall be placed with top six inches above the surface of the ground. If the top of the monument is placed above the ground, it shall be not less than four feet long.

"Sec. 3. The surveyor shall keep a record of all corners so established, showing bearings and witness objects, which record shall be open to inspection of all persons.

"Sec. 4. The actual cost and expense of reestablishing corners provided for in Section 1 of this Act shall constitute a public charge against the county wherein the same is situated, and shall be audited and allowed the same as other claims against the county."

Motion carried.

Mr. Chandler was appointed as such select committee.

#### REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO; January 31, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 189—An Act to further perpetuate the workings of the Government survey—with instructions, does now report that the instructions of the Assembly have been carried out.

CHANDLER, Committee.

Report of select committee adopted.

Bill ordered to reingrossment, reprint, and on file for passage.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced out of order, and referred as follows:

By Mr. Branstetter: Assembly Bill No. 763—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Read first time, and referred to Committee on Claims.

By Mr. Coghlan: Assembly Bill No. 764—An Act to regulate the operation of motor vehicles on public highways.

Read first time, and referred to Committee on Judiciary.

#### THIRD-READING FILE.

Assembly Bill No. 111—An Act to provide for the registration of bonds issued by common school, high school, or union high-school districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Devlin, Drew, Duryea, Gans, Gates, Goodrich, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, Lumley, Maxwell, McCartney, McGowan, McNamara, Meincke, Mindham, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Strohl, Thompson, Transue, Tripp, Vogel, Waste, Weyand, and Whiting—51.

NOES—Messrs. Coghlan, Hartman, and Jones of San Francisco—3.

Title read and approved.

Bill ordered transmitted to the Senate.

#### SPEAKER RESUMES THE CHAIR.

At eleven o'clock and forty-eight minutes A. M. Speaker Prescott in the chair.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 112—An Act to amend Section 424 of the Penal Code of the State of California, relative to embezzlements and falsification of accounts by public officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

## CALL OF THE HOUSE.

Pending the announcement of the result on the roll call, Mr. Houser, at eleven o'clock and fifty-one minutes A. M., moved a call of the House.

Motion carried.

The doors were ordered locked.

The roll was called and the following members answered to their names:

Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—67.

The Sergeant-at-Arms was furnished a list of names of absentees and instructed to bring them before the bar of the House.

At twelve o'clock and seven minutes P. M. the Sergeant-at-Arms reported that he was unable to locate any of the absentees.

## PROCEEDINGS UNDER CALL OF THE HOUSE SUSPENDED.

Mr. Stanton, at twelve o'clock and eight minutes P. M., moved that further proceedings under the call of the House be suspended.

Motion carried.

The doors were ordered opened.

The Speaker thereupon declared the bill passed by the following vote:

AYES—Messrs. Arnerich, Barnes, Bates, Beardslee, Branstetter, Burge, Chandler, Cleveland, Cooper, Coyle, Cromwell, Devlin, Dorsey, Drew, Duryea, Estudillo, Gans, Gates, Goodrich, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lumley, Manwell, McCartney, Meincke, Moore, O'Brien, Perkins, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Thompson, Transue, Tripp, Waste, Weyand, Whiting, and Mr. Speaker—48.

NOES—Messrs. Anthony, Atkinson, Busick, Coghlan, Creighton, Cullen, Hartman, Hawkins, Jarvis, John, Lucey, McGowan, McNamara, Mindham, Pfaffle, Strohl, Treadwell, and Vogel—18.

Title read and approved.

Bill ordered transmitted to the Senate.

## BILL TAKEN UP OUT OF ORDER.

Mr. Coyle moved to take up out of order Senate Bill No. 230 (No. 47 on the file).

Motion carried.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Manwell, McCartney, McGowan, Meincke, Mindham, Moore, Perkins, Pfaffle, Pyle, Rolley, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—62.

NOES—Mr. Pryor—1.

Senate Bill No. 230—An Act authorizing the United States Government to lower the water levels of any or all of the following lakes: Lower (or Little) Klamath Lake, Tule (or Rhett Lake), Goose Lake, and Clear Lake, situated in Siskiyou and Modoc counties, and to use

any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also, ceding to the United States all right, title, interest, or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State.

Bill read first time on a previous day.

#### URGENCY RESOLUTION.

Mr. Coyle offered the following:

*Resolved*, That Senate Bill No. 230 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second, and third times, and placed upon its passage.

Mr. Coyle moved the adoption of the resolution.

Senate Bill No. 230—An Act authorizing the United States Government to lower the water levels of any or all of the following lakes: Lower (or Little) Klamath Lake, Tule (or Rhett) Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also ceding to the United States all right, title, interest, or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State.

Bill read second time.

Senate Bill No. 230—An Act authorizing the United States Government to lower the water levels of any or all of the following lakes: Lower (or Little) Klamath Lake, Tule (or Rhett) Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also ceding to the United States all right, title, interest, or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State.

Bill read third time.

#### TIME FOR RECESS EXTENDED.

Mr. McCartney, at twelve o'clock and twenty seven minutes P. M., moved that the hour of recess be extended for fifteen minutes.

Motion carried.

#### FINAL PASSAGE OF SENATE BILL NO. 230.

The question being on the final passage of Senate Bill No. 230.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Branstetter, Burge, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, King, Lucey, Manwell, McCartney, McNamara, Mencke, Mindham, Moore, Perkins, Pfaffie, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—57.

NOES—Messrs. Beardslee, Jones of Tuolumne, and Lumley—3.

Title read and approved.

## NOTICE OF MOTION TO RECONSIDER.

Mr. Pryor gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 230 was passed this day.

## REPORT OF STANDING COMMITTEE.

## ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 277—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds

Assembly Bill No. 363—An Act amending an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, and adding certain sections thereto and repealing a certain section thereof

Assembly Bill No. 668—An Act to amend an Act entitled "An Act to repeal Chapter 2, of Title VI, Part III, of an Act of the Legislature of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, and each and every section of said Chapter 2, and to enact a new Chapter 2, of Title VI, of Part III, of said Code, and substitute the same in place of said repealed Chapter 2 in said Code, relating to roads and highways," approved February 28, 1883.

Assembly Bill No. 125—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of State and county school funds.

Assembly Bill No. 585—An Act to amend Section 3898 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the disposition of moneys received by the State on a sale of lands acquired by the State at tax sales.

Assembly Bill No. 279—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 3788½, relating to the time within which deeds must be executed for property sold for delinquent taxes to purchasers other than the State of California.

Assembly Bill No. 590—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending section 1375, relating to the persons who shall be entitled to administer estates of deceased persons and the order in which such persons shall be so entitled.

Assembly Bill No. 462—An Act to amend Sections 1917 and 1920 of the Civil Code, relating to legal interest.

Assembly Bill No. 387—An Act to add a Chapter IV, to Title II, of Part IV, of Division I, of the Civil Code, relating to mutual benefit and life associations

Assembly Bill No. 175—An Act fixing a limit of the time within which a purchaser at a delinquent tax sale shall apply for a tax deed.

Assembly Bill No. 532—An Act protecting the claims of those who may furnish materials or labor for the working or development of mining properties under powers which are obtained by bond or a trust deed.

Assembly Bill No. 249—An Act to amend Section 1621 of the Political Code, relating to boards of school trustees and city boards of education.

Assembly Bill No. 158—An Act to add five new sections to the Civil Code, to be known as Sections 606, 606a, 606b, 606c, 606d, relating to the authorizing of certain corporations to act as guardians of the persons of abandoned, dependent, and certain other children; with power as such guardians to consent to the adoption of such children; providing for their appointment as such guardians, with the notice to be given and fees remitted.

Also: Correctly reengrossed—Assembly Bill No. 248—To re-cede and re-grant unto the United States of America, the Yosemite Valley, and the land embracing the Mariposa Big Tree Grove.

DEVLIN, Chairman.

The above reported bills, except last one, ordered on file for third reading.

Assembly Bill No. 248 ordered on file for passage.

## RESOLUTIONS—(OUT OF ORDER).

By Mr. Stanton:

(For a vote of thanks to the citizens of Sacramento.)

*Resolved*, That the thanks and appreciation of this Legislature be extended to the citizens of Sacramento for the splendid reception and entertainment tendered members of this body Monday evening, January 30, 1905; and be it further

*Resolved*, That a copy of this resolution, properly engrossed, be presented to the Mayor of Sacramento.

Resolution read and adopted.

By Messrs. McGowan, Jones of San Francisco, and Waste:

(Making appropriation for expenses of Committee on Ways and Means)

WHEREAS, There are now before the Committee on Ways and Means of the Assembly many appropriation bills relating to State institutions calling for the expenditure of several millions of dollars; and

WHEREAS, In the consideration of said bills said committee requires information relative to said institutions, which can only be secured by a personal inspection of said institutions by members of the Committee on Ways and Means; therefore be it

Resolved, That the sum of five hundred dollars, or such portion thereof as may be needed, be and the same is hereby set aside from and out of the Contingent Expense Fund of the Assembly to the use of said Committee on Ways and Means in defraying the actual expense to be incurred by the members of the Committee on Ways and Means, under the direction of the chairman of said committee; and the Controller is hereby directed to draw his warrant in payment of such expense of the members of said committee, the total of said warrants not to exceed the sum of four hundred dollars, from time to time in favor of P. A. Stanton, chairman of said Committee on Ways and Means, and the State Treasurer is directed to pay the same.

Resolution read.

Mr. Waste moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Estudillo, Gans, Gates, Goodrich, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lunley, McCartney, McGowan, McNamara, Meuncke, Mindham, Perkins, Pfaffle, Pryor, Pyle, Rolley, Stanton, Strobbridge, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—54.

NOES—None.

RECESS.

At twelve o'clock and forty-four minutes P. M., on motion of Mr. McCartney, a recess was declared until two o'clock and thirty minutes P. M. this day.

REASSEMBLED.

At two o'clock and thirty minutes P. M. the Assembly reconvened.

The Speaker, Hon. Frank C. Prescott, in the chair.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

Leave was granted for the introduction and reference of bills out of order, as follows:

By Mr. Gans (by request): Assembly Bill No. 765—An Act to repeal Chapter II, of Title IV, of the Political Code of California, and to substitute therefor a new Chapter II, relating to the State militia.

Read first time, and referred to Committee on Military Affairs.

Also (by request): Assembly Bill No. 766—An Act to repeal Chapter I, of Title IV, of the Political Code of California, and to substitute therefor a new Chapter I, relating to the State militia.

Read first time, and referred to Committee on Military Affairs.

Also (by request): Assembly Bill No. 767—An Act to repeal Sections 725, 728, 729, 730, 731, 732, and 733, all of Chapter V, Title I, Part II, of the Penal Code of California, relating to suppression of riots.

Read first time, and referred to Committee on Military Affairs.

Also (by request): Assembly Bill No. 768—An Act to amend the Penal Code of the State of California by adding thereto new sections, numbered 421 and 422, providing for punishment of persons and associations conniving against and attempting to injure the National Guard of California and members thereof.

Read first time, and referred to Committee on Military Affairs.

31—AAJ

Also (by request): Assembly Bill No. 769—An Act to repeal Section 443, Title XII, of the Penal Code of California.

Read first time, and referred to Committee on Military Affairs.

Also (by request): Assembly Bill No. 770—An Act to amend Section 442, Title XII, of the Penal Code of California, relating to crimes against the revenue and property of this State.

Read first time, and referred to Committee on Military Affairs.

By Mr. McGowan (by request): Assembly Bill No. 771—An Act to amend Section 1074 of the Code of Civil Procedure of the State of California, relative to the hearing of review under a writ of review.

Read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 772—An Act to amend Section 1068 of the Code of Civil Procedure of the State of California, relative to the issuance of writs of review.

Read first time, and referred to Committee on Judiciary.

#### BILL RE-REFERRED.

Mr. Bates moved that Senate Bill No. 143 be recalled from the Committee on Judiciary and referred to the Committee on Municipal Corporations.

Motion carried, and such was the order.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

##### EXPLAINING CHANGES IN LAWS PROPOSED BY BILLS.

Mr. Drew was granted leave to submit the following report on behalf of the Committee on Revision and Reform of Laws, and the report was ordered printed in the Journal:

##### ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1905.

MR. SPEAKER: Your Committee on Revision and Reform of Laws hereby makes a special report with reference to the fourteen Code revision bills, now on the special file of said bills, and ready for third reading.

##### ASSEMBLY BILL No. 264.

Should be referred to a committee of one to amend by striking out of line 2 of the title the following: "Seventy."

*Civil Code—Section 58.* The provisions of this section are contained in the present Section 82. The section is therefore unnecessary.

*Civil Code—Section 60.* The change consists of the insertion of the word "Mongolians" after the word "negroes."

*Civil Code—Section 68.* The change consists in the substitution of the word "others" for "other" before "than"; the substitution of "a party" for "the parties" after "than"; and the substitution of "it" for "that marriage" after "invalidate." The meaning of the section is unchanged.

*Civil Code—Section 794.* The change consists of the omission of the words "procuring a license and" after "to" in line 3, Section 4, page 2, of the printed bill, thus requiring a license in every case, but leaving the mode of celebrating the marriage as at present. The section is renumbered 79a.

*Civil Code—Section 84.* The design of the amendment is to make the rule declared in this section applicable to all judgments adjudging marriage null, the present section applying only to cases where a marriage is annulled on the ground that a former husband or wife was living.

##### ASSEMBLY BILL No. 265.

*Civil Code—Sections 242, 243, 244, and 245.* The provisions of the above sections, relating to guardian and ward, are controlled by Sections 1747, 1753, and 1793 of the Code of Civil Procedure. They are, therefore, unnecessary and misleading.

*Civil Code—Section 246.* The change consists in the addition of Subdivision 4, which is a codification of the Statute of 1873-4, page 297, relating to the care of orphan and abandoned children. The penal provisions of that Act are, however, omitted, as they do not properly find a place in this Code.



*Civil Code—Section 247.* The subject-matter of this section is provided for in Section 1753 of the Code of Civil Procedure.

*Civil Code—Sections 243 and 249.* The provisions of these sections are included in Sections 1753 and 1770 of the Code of Civil Procedure.

*Civil Code—Section 258.* This section, which prescribed the mode of placing insane persons in the asylum, has been supplanted by later legislation (see Statutes of 1897, page 311, relative to the establishment of a lunacy commission, and Political Code, Sections 2136 to 2199).

#### ASSEMBLY BILL No. 336.

*Civil Code—Sections 403 and 404.* The Bill adds a new chapter, entitled "General Provisions Affecting Corporations." Said chapter is made up of the old Section 403, which now stands in a chapter entitled "Extension and Dissolution of Corporations," and of the matter now in Section 384, which now stands in a chapter entitled "Examination of Corporations." The object of the rearrangement is the placing of the sections under a more appropriate chapter heading.

#### ASSEMBLY BILL No. 335.

*Civil Code—Section 339.* This section, which purports merely to designate the place in the Code of Civil Procedure, where the dissolution of corporations is provided for, does not state any rule of law and constitutes but an imperfect index to the provisions referred to.

*Civil Code—Section 400.* The change consists in the substitution of the word "a" for "such" in line 4.

*Civil Code—Section 401:* The design of the amendment is to require the written assent of stockholders representing two thirds of the capital stock instead of permitting two thirds in number of the stockholders to act by their written consent. The change consists in the substitution of the words "two thirds of the members or of stockholders representing two thirds of the capital stock" in place of "that number of stockholders or members," in lines 11 and 12.

#### ASSEMBLY BILL No. 333.

*Civil Code—Section 322.* The change consists of the substitution of the language of the first sentence of Section 3, of Article XII, of the Constitution, in place of the first sentence of the present section. As the section now stands it is believed to be unconstitutional. (See *Larabee vs. Baldwin*, 35 Cal. 155.) The words "an equal share" are substituted for "his proportion," in line 46.

*Civil Code—Section 333.* The change consists in the addition of the words "but any certificate issued prior to full payment must show on its face what amount has been paid thereon" (lines 7 to 9), the object being to require a certificate issued prior to full payment to show the amount paid thereon.

*Civil Code—Section 335.* The amendment is designed to make it clear that shares of stock standing in the name of a married woman are presumed to be her separate property and that they may be dealt with by her as such, in the absence of proof and notice to the contrary.

#### ASSEMBLY BILL No. 332.

*Civil Code—Sections 264 and 276.* The bill is a codification of the Statute of 1875-6, page 842, relative to masters and apprentices, as amended in 1880, page 28, the old chapter being repealed and the provisions of the Acts above referred to substituted in place thereof.

In this codified Section 1 of the statute has been made Section 264; Sections 2 and 7, 265; Sections 3, 4, 5, and 12, 266; Section 6, 267; Section 8 and the latter part of Section 9, 268; the first clause of Section 9 and all of Section 10, 269; Section 11, 270; Section 13, 271; Section 14, 272; Section 15, 273; Sections 16 and 17, 274; Section 19, 275; Section 20, 276.

It will be observed that Section 18 of the statute has been omitted. It purports to make the parties to an indenture of apprenticeship liable to the master for any breach thereof.

The theory of the statute is that the contract of apprenticeship is not made by the minor, but by his parent or guardian. If such parent or guardian is made personally liable on the contract, a parent will rarely, and the guardian almost never, enter into it. It seems sufficient that such parent or guardian be made answerable for the cost of the proceeding brought by the master to be released from the indenture, as provided for in Section 274. The master on his part is not absolutely bound, because he may, if he wishes to remove from the State, or to quit his trade or business, apply to be released from his contract, and he may take like action whenever the apprentice is guilty of neglect, refusal to do his duty, or gross misbehavior. These considerations seem to furnish good reason for the omission of the section.

#### ASSEMBLY BILL No. 331.

*Civil Code—Section 299.* The change consists in the insertion of the words "other than the county in which its original articles of incorporation are filed" after "state," in line 4, Section 1.

*Civil Code—Section 302.* The change consists in the omission of the words "and the right to vote determined" after "given" in line 7, Section 2. The right to vote is controlled by Section 307.

*Civil Code—Section 304.* The provisions of the present section, declaring that no by-law or any amendment thereof shall take effect until copied in the book of by-laws, is amended so as to permit by-laws and amendments thereof, which have been duly passed, to be treated as valid and enforceable against the corporation and persons having notice thereof, regardless of whether or not they have been copied into the proper book. It has often happened that by-laws have been published and generally acted upon by the corporation, and by others, and then their effect has been sought to be avoided on account of the failure of the proper officer to perform his duty of copying them as the code directs. The change consists in the addition of the last sentence (lines 26 to 29)

*Civil Code—Section 309.* The change consists in the omission of the words "nor must they divide, withdraw or pay to the stockholders, or any of them, any part of the capital stock," where those words first occur, and in the omission of the words "in the event of its dissolution," after "thereof," in line 5

The reason for the omission of the words first above alluded to is that by some clerical error they occur twice in the section. The words "in the event of its dissolution" are omitted because their presence makes it impossible to enforce the liability against the directors unless the corporation is first dissolved, which could not have been the intention of the Legislature.

*Civil Code—Section 310.* The amendment, while it authorizes the removal of the whole board of directors by a two-thirds vote of the members or stockholders, denies the power to remove less than the whole number by such vote.

The reason for this is that by the system of cumulative voting sanctioned by Section 307, a minority may obtain representation in the board of directors; if so, a director elected to represent a minority of one third ought not to be removed by the subsequent vote of the other two thirds, and the system of cumulative voting and minority representation thus made ineffective. The first sentence only is changed.

*Civil Code—Section 311.* By the amendment proposed the holders of a majority of the stock, though their number is less than three, are authorized to apply to the justice to issue a warrant for an election. The change consists in the addition of the last sentence, lines 13 to 15.

*Civil Code—Section 313.* The change consists in the substitution of the words "Superior Court" in place of "District Court," in line 12, and in the omission of the words "bona fide" before "stockholder" in line 7. For the purposes of election, a person appearing upon the books of the corporation to be a stockholder should be permitted to vote, and election officers should not be vested with authority to deny such a stockholder the right to vote, or to claim that for some reason he is not a bona fide stockholder. (See *Smith vs. S. F. & N. P. Ry. Co.*, 115 Cal. 584.)

*Civil Code—Section 314.* The design of the amendment is to extend the provisions of the section to all elections howsoever authorized, and for this purpose the words "by law" are inserted after "appointed," "in" is omitted after "appointed" and "or otherwise" are inserted after "by-laws."

*Civil Code—Section 315.* The change consists in the substitution of the words "Superior Court of the county" for "District Court of the district."

#### ASSEMBLY BILL No. 266.

*Civil Code—Section 226.* The first two sentences of this section have been recast with the design of making the proceeding for adoption judicial, thereby supporting it by the same intendment which are indulged in favor of other proceedings conducted in courts of record.

*Civil Code—Section 227.* The change consists in the substitution of the word "court" for the word "judge" in line 3, and in the addition of the last sentence, lines 8 to 10, said sentence being added for the purpose of making it clear that the papers constituting part of the adoption, or of the proceeding therefor, must be filed and preserved by the clerk.

#### ASSEMBLY BILL No. 390.

*Civil Code—Section 455a.* This section is a codification of the Statute of 1893, page 208, relating to the operation of railroads.

*Civil Code—Section 458.* The amendment consists in codifying and adding to the section the provisions of the Act of 1880, page 43, to compel the operation of railroads, and of the Statute of 1897, page 5, to provide for the management and operation of railroads above certain elevations.

*Civil Code—Section 473a.* Section 2 of the Statute of 1880, page 21, authorizing railway and other corporations organized under the laws of this State or of any State or Territory of the United States, to do business in this State, on equal terms, is codified in this section.

*Civil Code—Section 481.* The amendment consists in the substitution of the word "its" for "their" in line 3, and the substitution of "it" for "they" in line 5, thus correcting errors of grammar.

*Civil Code—Section 489.* Section 11 of the Statute of 1880, page 47, defining the powers of the Board of Railroad Commissioners, is substituted in place of the present Section 489. The section has been inoperative since the adoption of the Constitution of 1879.

#### ASSEMBLY BILL No. 388.

*Civil Code—Sections 453a, 453b, and 453c.* The Statute of 1875-6, page 689, concerning the powers of underwriters, as amended by the Statute of 1897, page 223, is codified in the sections above named, a new chapter being added, entitled "Corporations to Dis-

cover Fire, and to Save Property and Human Life From Destruction Thereby," to consist of Sections 453a, 453b, and 453c

#### ASSEMBLY BILL No. 387.

*Civil Code—Sections 452a, and 453* The Statute of 1873-4, page 745, as amended by the Statutes of 1880, page 26, and 1901, page 6, relating to mutual benefit associations, is codified in the above sections and a new chapter entitled "Mutual Benefit and Life Associations" is added, to consist of Sections 452a and 453.

It should be amended by reference to a committee of one, to amend by striking out the word "one" in line 7, page 1, of the printed bill, and inserting in lieu thereof the word "three," to make it conform to the amendment of Statutes of 1901, page 6.

#### ASSEMBLY BILL No. 386.

*Civil Code—Sections 431 and 452* Section 431, which deals with the amounts to be received by life insurance companies, now stands in a chapter entitled "Fire, Marine and Title Insurance Corporations." It is transferred to a more appropriate chapter and numbered 452.

*Civil Code—Section 448* This section exempts accident insurance companies from stamp duties, but as there are no such duties under the law as it now stands, the section is unnecessary.

This bill should be referred to a special committee of one to amend by striking out of lines 1-3 of the title the following: "Amend sections four hundred and thirty-seven, four hundred and forty-seven, four hundred and forty-nine, and four hundred and fifty," and also by striking out of line 4 of the title the following: "Four hundred and forty-four."

#### ASSEMBLY BILL No. 385.

*Civil Code—Section 428* The change consists of the insertion of the words "at once" before "reinsuring," in line 7.

#### ASSEMBLY BILL No. 384.

*Civil Code—Section 414* The change consists of the insertion of the words "of any insurance company" after "incorporation," in line 4, thus making the section applicable, as was no doubt intended by the Legislature, to insurance corporations only.

*Civil Code—Section 415* The change consists in omitting the clause in the last sentence of the section as it now stands, excusing the corporation from disposing of real property if it procures a certificate of an insurance commissioner that it will suffer by such sale, said clause being in conflict with that part of Section 9, of Article XII, of the Constitution which declares that no corporation shall "hold for a longer period than five years any real estate except such as may be necessary for carrying on its business."

*Civil Code—Section 417* The change consists in the substitution of the word "its" for "their" before "by-laws," thus correcting an error in grammar.

*Civil Code—Section 418* The change consists in the omission of the words "the estates of" before "all" in line 6.

*Civil Code—Sections 421 and 427* The new section, 421, consists of the matter now in Section 427, which is a part of the chapter entitled "Fire, Marine, and Title Insurance Corporations." The change of location is intended to make the section clearly applicable to all insurance corporations. Accordingly Section 427 is repealed.

Respectfully submitted.

DREW, Chairman.

#### INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

Leave was granted for the introduction and reference of bills, as follows:

By Mr. Weyand: Assembly Bill No. 773—An Act to amend Section 3916 of the Political Code of the State of California, relating to the boundary line of the County of Colusa.

Read first time, and referred to Committee on Counties and County Boundaries.

Also: Assembly Bill No. 774—An Act to establish a new section of the Political Code of the State of California, relating to the boundary line of the County of Glenn, State of California, said new section to be known and numbered as Section 3959 of the Political Code.

Read first time, and referred to Committee on Counties and County Boundaries.

By Mr. Cromwell: Assembly Bill No. 775—An Act to amend Section 1771 of the Political Code, relating to powers of county boards of education.

Read first time, and referred to Committee on Education.

By Mr. Stanton: Assembly Bill No. 776—An Act to amend that certain Act of the Legislature of the State of California, entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor."

Read first time, and referred to Committee on Ways and Means.

By Mr. Cleveland: Assembly Bill No. 777—An Act to regulate the purchase of supplies for State institutions and for public officials, and to encourage the use of articles of domestic manufacture.

Read first time, and referred to Committee on Judiciary.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following report of standing committee was received and read:

##### ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1905.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 610—An Act making an appropriation to pay the claim of Dr. W. J. Hanna, for professional services rendered and expenses incurred by him at the instance and request of the State Prison officials at Represa, in attendance upon Guards Cotter and Cochrane, after the prison break at Represa on July 27, 1903, and for performing the autopsy on the body of Guard Cotter.

Also: Assembly Bill No. 438—An Act making an appropriation to pay the claim of W. F. Gormley for the funeral and burial of W. L. Cotter.

Also: Assembly Bill No. 200—An Act to pay the claim of James Touhey against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 94—An Act to provide for the payment of the claim of John F. Forward against the State of California, and making appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SEVERANCE, Chairman

Assembly Bills Nos. 610, 438, and 200 ordered on second-reading file, and to Committee on Ways and Means.

Senate Bill No. 94 ordered on Senate special file, and to Committee on Ways and Means.

#### COMMITTEE REPORT ON PUBLIC INSTITUTIONS.

The Committee on State Hospitals and Asylums submitted the following report, together with the accompanying resolution, which were read:

##### ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. SPEAKER. Your Committee on State Hospitals and Asylums which was heretofore, to wit: on the 18th day of January, 1905, granted leave of absence to visit certain State institutions, beg leave to report that the following members of said committee, to wit: F. A. Cromwell, P. S. King, Fred V. Severance, E. K. Strobbridge, Fayette Mitchell, W. F. Gates, Fred J. Meincke, Eugene E. Pfaeffe, John F. Pryor, and W. D. L. Held, did, after the adjournment of your honorable body on the 20th day of January, 1905, visit the Napa State Hospital, and did there continue their said visit at said institution until the 21st day of January, 1905. That thereafter and on the same day the said members of said committee proceeded to the Veterans' Home of California at Yountville, in said State, and did remain there until the 22d day of January, 1905. That subsequently and on the same day the said members of said committee proceeded to Eldridge, in said State of California, where they visited the California Home for the Care and Training of Feeble-Minded Children. That thereafter and on the same day the said members of said committee did proceed to Talmage, in said State, at which place they visited the Mendocino State Hospital. That thereafter and on the 24th day of January, 1905, the said members of said committee returned to Sacramento.

That your committee made careful examination of all matters coming within their province at the institutions visited by them, as aforesaid, and carefully inquired and

examined into the needs of said institutions in order to make proper recommendations upon the bills heretofore referred to this committee.

We found at the Napa State Hospital that the patients in said institution were well and amply cared for; that the accommodations for the patients and officers are sufficient; that all departments of said institution are well conducted. We found that said institution is in receipt of the sum of about \$2,000 monthly into its contingent fund, and that the sum is being expended in making various improvements at said institution.

There are at said hospital about ninety cows, and the milk received therefrom is ample for all purposes, including the butter supply of said hospital. There is, however, no creamery at said institution, and consequently, notwithstanding the fact that sufficient milk is produced there, we find that each month said hospital is called upon to purchase 3,600 pounds of butter.

We believe that by the erection of a creamery upon the said premises a great saving could be effected to the State.

We find that in some portions of the building, notably in the tailor shop, the floor is badly worn and in need of repairs. The attention of the Superintendent was directed thereto by us, and we have been advised that the matter will receive prompt attention. Wherever there are wooden stairs in said institution we find that the same are also badly worn, and similar recommendations have been made with relation thereto as were made with reference to the floors.

We examined into the means of escape, in case of fire, from said institution, and find that the hospital is well equipped in that regard.

There has been introduced Assembly Bill No. 550, providing for the purchase of land adjoining the said hospital and the erection thereon of a dam and storage reservoir for the use and benefit of said hospital, and an appropriation of \$60,000 for said purposes.

We find that at present the water supply for said institution is secured from wells for domestic purposes and from a chain of lakes for irrigating purposes. The water now used for irrigation cannot be employed for domestic purposes, for the reason that it is stagnant during the summer months, and is contained in lakes which receive their sole supply from the rainfall during the winter and are not replenished from any source whatever until the rainfall of the following year. On the eastern edge of the valley, in which said hospital is situated, there exists a range of mountains in which a stream, known as Kruse Creek, has its source. This stream flows westerly and through the lands of the Napa State Hospital, carrying a large volume of water. The eastern portion of said stream is situated upon lands not belonging to the State, and it is now sought by said Assembly Bill No. 550 to purchase the land extending from the source of said stream to the eastern boundary line of the lands of said hospital, and by the purchase of said lands the State of California would acquire the entire right to the whole of said creek and the lands upon which it is situated, together with a sufficient distance on either side of said creek to insure a sufficient protection for the water flowing therein. The figure placed upon this land, containing 160 acres, is \$7,500. We have made inquiry as to the least figure at which said land can be bought, and find that \$7,500 is the minimum price therefor. The balance of \$52,500 of the appropriation asked for by said bill it is proposed to expend in constructing a dam some three miles east of the said hospital, and the point at which it is sought to use said water. In our opinion the said sum of \$52,500 is sufficient to meet the cost of the present needs with reference to said dam. Should the occasion hereafter arise for an additional water supply it could easily be brought about by adding to the height of said dam. We deem the acquisition of said land and construction of said dam to be absolutely necessary to secure an adequate water supply for the said Napa State Hospital.

We made inquiry also into the facts surrounding the death on December 25, 1904, of the patient, Louis. From our examination of the facts we are not prepared to say that the death of said patient was brought about as charged, by violence at the hands of one Reitzman and one Shanahan, attendants at said hospital, nor are we prepared to say that if violence upon the part of said attendants caused his death the injuries inflicted upon said Louis were inflicted with malice aforethought. The said attendants above named were, upon the complaint of the Medical Superintendent of said hospital, arrested on a charge of murder, and after a preliminary examination thereon were committed for trial, without bail, and they are now incarcerated in the county jail at Napa, in said State, awaiting trial in the Superior Court. We are satisfied that the injuries received by said patient, whether caused by said attendants or self-inflicted, could have been avoided had the said attendants not violated one of the rules of said hospital, namely, that rule which prohibits one attendant alone from releasing a patient from restraint. That this rule was violated there is no question, and this fact is conceded even by the persons under arrest. We are convinced, also, that the Medical Superintendent has, for the conduct of said institution, formulated a code of rules which, if complied with, would not permit such an occurrence to happen, and that said superintendent has at all times endeavored, and we believe with great success, in enforcing said rules, and whenever they have been transgressed the guilty parties have been discharged. The discipline at this institution we find to be excellent.

We do not feel that any action by our committee or by your honorable body is necessary in the matter of the death of said Louis, for the reason that everything that

could be done in the matter has been done by the authorities of said hospital, and the said authorities are exerting every effort to secure a thorough examination and a decision of said case upon the merits.

#### VETERANS' HOME OF CALIFORNIA.

We find at this institution that there are over 800 members; that they are well fed and cared for and seem to be contented and satisfied. We find no overcrowding at this place. A new hospital has been erected at the Home, with appropriations heretofore made, and we believe that the sums so spent have been wisely expended.

We find that the Veterans' Home Association did heretofore, by proper conveyance, transfer to the State of California, a certain tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, the acceptance of which conveyance was authorized by an Act approved March 11, 1897. We find further that within the confines of the lands so accepted by the State are situated two acres of land owned by the Veterans' Home Association. These parties own also a right of way from said two-acre tract easterly to the county road. On said two-acre tract there is located a spring which furnishes about 20,000 gallons of water per day. The water supply of said institution is furnished by springs situated west of the said institution and we find the same to be inadequate for the purposes of said institution.

In our opinion it is necessary that the said additional water supply that could be gotten from said spring on said two-acre tract is necessary to meet the requirements of said Home. Assembly Bill No. 201 has been introduced providing for the purchase of said land and the payment of \$3,000 therefor. Aside from the value of said spring thereon the said land has a value of about \$200. Taking all the circumstances into consideration, however, we are of the opinion that if the State can acquire said land for \$3,000 it would be advisable to do so.

Assembly Bill No. 413 has been referred to this committee providing for a fixed annual appropriation of \$65,000 in the place and stead of \$75 per annum for each inmate. The average number of inmates at said home is almost 800, calling for an appropriation of about \$55,000 per annum. It is sought by said Assembly Bill No. 413 to increase said appropriation by about \$10,000 per annum. We find that the affairs of said institution are economically managed, but that during the last month there has been spent \$2,000 in excess of one twelfth of the annual appropriation and that no unusual expenditure has been called for during said time. It is therefore our opinion that \$10,000 per annum would be a reasonable increase to allow to said home for the care of the inmates thereof. The Federal Government allows to said institution \$100 for each inmate per annum and if the State should allow \$65,000 it would amount to about \$85 per annum from that source, making a total of \$155 for each inmate, which in our opinion is a reasonable sum for said purpose. We find that the sum heretofore appropriated has been sufficient by reason of the fact that there existed up to a short time ago a post canteen at said home, from which considerable profit was derived for the benefit of said home. By Act of Congress the said canteen was abolished and the profits which had theretofore been received therefrom are no longer available for the benefit of said home, and by reason thereof a deficiency will arise in the funds for the maintenance of the said inmates unless an appropriation is made in accordance with the terms of Assembly Bill No. 413.

We recommend that the San Francisco office of the Board of Directors of the Veterans' Home be abolished, by which means a large saving can be effected to the State. We do not believe that the maintaining of an office at San Francisco is of any advantage to the institution, the State or the inmates of the home.

We would also recommend that there be a decrease in the number of directors of the home and to that end we recommend the passage of Assembly Bill No. 325.

#### CALIFORNIA HOME FOR THE CARE AND TRAINING OF FEEBLE-MINDED CHILDREN.

We found the hospital at Glen Ellen certainly in a deplorable condition, evidence on every hand showing that this institution has been neglected by the State for years past. As an illustration of the crowded condition of this home we noticed one dormitory for the accommodation of girls containing twenty-nine beds but 17½ feet wide and 58 feet long. In the two school-rooms there are less than forty desks, and there are about one hundred and thirty children to be accommodated with two teachers at \$40 a month; and in order that the intention of the law by which this home was established may be complied with in its fullest sense, we heartily recommend that more teachers and more school-room facilities be provided.

We found here the superintendent and attendants kind and more than considerate of the unfortunate wards under their supervision and care. We congratulate the State upon having a board of managers for this institution working in perfect harmony for the welfare of the institution and the interests of the taxpayers.

We found that the butcher shop and kitchen are too small and the ranges or cook stoves are too small. They need more room, more cottages, more attendants, more light and ventilation. The buildings asked for by the bills now before the Assembly are sorely needed in order to accommodate those seeking and entitled to admission, but whose applications must be denied for want of room. Unless relief is granted your

committee would most heartily recommend that the name of this institution be changed to read "California Home for Part of the Feeble Minded." There are now on the waiting list seeking admission more than 125 applicants, some of whom have been waiting for several years. Statistics show that there are about 2,000 eligibles in this State, with present accommodations for not to exceed 560, the number of patients therein at this time. It is with great pleasure that your committee reports that the appropriations for internal repairs and the installation of a heating system have been expended judiciously, thereby securing the greatest degree of comfort for the inmates and convenience for the employes and attendants with the amount at their command.

We were informed that the institution has not sufficient sleeping accommodations for its employes, some of whom are compelled to sleep from one half to three quarters of a mile away from the institution in cabins, in tank houses, and in the railroad depots; that the resident physician resides from one half to three quarters of a mile away from the institution in an old building originally built for the accommodation of dairymen before the State secured the land; that there is no telephone communication between his quarters and the institution; that the present water supply is inadequate either for domestic purposes or for protection against fire.

Your committee was pleased to note that the appropriation voted by the last Legislature for the protection and security of the inmates of this institution in case of fire, has been expended in the purchase and erection of three Kirker-Bender fire escapes by means of which the most helpless inmates may be safely removed without needless pain or injury; and we recommend that the same style of fire escapes be attached to all of the State Hospitals not now having the same.

We desire also to call attention to the fact that at said institution the dairy is in a deplorable condition. There are a large number of cows giving a very limited supply of milk, in fact so small a quantity that it is insufficient to meet the needs of the institution. We recommend that the cows now at said dairy be disposed of and that the proceeds be devoted toward the purchase of a smaller number of cows of better quality whereby sufficient milk may be produced at said dairy for the needs of said institution.

In our opinion the appropriation of \$20,000 asked for in Assembly Bill No. 306 in behalf of this institution can, without serious results to the institution, be reduced to \$8,000, and we so recommend.

We find but one dining-room at this institution for the accommodation of the male and female inmates; that it takes three hours to serve one meal, for the reason that the boys and girls must have their meals separately, the boys eating first; when they have finished the tables must be cleared, dishes washed and the tables re-set before the girls can eat. The bill before the Assembly providing for the completion of the main building contemplates another dining-room, besides relieving the congestion in a number of other departments.

#### MENDOCINO STATE HOSPITAL.

We visited the Mendocino State Hospital Monday, the 23d day of January, 1905. We found the wards, the kitchen, pantries, dining-room, and everything in good condition. The dormitories were neat and clean and in first-class condition, well lighted and well ventilated. The ward for tuberculous patients is isolated from the main building, and consists of tents with floors in them, and they are well equipped with bedding, and the sanitary condition was all that could be asked for, and the patients in that ward seemed to be improving. We heartily recommend the continuation and adoption of this mode of handling tuberculous patients at the other State hospitals and reformatory institutions as well.

At this institution we find the natural facilities to be unsurpassed. The situation of the hospital is ideal for such an institution and the construction of the buildings is such that the patients may enjoy ample light and sunshine.

The facilities for cooking the food of the patients and officers in this institution are better than any we have examined. The kitchen is supplied with a large, modern steel range and with such other utensils as are necessary. Everything in and about the kitchen, including the refrigerator and butcher shop, is exceptionally well kept and in first-class condition, and we commend the head of that department for the excellent condition thereof.

At this institution we also had the pleasure of witnessing a fire drill. Within fifty seconds after the alarm of fire was sounded two streams of 100 feet of hose each were directed toward the building. This we consider to be a remarkably good showing when it is considered the alarm was given absolutely without notice of any kind to the attendants.

We believe that artesian water can be developed on the premises of this institution, and we are satisfied that the sum asked for by Assembly Bill No. 474 is necessary for that purpose, and that said institution is in need of water for irrigating purposes, which can be had more economically by development of artesian wells than by any other method.

We believe also that the sum of \$7,500, asked for by Assembly Bill No. 378, should be appropriated for fencing the present water right of said institution, which consists of a creek flowing from the east through the grounds of the hospital. If left unfenced, stock will pollute the waters of said creek. Such portion of said sum as is not employed in such fencing should be used in improving the grounds of the hospital.

No sum whatever has ever been appropriated for that purpose, and we believe that it is necessary for the proper treatment of the inmates that the grounds and surroundings be made as attractive as possible.

Respectfully submitted.

HELD, Chairman.  
CROMWELL.  
MEINCKE.  
SEVERANCE  
STROBRIDGE.  
PRYOR.  
PFAEFFLE.  
KING.  
GATES.

Committeeman R. L. Beardslee did not participate in the above investigations. Committeeman Fayette Mitcheltree did participate, but was not present to sign this report.

HELD, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1905.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, authorized to visit the following State hospitals in this State, to-wit: The Napa State Hospital, the Veterans' Home at Yountville, the Home for the Care and Training of Feeble-Minded Children, and the Mendocino State Hospital, have visited the same, and herewith present this bill for mileage, as follows:

Held .....	\$42 50
Cromwell .....	42 50
King .....	42 50
Severance .....	42 50
Strobridge .....	42 50
Mitcheltree .....	42 50
Gates .....	42 50
Meincke .....	42 50
Pfaeffle .....	42 50
Pryor .....	42 50
Total .....	\$425 00

And for the adoption of the following.

Resolved, That the State Controller is hereby directed to draw his warrant in favor of W. D. L. Held, chairman of the Committee on State Hospitals and Asylums, for the sum of \$425, and the Treasurer is hereby directed to pay the same out of the Contingent Fund of the Assembly.

HELD, Chairman.

Mr. Held moved that the report of the Committee on State Hospitals and Asylums be printed in the Journal, and that the resolution accompanying the report be referred to the Committee on Mileage.

Motion carried, and such were the orders.

#### RESOLUTIONS—(OUT OF ORDER).

Mr. Transue offered the following resolutions, which were read:

(Appointing certain attachés.)

Resolved, That the following-named persons be and they are hereby appointed for the positions and at the per diem set opposite their respective names, said per diem to be paid out of the appropriations for the contingent expenses of the Assembly, said appointments to date from and include the 31st day of January, 1905. The State Controller is hereby authorized and directed to draw his warrant upon the said fund in favor of the said following-named persons for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same:

S. K. Davis, Committee Clerk .....	\$4 per diem.
J. Kiely, Committee Clerk .....	4 per diem.
John Montell, Committee Clerk .....	4 per diem.
Alice Tetran, Cloak-Room Attendant .....	3 per diem.
Elva A. Lynch, Stenographer .....	5 per diem.
Fraser Ridgway, Committee Clerk .....	4 per diem.
M. Murphy, Committee Clerk .....	4 per diem.
L. Rienzi, Cloak-Room Attendant .....	3 per diem.
Fred Sepulveda, Porter .....	3 per diem.
M. A. Ferrer, Assistant Sergeant-at-Arms .....	4 per diem.
W. J. Downie, Committee Clerk .....	4 per diem.
Jane I. Burgess, Stenographer .....	5 per diem.
Geo. W. Hudson, Assistant Sergeant-at-Arms .....	4 per diem.



That the names of Ada Rehm and May Brown, heretofore appointed as Committee Clerks at a per diem of \$4, be stricken from the roll, and the following be appointed in their stead:

Miss Ada Rehm, Stenographer.....	\$5 per diem.
Miss May Brown, Stenographer.....	5 per diem.

Also:

(To pay attachés.)

*Resolved*, By reason of the services rendered the Assembly from January 19th to date, the State Controller is hereby authorized and directed to draw his warrants upon the appropriations made for the contingent expenses of this Assembly in the respective sums set opposite the following-named persons for said per diem, and the State Treasurer is hereby directed to pay the same:

S. K. Davis, Committee Clerk, 12 days at \$4.....	\$48 00
J. Kiely, Committee Clerk, 12 days at \$4.....	48 00
Fred Bishop, Committee Clerk, 4 days at \$4.....	16 00
John Montell, Committee Clerk, 8 days at \$4.....	32 00
Alice Tetran, Cloak-Room Attendant, 8 days at \$3.....	24 00
Elva A. Lynch, Stenographer, 12 days at \$5.....	60 00
Fraser Ridgway, Committee Clerk, 12 days at \$4.....	48 00
M. Murphy, Committee Clerk, 12 days at \$4.....	48 00
L. Rienzi, Cloak-Room Attendant, 12 days at \$3.....	36 00
Fred Sepulveda, Porter, 12 days at \$3.....	36 00
M. A. Ferrer, Assistant Sergeant-at-Arms, 12 days at \$4.....	48 00
W. J. Downie, Committee Clerk, 12 days at \$4.....	48 00
Jane I. Burgess, Stenographer, 12 days at \$5.....	60 00
Geo. W. Hudson, Assistant Sergeant-at-Arms, 12 days at \$4.....	48 00
Miss Ada Rehm.....	12 00
Miss May Brown.....	12 00

Mr. Transue moved the adoption of the resolutions as presented by him, without reference to a committee.

#### POINT OF ORDER RAISED.

Mr. Anthony raised the point of order that the matter referred to in the resolutions had already been disposed of.

The Chair declared the point of order not well taken.

The roll was then called, and the resolutions adopted by the following vote:

**AYES**—Messrs. Arnerich, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Busick, Cleveland, Coghlan, Cooper, Creighton, Cromwell, Dorsey, Duryea, Estudillo, Gans, Gates, Hartman, Held, Houser, Jarvis, John, Johnson, Jones of Tuolumne, King, Lumley, Manwell, McCartney, McGowan, McNamara, Meincke, Mindham, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strohl, Transue, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—51.

**NOES**—Messrs. Anthony, Chandler, Devlin, Drew, Hawkins, Johnstone, Strobridge, Thompson, and Treadwell—9.

#### LEAVES OF ABSENCE GRANTED.

Leaves of absence for the afternoon session were granted to Messrs. Jarvis, Hartman, and Estudillo.

#### REPORT AND RESOLUTION BY SPECIAL INVESTIGATING COMMITTEE.

The special committee appointed to investigate charges of misconduct on the part of Hon. E. S. Torrance, Judge of the Superior Court of San Diego County, submitted the following report:

*To the Honorable Frank C. Prescott, Speaker of the Assembly of the State of California, Thirty-sixth Session*

We, your special committee, appointed to investigate the charges of misconduct on the part of Judge E. S. Torrance, the Judge of the Superior Court of the County of San Diego, beg leave to report as follows:

We have considered said charges, and we are of the opinion that to fully and fairly investigate said matter and the facts in relation thereto it will be necessary for said committee to go to the cities of San Diego, San Bernardino, Los Angeles, and to other points in the southern part of the State for the purpose of taking testimony in relation to said charges. The adoption of the accompanying resolutions is respectfully suggested.

That it will also be necessary for said committee to have at their disposal a sergeant-at-arms and a shorthand reporter.

That it will be necessary for said committee to have a sum of money at their disposal, with which to pay witnesses, who may demand witness fees, and with which to pay incidental expenses incurred by said committee. Your committee is of the opinion that the sum of \$250 should be allowed for said purposes.

Said committee therefore asks for a leave of absence for the purpose herein stated, and that they be granted the sum of \$250 with which to pay incidental expenses of said committee.

WEYAND, Chairman.

#### ACCOMPANYING RESOLUTIONS.

WHEREAS, There have been certain charges preferred against E. S. Torrance, Judge of the Superior Court of San Diego; and

WHEREAS, A committee has been appointed to investigate said charges; and

WHEREAS, Said committee has made a report to this Assembly; therefore, be it Resolved, That Ernest Weyand, chairman; George A. McGowan, Frank J. O'Brien, and Frank R. Devlin, members of the committee heretofore appointed, are hereby given leave of absence from this Assembly, for such time as they may deem necessary for the purpose of going to such places as may be necessary to investigate said charges, and for that purpose, that the said committee be and it is hereby empowered to issue all necessary subpoenas, to have full power to send for persons, books, and papers, and to compel the attendance of any and all necessary witnesses within this State, and require the production of any and all necessary papers, books, or documents, in order that the powers herein given may be fully carried out; and that it shall report the result of its investigation to this Assembly at the earliest possible moment; be it

Further resolved, That the expenses of said committee be paid out of the Contingent Fund of the Assembly; and be it also

Further resolved, That said committee above named be given the sum of \$250 with which to pay witness fees, and other necessary incidental expenses incurred in said investigation.

The Controller is hereby directed to draw his warrant in favor of Ernest Weyand for the sum of \$250, and the Treasurer is hereby directed to pay the same.

Report and resolution read.

#### RULES SUSPENDED, AND RESOLUTION ADOPTED.

Mr. McCartney moved that the rules of the House be suspended and the report and resolution be placed upon its adoption.

Motion carried.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Gans, Gates, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, King, Lumley, Manwell, McCartney, McGowan, Meincke, Mindham, Moore, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—54.

NOES—None.

#### SUBSTITUTIONS ON VISITING COMMITTEE.

The Speaker announced the following substitutions on visiting committee:

Messrs. Stanton and Duryea are hereby substituted in place of Messrs. Bates and Mitchell to accompany the Committee on Public Charities and Corrections on its trip of investigation to the two State prisons and to the Preston and Whittier schools of industry.

#### THIRD-READING FILE—(RESUMED).

Mr. Lumley moved that Assembly Bills 184 and 187 (Nos. 26 and 27 on file), and which had been passed on file, be now taken up.

Motion carried.

Assembly Bill No. 184—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 416½, relating to the carrying of concealed deadly weapons, and fixing the penalty therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Barnes, Bates, Beardslee, Burge, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Devlin, Drew, Gans, Gates, Goodrich, Hawkins, Held, Houser, John, Johnson, Jones of Tuolumne, Jones of San Francisco, King, Lumley, Maxwell, McCartney, McGowan, Meincke, Mindham, Moore, Perkins, Pfaffle, Pryor, Pyle, Strobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, and Whiting—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

MR. WASTE CALLED TO THE CHAIR.

At three o'clock and twenty minutes P. M. the Hon. W. H. Waste, of Alameda, in the chair.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 187—An Act to amend an Act entitled "An Act relating to estrays, providing for taking up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by amending the second section thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Anthony, Arnerich, Beardslee, Busick, Coghlan, Cromwell, Hawkins, Houser, Jones of Tuolumne, McCartney, McGowan, Pryor, Thompson, Treadwell, Waste, and Weyand—16.

NOES—Messrs. Barnes, Bates, Burge, Chandler, Coyle, Creighton, Devlin, Dorsey, Drew, Gans, Gates, Held, John, Johnson, King, Lumley, Maxwell, Meincke, Mindham, Moore, Perkins, Pfaffle, Pyle, Severance, Tripp, Vogel, and Whiting—27.

NOTICE OF MOTION TO RECONSIDER.

Mr. Lumley gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 187 was refused passage on this day.

PRIVILEGES OF THE FLOOR.

At the request of Mr. Weyand, the privileges of the floor were granted to the Hon. C. E. McLaughlin, Superior Judge of Sierra County.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 40—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Barnes, Bates, Beardslee, Burge, Busick, Chandler, Cleveland, Coghlan, Covle, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Gates, Hawkins, Held, John, Johnson, Jones of Tuolumne, King, Lumley, Manwell, McCartney, McGowan, Meincke, Mindham, Moore, Perkins, Pfaffle, Pryor, Pyle, Severance, Thompson, Treadwell, Vogel, Waste, Weyand, and Whiting—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### NOTICE OF RECONSIDERATION POSTPONED.

Mr. Cromwell moved that the notice of reconsideration he had given on yesterday to reconsider the vote whereby Senate Bill No. 36 had been refused passage be continued, and made a special order for eleven o'clock and thirty minutes A. M. on Thursday, February 16, 1905.

So ordered.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 100—An Act to amend Section 2968 of the Civil Code, and to repeal Sections 2969 and 2970 of said Code, relating to the taking of mortgaged property under attachment and execution.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Barnes, Bates, Beardslee, Burge, Busick, Chandler, Coghlan, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Gates, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Manwell, McCartney, McGowan, Meincke, Mindham, Moore, Perkins, Pfaffle, Pryor, Pyle, Severance, Thompson, Treadwell, Vogel, Waste, Weyand, and Whiting—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### SENATE BILL TAKEN UP—(OUT OF ORDER).

Mr. Duryea requested leave to call up out of order Senate Bill No. 220 (No. 181 on the file), and place it on its final passage.

So ordered.

Senate Bill 220—An Act to amend Sections 684 and 685 of the Political Code, relating to the State Board of Examiners, the appointment of an assistant to the secretary of said Board, and for the appointment of four clerks of said Board, and fixing their compensation.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Barnes, Bates, Beardslee, Burge, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Devlin, Drew, Duryea, Gates, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Manwell, McCartney, McGowan, Meincke, Mindham, Moore, Perkins, Pfaffle, Pryor, Pyle, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, and Whiting—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

## SENATE BILL PASSED ON FILE.

Mr. McGowan moved to take up Senate Bill No. 146 (No. 182 on the file).  
So ordered.

Senate Bill No. 146—An Act regulating the hours of service on regular duty of members of the fire department of cities of the first class and cities and counties.

Passed on file.

## THIRD-READING FILE—(RESUMED).

Assembly Bill No. 365—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a State reform school for juvenile offenders, and to make an appropriation therefor,'" approved March 11, 1889, by amending the title to said Act, and by amending Sections 1, 4, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by adding three new sections thereto, to be numbered, respectively, Sections 16a, 16b, and 16c, relating to a change in the name of the institution, and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State school located and established under the aforesaid Act and now maintained by the State of California at Whittier, in the County of Los Angeles therein, approved March 23, 1893.

Passed on file.

Assembly Bill No. 361—An Act regulating the commitment of criminals to the State Prison at San Quentin and the State Prison at Folsom.

Passed on file.

Assembly Bill No. 366—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and the Preston School of Industry, fixing the authority to examine and commit to such schools with the superior judges of counties, and fixing the responsibilities for which commitments are made to the State for the maintenance of the persons committed therefrom, providing for the manner of payment therefor, and fixing the responsibility of parents to the counties for which their children are committed," approved March 26, 1895.

Passed on file.

Assembly Bill No. 360—An Act regulating the grading of prisoners in the State Prison at San Quentin, in the State Prison at Folsom, and the Preston School of Industry at Ione.

Passed on file.

Assembly Bill No. 364—An Act giving to superior judges the right to impose indeterminate sentences, and prescribing the method of imposing the same.

Passed on file.

Assembly Bill No. 363—An Act amending an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889.

Passed on file.

Assembly Bill No. 277—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Passed on file.

Assembly Bill No. 175—An Act fixing a limit of time within which a purchaser at tax sale shall apply for a tax deed.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Barnes, Bates, Burge, Busick, Chandler, Coghlan, Cooper, Coyle, Devlin, Dorsey, Drew, Duryea, Gans, Gates, Hawkins, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Lumley, Manwell, McGowan, Meincke, Mindham, Perkins, Pfaffle, Pryor, Pyle, Rolley, Stanton, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, and Whiting—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Mr. Chandler was permitted to call up Assembly Bill No. 255 (No. 52 on the file).

Assembly Bill No. 255—An Act to amend Subdivision 2 of Section 1543 of the Political Code, relating to the duties of county superintendents of schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Anthony, Bates, Beardslee, Burge, Cleveland, Coyle, Creighton, Devlin, Drew, Gans, Gates, Hawkins, Houser, Johnson, Johnstone, Lumley, Manwell, McCartney, Mindham, Pfaffle, Pryor, Pyle, Rolley, Stanton, Thompson, Tripp, Waste, and Weyand—28.

NOES—Messrs. Arnerich, Barnes, Busick, Chandler, Coghlan, Cooper, Dorsey, Duryea, Held, Jones of Tuolumne, King, Perkins, Transue, Vogel, and Whiting—15.

#### NOTICE OF MOTION TO RECONSIDER.

Mr. Chandler gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 255 was refused passage this day.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received, out of order, and read:

##### ON MUNICIPAL CORPORATIONS

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1905

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 318—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof.

Also: Assembly Bill No. 317—An Act to amend Section 813 of "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof.

Also: Senate Bill No. 18—An Act to amend Section 813 of an Act entitled "An Act to provide for organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fire departments of cities of fifth class.

Also: Assembly Bill No. 179—An Act to amend Section 813 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fire departments of cities of the fifth class.

Also: Senate Bill No. 38—An Act amending Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 13, 1885.

Also: Assembly Bill No. 234—An Act amending Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 15, 1885.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 261—An Act transferring the sum of \$80,000 from the General Fund to the Estate of Deceased Persons' Fund—have had the same under consideration, and respectfully report the same back, and recommend that the same be rereferred to the Committee on Ways and Means.

BEARDSLEE, Chairman.

Assembly Bills Nos. 318, 317, 179 and 234 were ordered on second-reading file.

Senate Bills Nos. 18 and 38 ordered on Senate special file for second reading.

Senate Bill No. 261 referred to Committee on Ways and Means.

#### INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

Leave was granted for the introduction and reference of the following bills:

By Mr. Coghlan: Assembly Bill No. 778—An Act to amend Sections 626, 626d, and 626e of the Penal Code of the State of California, relating to the protection and preservation of game.

Read first time, and referred to Committee on Fish and Game.

By Mr. Johnstone: Assembly Bill No. 779—An Act making an appropriation of \$900 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of refurnishing "B" cottage, at the girls' department.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 780—An Act making an appropriation of \$1000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing type and printing materials to be used in the printing office of said school.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 781—An Act making an appropriation of \$5,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing five inches of water from the East Whittier ditch, to be used at said school.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 782—An Act making an appropriation of \$2,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of constructing a reservoir to be used in storing the water supply of said school.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 783—An Act making an appropriation of \$500, to be used by the Board of Trustees of the Whittier State School at Whittier, California, for the purpose of repairing the assembly hall of the boys' department.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 784—An Act making an appropriation of \$785, to be used by the Board of Trustees of the Whittier State School at Whittier, California, for the purpose of purchasing one

team, four sets of harness, one mowing machine, and one set of platform scales for the use of said school.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 785—An Act making an appropriation of \$350, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new books for the library of said school.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 786—An Act making an appropriation of \$650, to be used by the Board of Trustees of the Whittier State School at Whittier, California, for the purpose of purchasing new sewing machines for use in said school.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 787—An Act making an appropriation of \$600, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new band instruments for use in said school.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

#### THIRD-READING FILE—(RESUMED).

Mr. Stanton moved that Assembly Bill No. 357 (No. 77 on the file) be substituted on file for Assembly Bill No. 114 (No. 14 on the file) with the consent of the author, Mr. Houser, and that Assembly Bill No. 357 be placed on its passage.

Motion carried.

Assembly Bill No. 357—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby.

Bill read third time

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Busick, Coghlan, Cooper, Coyle, Creighton, Devlin, Dorsey, Drew, Duryea, Gans, Gates, Hawkins, Held, Houser, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, King, Manwell, McCartney, McGowan, Meincke, Mindham, Perkins, Pfaffie, Pryor, Pyle, Rolley, Severance, Stanton, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, and Whiting—44.

NOES—None.

Title read and approved.

#### NOTICE OF MOTION TO RECONSIDER.

Mr. Drew gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 357 was passed this day.

#### BILL TAKEN UP OUT OF ORDER.

Mr. Dorsey requested and was granted leave to call up Assembly Bill No. 315 out of order.

Assembly Bill No. 315—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to the issuance of



writs and attachments issued from justices' courts, and providing that several writs may be issued at the same time to the sheriffs or constables of counties other than the one in which said justices' court may be situated.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Busick, Coghlan, Cooper, Coyle, Creighton, Cromwell, Dorsey, Drew, Duryea, Gans, Gates, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, King, Lumley, Manwell, McCartney, McGowan, Meincke, Mindham, Perkins, Pfaeffle, Pryor, Pyle, Rolley, Severance, Stanton, Thompson, Transue, Treadwell, Vogel, Waste, and Whiting—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### INTRODUCTION OF BILL—(OUT OF ORDER).

Mr. Jones of San Francisco was granted leave to introduce the following bill out of order:

By Mr. Jones of San Francisco: Assembly Bill No. 788—An Act providing for a method of obtaining plans for public buildings.

Read first time, and referred to Committee on Public Buildings and Grounds.

#### WITHDRAWAL OF NOTICE OF MOTION TO RECONSIDER.

Mr. Drew by unanimous consent withdrew his notice of motion for the reconsideration of the vote whereby Assembly Bill No. 357 was passed this day.

Bill ordered transmitted to the Senate.

#### ADJOURNMENT.

At four o'clock and forty-one minutes P. M., on motion of Mr. McCartney, Hon. W. H. Waste in the chair declared the Assembly adjourned until Wednesday, February 1, 1905, at eleven o'clock A. M.

#### IN ASSEMBLY.

#### ASSEMBLY CHAMBER,

Wednesday, February 1, 1905. }

The Assembly met at ten o'clock A. M., pursuant to adjournment.

Hon. Frank C. Prescott, of San Bernardino, Speaker of the Assembly in the chair.

#### ROLL CALL.

The roll was called, and the following members answered to their names:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lumley, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr Speaker—70.

Quorum present.

## LEAVES OF ABSENCE.

Leaves of absence for the day were granted to Messrs. Moore, Lucey and Cullen.

Mr. Walsh was excused for the morning session.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 31, 1905, on motion of Mr. King, its further reading was dispensed with.

## APPROVAL OF THE JOURNAL

The Journal of Monday, January 30, 1903, was read, corrected, and approved.

## SUBSTITUTION ON VISITING COMMITTEE.

The Speaker made the following announcement of substitution on visiting committee:

C. N. Jones, of Tuolumne, is hereby substituted for and in place of Mr. Beardslee to accompany the Committee on State Hospitals and Asylums on its visit to investigate the southern institutions

## SPECIAL ORDER.

(Specially set for this day immediately after the reading of the Journal.)

Assembly Bill No. 248—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley and the land embracing the Mariposa Big Tree Grove.

Read third time on a previous day.

## SELECT COMMITTEE AMENDMENT.

Mr. Estudillo moved that a select committee of one be appointed to amend Assembly Bill No. 248 so that it will read as follows:

"An Act to re-cede and re-grant unto the United States of America the 'Yosemite Valley' and the land embracing the 'Mariposa Big Tree Grove.'

"The people of the State of California, represented in Senate and Assembly, do enact as follows.

"SECTION 1. The State of California does hereby re-cede and re-grant unto the United States of America, the 'cleft' or 'gorge' in the granite peak of the Sierra Nevada Mountains, situated in the County of Mariposa, State of California, and the headwaters of the Merced River, and known as the Yosemite Valley, with its branches and spurs, granted unto the State of California in trust for public use, resort and recreation, by the Act of Congress entitled 'An Act authorizing a grant to the State of California of the "Yosemite Valley" and of the land embracing the "Mariposa Big Tree Grove,"' approved June 30, 1864; and the State of California does hereby relinquish unto the United States of America and resign the trusts created and granted by the said Act of Congress

"SEC. 2. The State of California does hereby re-cede and re-grant unto the United States of America the tracts embracing what is known as the Mariposa Big Tree Grove, granted unto the State of California in trust for public use, resort and recreation, by the Act of Congress referred to in Section 1 of this Act; and the State of California does hereby relinquish unto the United States of America and resign the trusts created and granted by the said Act of Congress.

"SEC. 3. This Act shall take effect from and after acceptance by the United States of America of the re-cessions and re-grants herein made, thereby forever releasing the State of California from further cost of maintaining the said premises, the same to be

held for all time by the United States of America, for public use, resort and recreation, and imposing on the United States of America the cost of maintaining the same as a national park; *provided, however*, that the re-cession and re-grant hereby made shall not affect vested rights and interests of third persons."

Motion carried.

Mr. Estudillo was appointed such select committee.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 248—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley and the land embracing the Mariposa Big Tree Grove—with instructions, does now report that the instructions of the Assembly have been carried out.

ESTUDILLO, Committee.

The report of select committee adopted.

MOTIONS TO MAKE BILL A SPECIAL ORDER.

Mr. Estudillo moved that Assembly Bill No. 248 be sent to the printer with a rush order, and that the bill be made the special order for this afternoon, immediately after the reconvening of the Assembly.

Mr. Jones of Tuolumne moved to amend that the bill be made a special order for to-morrow morning, after the reading of the Journal.

Amendment lost.

Mr. Atkinson moved to amend by making the bill a special order for next Monday morning.

Amendment lost.

Mr. Transue moved to amend by making the bill a special order for next Tuesday morning.

Amendment lost.

Mr. Jones of Tuolumne moved an amendment that the bill be made a special order for Thursday, February 9, 1905, immediately after the reading of the Journal.

Amendment adopted.

The question recurring on the motion, as amended, to make the bill a special order for Thursday, February 9, 1905.

The ayes and noes were demanded by Messrs. Estudillo, Amerige, and McKenney.

The roll was called, and the motion, as amended, lost by the following vote:

AYES—Messrs. Atkinson, Beardslee, Branstetter, Burge, Burke, Busick, Coghlan, Devlin, Dorsey, Duryea, Gates, Hawkins, John, Jones of Tuolumne, Lumley, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, O'Brien, Pfaffle, Pryor, Rolley, Severance, Stanton, Strohl, Transue, and Vogle—30

NOES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Chandler, Coyle, Creighton, Cromwell, Drew, Epsey, Estudillo, Gans, Goodrich, Held, Houser, Johnson, Johnstone, Jones of San Francisco, King, Manwell, Mitcheltree, Olmsted, Perkins, Pyle, Strobridge, Thompson, Treadwell, Tripp, Waste, Weyland, Whiting, Wickersham, and Mr. Speaker—34.

PLACED AT HEAD OF THIRD-READING FILE.

Mr. King moved that Assembly Bill No. 248 be sent to the printer with a rush order, and that the bill be placed at the head of the third-reading file for to-morrow, Thursday, February 2d.

Motion carried, and such were the orders.

## PETITIONS.

The Speaker presented the following petition, to prohibit the sale of liquors within two miles of the Soldiers' Home at Yountville:

PALO ALTO, CAL., January 29, 1905.

*To the Honorable Assembly and Senate of California, Sacramento, California:*

GENTLEMEN: We, the eighty-one members of the Palo Alto Epworth League, respectfully urge your honorable bodies to pass such measures as shall prohibit the sale of intoxicating liquors within a limit of two miles of the Soldiers' Home at Yountville, Napa County.

This, we believe, is in the nature of a necessity, and the action is imperative if the lives and morals of the veteran inmates are to be preserved. We point you to the report of the home's board of directors, the statements of the daily press, and the general demand of public opinion for the need and desire for this legislation.

Adopted unanimously, in open meeting, January 29, 1905.

CORA HELEN GIBSON, President.  
FREDERICK W. ROCKHOLD, Secretary.  
(And others.)

The petition was ordered filed.

The Speaker presented the following petition:

(Relative to placing statues of John A. Sutter and James Lick in the National Statuary Hall.)

EXECUTIVE DEPARTMENT, THE SOCIETY OF CALIFORNIA PIONEERS, }  
SAN FRANCISCO, January 30, 1905.

*To the Honorable Speaker of the Assembly of California, Sacramento, California:*

SIR: The following petition is handed to you in the confidence that it will be brought immediately to the attention of the Assembly and receive its favorable action:

(*Petition to the Assembly of the State of California.*)

WHEREAS, By Section 1814 of the Revised Statutes of the United States, the President is authorized to invite all the States of the Union to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem worthy of this national commemoration; and when so furnished, the same shall be placed in the National Statuary Hall in the Capitol of the United States; and

WHEREAS, The great State of California, now in its fifty-fifth year, is not represented in this respect, though there are many Californians whose services during life have given them national renown, it is fitting and proper that California, the extreme west of the national domain, be so represented; and

WHEREAS, The Society of California Pioneers has selected by vote John A. Sutter and James Lick as the persons best fitted to have such statues erected;

Now, therefore, The Society of California Pioneers most earnestly petitions the Legislature of 1905 at this session to make an appropriation adequate for the placing of such statues, in pursuance of said law, Section 1814 of the Revised Statutes of the United States, and that the statues of John A. Sutter and James Lick be placed in the National Statuary Hall.

Respectfully,

[SEAL] JOHN M. BURNETT, President.  
J. I. SPRAR, Secretary.

The petition was ordered placed on file.

Petitions were presented by the Speaker from various parlors of the Native Daughters of the Golden West, requesting appropriations to be made by the State of California for statues to be placed in the National Statuary Hall at Washington, D. C., which were ordered placed on file.

Mr. Cromwell presented the following petition relative to measures pending before the Legislature:

HON. F. A. CROMWELL, *Assemblyman Thirteenth District:*

We, the merchants of Petaluma, beg leave to call your attention to the following bills and ask your support of the same, as, in our opinion, they will be of benefit to the merchants of this State.

Senate Bill No. 344, introduced by Senator Keane, is in opposition to premium and trading stamp schemes. The profits of the merchants are close, and, if in addition, they are compelled by competition to issue trading-stamps or prizes, either one of two unde-

sirable things will happen—the merchant will fail or the prices of necessities will be raised to the consumer.

Senate Bills Nos. 63, 71, 75, and 78, introduced by Senator Muentner: One of them extends the statute of limitation of account from two to four years—a very desirable extension to the merchant, giving more opportunity to collect old accounts and lessening litigation. We believe that a great many of the Eastern States give from four to six years.

Senate Bill No. 56, introduced by the last-named Senator, makes the separate property of the wife responsible with that of the husband for bills for the necessities of life. In our opinion, this last referred to bill will not affect the honestly disposed, but will protect the merchant against the dishonestly disposed.

We respectfully ask your opposition to Senate Bills Nos. 250 and 276—the first restricting the use of attachments to certain contingencies; the second making attachments possible only in sums of \$25 or more. These bills seem to take away from the merchant about his only method of separating the reluctant debtor from his money, and is of no benefit to the honest.

Your assistance, as outlined above, will be greatly appreciated by the undersigned.

(Signed:) Schluckebier Hardware Company, per Henry Schluckebier, president; Petaluma Incubator Company, per L. C. Boyce, president; J. L. Winans & Son, grocers; Hamilton & Co., grocers; Scott & Crossley, hardware company; Petaluma Rochdale Association; J. E. Olmsted; Philip Tweed; Jones & Co, confectioners; I. M. Povator; H. H. Tomasini; Hickey & Vansen, grocers; Howe Fuller, grocer; H. Steitz Sons, grocers; J. Vieru, grocer; Mrs. H. Van Master, bakery and restaurant; Roach & Co, grocers; A. L. Phillips, merchant; Egan Brothers, merchants; J. A. McAlister, grocer; A. Kahn, grocer; F. T. Phelps, manager Hall Brothers; Brainerd, Houx & Rodehaver; Hood & Armstrong, butchers; Bromner & Salinger, United States Bakery; Edward O. Webb, druggist; Newburgh & Co., dry goods; F. Nauert, grocer; J. E. Penry, grocer; The Maynard Pharmacy, Dean & Young, proprietors; H. S. Guterments, general merchandise; Hugh Roberts, merchandise; S. H. Ross, grocery; R. Woods, wood and coal; Golden Eagle Milling Company; F. C. West, Ed D. Hedges, lumber; George P. McEwan, feed; Thomas McGuire, druggist.

On motion of Mr. Cromwell, the petition was ordered printed in the Journal.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly engrossed:

Assembly Bill No. 30—An Act to amend Section I of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895, which became a law March 4, 1899.

DEVLIN, Chairman.

#### PETITIONS—(RESUMED).

Mr. Held presented the following petition:

SAN FRANCISCO, September 19, 1904.

WHEREAS, For many years past there has been a law of the United States providing for each State to be represented in Statuary Hall in the Capitol building at Washington D. C., and

WHEREAS, Most of the States are represented in said hall by enduring monuments which fittingly represent the respective commonwealths, their resources and people; and

WHEREAS, Our own great State is without representation in said Statuary Hall; now therefore be it

Resolved, By Keith Parlor, No. 137, Native Daughters of the Golden West, of the City and County of San Francisco, that the Legislature of this State be and is hereby respectfully requested to make provisions at the session of the Legislature for 1905 for suitable representation in said Statuary Hall, at Washington, D. C.; and be it further

Resolved, That all our sister parlors of the Native Daughters of the Golden West, that the Native Sons of the Golden West, and all other patriotic organizations in California, be solicited to join in this petition; and be it further

Resolved, That representatives of the Legislature be requested to present a copy of these resolutions to the Legislature and use their best efforts to secure prompt and favorable action in the premises.

MINNIE ABRAMS, President,  
GENEVIEVE CARROLL, Recording Secretary,  
Keith Parlor No. 137, N. D. G. W.

POINT ARENAS, December 1, 1904.

We, the undersigned members of Broderick Parlor No. 117, N. S. G. W., join in the foregoing petition and earnestly request that favorable action be taken on the same.

E. I. ZIMMERMAN, President.

[SEAL.]

WIN S WILLIAMS, Recording Secretary.

Representing the voice of thirty-five members of Broderick Parlor, No. 117, N. S. G. W.

On motion of Mr. Held, the petition was ordered printed in the Journal and placed on file.

#### NOTICE OF MOTION TO RECONSIDER WITHDRAWN.

Mr. Pryor requested, and was granted permission, to withdraw his notice of motion to reconsider the vote whereby Senate Bill No. 230 was finally passed on yesterday.

Senate Bill No. 230 was ordered transmitted to the Senate.

#### RECONSIDERATION.

In compliance with his notice given on yesterday, Mr. Lumley moved to reconsider the vote whereby Assembly Bill No. 187—An Act to amend an Act entitled "An Act relating to estrays, providing for taking up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by amending the section thereof—was refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Devlin, Dorsey, Espey, Gans, Gates, Goodrich, Hawkins, Held, Houser, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, Lumley, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitchell, O'Brien, Olmsted, Perkins, Pfaefle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—60.

NOES—None.

Bill ordered restored to third-reading file.

#### AMENDMENT OF BILL.

On motion of Mr. Lumley, Assembly Bill No. 187 was taken up for purpose of amendment.

Assembly Bill No. 187—An Act to amend an Act entitled "An Act relating to estrays, providing for taking up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by amending the section thereof.

Bill read third time on a previous day.

#### SELECT COMMITTEE AMENDMENT.

Mr. Lumley moved that a select committee of one be appointed to amend Assembly Bill No. 187, as follows:

Amend by striking out of line 17, at the end of the line, the word "two," and inserting in lieu thereof the word "five."

Also: Amend by striking out of line 17, immediately preceding the word "years," the word "two," and inserting in lieu thereof the word "five"

Also: Amend by striking out of line 21, immediately preceding the word "years," the word "two," and inserting in lieu thereof the word "five."

Motion carried.

Mr. Lumley was appointed as such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 187—An Act to amend an Act entitled "An Act relating to estrays, providing for taking up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force, relating to estrays," approved March 23, 1901, by amending the section thereof—with instructions, does now report that the instructions of the Assembly have been carried out.

LUMLEY, Committee.

Report of select committee adopted.

Assembly Bill No. 187 was ordered to reengrossment, reprint, and on file for passage.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

##### ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 210—An Act making an appropriation for repairs and improvements on the buildings and grounds of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, for ex-army nurses and indigent widows, wives, mothers and dependent maiden daughters and sisters of Union veterans who served honorably in the war of the Rebellion.

Also: Assembly Bill No. 68—An Act making an appropriation of \$10,000 for the establishing at the Lick Observatory of a light and power plant, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 242—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Also: Assembly Bill No. 241—An Act making an appropriation for the construction and furnishing of a domestic science building at the California Polytechnic School.

Also: Assembly Bill No. 235—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Also: Assembly Bill No. 611—An Act to amend an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

Also: Assembly Bill No. 596—An Act providing for an appropriation of \$3,000 for the purpose of improving the grounds and repairing the buildings of Sutter's Fort, and for the necessary incidental expenses for maintenance.

Also: Assembly Bill No. 422—An Act to provide for the appointment of a board of trustees, to be known as the "Trustees of Fort Humboldt," for the acquisition of the Fort Humboldt property, and provide for an appropriation for the purchase thereof by the State, and for the preservation, protection, and improvement of the said property.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BARNES, Chairman.

Assembly Bills Nos. 210, 68, 242, 241, 235, 611, 596, and 422 were ordered on the second-reading file, and referred to the Committee on Ways and Means.

##### ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1905.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was granted leave of absence to visit the State Normal School at Los Angeles, State Normal School at San Diego, State Polytechnic School at San Luis Obispo, Custom House, and other State buildings, asking for an appropriation at Monterey, State Normal School, Woman's Relief Corps Home, and Lick Observatory at San José, have visited the same.

The following members are entitled to mileage for the same, to wit: 1470 miles, as follows:

Sacramento to San Francisco, 90 miles; San Francisco to Los Angeles, 475 miles; Los Angeles to San Diego, 127 miles; San Diego to San Luis Obispo, 349 miles; San Luis Obispo to Monterey, 157 miles; Monterey to San José, 75 miles; San José to Lick Observatory, 28 miles; Lick Observatory to Sacramento, 169 miles.

F. W. Barnes	\$147 00
Jesse R. Dorsey	147 00
Geo. T. Rolley	147 00
Paul Arnerich	147 00
L. P. Branstetter	147 00
J. B. R. Cooper	147 00
Mel Vogel	147 00
James Slaven	147 00
Francis McNamara	147 00
Jeremiah Lucey	147 00
Wm. J. Mindham	147 00

And we ask the adoption of the following resolution:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of F. W. Barnes, chairman of said committee, for the sum of \$1,617, as per above statement, said warrant to be drawn upon the fund for the contingent expenses of the Assembly, and the Treasurer be directed to pay the same.

BARNES, Chairman.

Report and resolution referred to Committee on Mileage.

#### ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905.

MR. SPEAKER: The undersigned, a majority of your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 204—An Act to amend Section 654 of the Political Code, relating to the registration of life insurance policies and deposit of security with insurance commissioners thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ATKINSON.  
O'BRIEN.  
McNAMARA.  
STANTON.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 96—An Act adding a new section to the Civil Code, to be known as Section 433, relating to corporations transacting business in insuring titles to real estate, and providing the terms and conditions of policies issued by such corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BATES, Chairman.

Assembly Bills Nos. 204 and 96 ordered on second-reading file.

#### ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1905.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 468—An Act to amend Section 626m of the Penal Code of California, relating to hunting at night time.

Also: Assembly Bill No. 351—An Act to amend Section 637a of the Penal Code of the State of California, relating to the taking and killing of meadow larks and wild birds other than game birds.

Also: Assembly Bill No. 519—An Act to add a new section to the Penal Code, No. 599, making it a felony to kill any elk within the State of California.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

O'BRIEN, Chairman.

Assembly Bills Nos. 468, 351, and 519 ordered on second-reading file.

#### ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1905.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 595—An Act making an appropriation for the care of the insane suffering from tuberculosis in the State hospitals of California—have had the



same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be re-referred to the Committee on Ways and Means.

Also: Senate Bill No. 77—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Mendocino State Hospital for the Insane—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 561—An Act to establish and maintain a home for aged and disabled miners of the State of California, and appropriating money therefor—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Assembly Bill No. 325—An Act to amend Sections 2, 3, 5, 7, 10, and 13, and to repeal Section 14 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in, the State of California to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors and marines, and to provide for the government thereof by the State," approved March 11, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HELD, Chairman.

Assembly Bills Nos. 595 and 561 ordered on the second-reading file, and referred to the Committee on Ways and Means.

Assembly Bill No. 325 ordered on second-reading file.

Senate Bill No. 77 ordered on special Senate file for second reading.

#### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Senate Bill No. 114—An Act entitled "An Act to amend the Civil Code of the State of California," relating to the amount of real estate which may be held by corporations whose object is not pecuniary profit—reports the same back, with two amendments, and with the recommendation that it do pass as amended.

Also Assembly Bill No. 639—An Act authorizing the bringing of actions on behalf of the State for the purpose of enforcing the lien or liens of taxes, under an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection and to direct the disposition of the proceeds," approved March 23, 1893, and the several Acts amendatory thereof, and to authorize the bringing and prosecution of actions against the State for the purpose of quieting title against claims of liens made by, or upon behalf of the State under the said Act and the Acts amendatory thereof, and to regulate the procedure in said actions—reports the same back, with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 604—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 382b, relating to the refusal of sale of goods, wares, merchandise, or supplies, by retail dealers therein, to any person offering to purchase the same for cash, and of conviction thereof, and fixing the penalty therefor—reports the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 28—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 367 of said Code of Civil Procedure, relating to parties to civil actions—reports the same back, with two amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 658—An Act to amend Section 1278 of the Code of Civil Procedure of the State of California, relating to hearing application for change of names, and remonstrance, and requiring production of the certificate of the Secretary of State by corporations that name desired is not the name of any other corporation, or so closely resembles the same as will tend to deceive—reports the same back, with two amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 274—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 172, relating to conveyances of real property by married men and limiting the time in which to commence actions for the recovery of community property by wives—reports the same back, with four amendments, and with the recommendation that it do not pass, by a majority vote.

Also: Assembly Bill No. 333—An Act to amend Sections 360 and 362, and to repeal Sections 361 and 363, of the Civil Code, all relating to the powers of corporations—reports the same back with three amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 270—An Act to amend Section 3617 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to definition of terms—reports the same back, with five amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 617—An Act to repeal an Act entitled "An Act to provide for the appointment of a deputy supreme court reporter, and to regulate his compensation," approved February 23, 1881—reports the same back, with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 677—An Act to add a new section to the Penal Code, to be numbered Section 523, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theatre or other public place of amusement for more than the original price thereof—reports the same back, with two amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 606—An Act to amend Section 202 of the Code of Civil Procedure, relating to the taking of depositions in the State—reports this same back, with one amendment, and with the recommendation that it do pass as amended.

DURYEA, Chairman.

Senate Bill No. 114, and Assembly Bills Nos. 639, 604, 28, 658, 274, 383, 270, 617, 677, and 606 ordered on their respective files for second reading.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was read:

SENATE CHAMBER, SACRAMENTO, January 31, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 92—An Act adding a new section to the Penal Code, to be numbered 273, relating to the protection of children under eighteen years of age.

Also: Senate Bill No. 31—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Also: Senate Bill No. 150—An Act to amend Section 2 of an Act entitled "An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California located on the water-front at San Francisco, California," approved March 25, 1901.

LEWIS A. HILBORN, Secretary of the Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 92—An Act adding a new section to the Penal Code, to be numbered 273, relating to the protection of children under eighteen years of age.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 31—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Read first time, and referred to Committee on Commerce and Navigation.

Senate Bill No. 150—An Act to amend Section 2 of an Act entitled "An Act empowering and authorizing the Board of State Harbor Commissioners to insure, against loss or damage by fire, the property of the State of California located on the water-front at San Francisco, California," approved March 25, 1901.

Read first time, and referred to the Committee on Commerce and Navigation.

#### INTRODUCTION AND REFERENCE OF BILLS.

Bills were introduced and referred as follows:

By Mr. Creighton: Assembly Bill No. 789—An Act to increase the number of Judges of the Superior Court of the County of Shasta, State of California, and for the appointment of such additional judges.

Read first time, and referred to Committee on Judiciary.

By Mr. Burge: Assembly Bill No. 790—An Act to abate the gopher and squirrel nuisance upon or adjacent to cultivated lands, and for the protection of agriculture and horticulture from destruction by said gophers and squirrels, and to provide for the enforcement of this Act.

Read first time, and referred to Committee on Agriculture.

By Mr. Bliss: Assembly Bill No. 791—An Act to provide quarters for insane convicts and criminals at the Mendocino State Hospital, and making an appropriation therefor.

Read first time, and referred to Committee on State Prisons and Reformatories.

By Mr. Meincke: Assembly Bill No. 792—An Act appropriating money to pay the expenses of collecting, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the International Exposition at Liege, Belgium, in 1905; also, for preparing and printing literature relating to the State for distribution at said exposition, and providing a commission and expense of commission and attachés.

Read first time, and referred to Committee on Commissions and Public Expenditures.

By Mr. Dorsey: Assembly Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 183 thereof, relating to salaries and fees of county and township officers in counties of the twenty-sixth class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. King: Assembly Bill No. 794—An Act providing for payment by the State of certain fees, costs, and expenses.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 795—An Act to amend Section 220 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 6, 1897, relating to the time of payment of salaries of officers.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 796—An Act to add a new section to the Political Code of the State of California, to be known as Section 4088, providing for a contingent expense fund for the use of district attorneys.

Read first time, and referred to Committee on County and Township Governments.

By Mr. McGowan: Assembly Constitutional Amendment No. 20—Resolution proposing to the people of the State of California amendments to the Constitution of the State, to wit: A new article, number thirteen, relating to revenue and taxation, and repealing the present article, number thirteen of the Constitution of the State, relative to the same subject.

Referred to Committee on Revenue and Taxation.

By Mr. Olmsted: Assembly Bill No. 797—An Act to add a new section to the Political Code of California, to be known as Section 1617½, relating to the auditing of demands against school districts, and the payment of the same.

Read first time, and referred to Committee on Education.

By Mr. Vogel (by request): Assembly Bill No. 798—An Act to select and adopt the colors "Green and Gold" as the State colors of California.

Read first time, and referred to Committee on Judiciary.

By Mr. Gates: Assembly Bill No. 799—An Act authorizing and empowering boards of supervisors of the counties of this State to change the names of streets and avenues.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 800—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 180 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-third class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Goodrich: Assembly Bill No. 801—An Act to appropriate the sum of \$3,500 to pay the claim of E. J. Card, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Read first time, and referred to Committee on Claims.

By Mr. Duryea: Assembly Bill No. 802—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 803—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof.

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Houser: Assembly Bill No. 804—An Act to amend Section 2 of an Act approved March 24, 1903, entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement.

Read first time, and referred to Committee on Municipal Corporations.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

##### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly Bills have been correctly engrossed:

Assembly Bill No. 99—An Act to amend Section 1167 of the Code of Civil Procedure, relating to summons in summary proceedings for obtaining possession of real property.

Assembly Bill No. 193—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

Assembly Bill No. 173—An Act confirming the organization of school districts.

Assembly Bill No. 9—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 4080, relating to the planting and preservation of shade and ornamental trees.

DEVLIN, Chairman.

Assembly Bills Nos. 99, 193, 173 and 9 ordered on third-reading file.

#### INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

Bills were introduced and referred as follows:

By Mr. Coghlan: Assembly Bill No. 805—An Act to amend Section 13 of an Act entitled "An Act to amend an Act to authorize the incorporation of rural cemetery associations," approved April 28, 1859, and to authorize the owners of lots in such cemeteries to transfer them by deed, approved March 31, 1891.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 806—An Act repealing Section 710 of the Code of Civil Procedure, providing a procedure by which money or credits of a judgment debtor in the hands of the State of California, or a public or municipal corporation, or public officer, may be obtained in satisfaction of judgment, and relating to the duty of courts upon the receipt of money received into court under such procedure.

Read first time, and referred to Committee on Judiciary.

By Mr. Anthony: Assembly Bill No. 807—An Act to repeal an Act entitled "An Act to regulate fees in City and County of San Francisco," approved February 9, 1866 (Stats. of Cal., 1865-6, Chap. XCI, pp. 66-68).

Read first time, and referred to Committee on Judiciary.

By Mr. Stanton: Assembly Bill No. 808—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence.

Read first time, and referred to Committee on Ways and Means.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The Committees on Public Health and Quarantine and on Universities were granted leave to submit the following reports out of order, which were read:

##### ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 458—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof and to repeal an Act now in force relating to the same, and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," by amending Section 14 and repealing Section 11.

Also: Assembly Bill No. 471—An Act to establish and maintain a State hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health, providing for the appointment of a director thereof, and assistants; making an appropriation therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 371—An Act to amend the Penal Code by adding a new section, relating to the sale of injurious food—have had the same under consideration, and respectfully report the same back, and recommend that the same do not pass.

Also: Assembly Bill No. 356—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No 598—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377d, making it a misdemeanor to refuse or neglect to conform to the rules, orders and regulations of the State Board of Health, concerning the discontinuance, abatement, or removal of noisome or noxious smoke, gas, or effluvia—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

GATES, Chairman.

Assembly Bills Nos. 458, 371, 356, and 598 ordered on second-reading file.

Assembly Bill No. 471 ordered on second-reading file and referred to Committee on Ways and Means.

#### ON UNIVERSITIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905.

MR. SPEAKER: Your Committee on Universities, to whom was referred the accompanying invitation of President and Mrs. Wheeler to lunch at Berkeley on Friday next, have conferred with the Lieutenant-Governor and members of the Senate having the matter in charge, and have communicated with President Wheeler. We find that it is impossible for either house of the Legislature to accept the invitation on the date specified, and the same has been renewed for Friday, February 10th. We therefore recommend the adoption of the accompanying resolution, and that the same be forwarded to President and Mrs. Wheeler

WASTE, Chairman.

BERKELEY, CAL., January 30, 1905.

GENERAL FRANK C. PRESCOTT, *Speaker of the Assembly*: Mrs. Wheeler and myself cordially invite all members of the Assembly, with their wives, to lunch with us at Hearst Hall, at 12:30 P. M., Friday, February 3d.

BENJ IDE WHEELER.

#### RESOLUTION.

Mr. Waste offered the following resolution:

(To accept President Wheeler's invitation.)

*Resolved*, That the Assembly hereby tender its thanks to President and Mrs. Wheeler for the kind invitation to lunch on Friday next, and which has been renewed for February 10th;

*Resolved, further*, That the said invitation be accepted, provided the business of the Assembly will allow, on said last-named date, the matter to be determined at a later day.

Resolution read and, on motion of Mr. Waste, adopted.

#### BILL WITHDRAWN FROM COMMITTEE.

Mr. Treadwell moved that Assembly Bill No. 243 be withdrawn from the Committee on Commerce and Navigation, and restored to its place on the second-reading file, under the rule requiring committee to report bills back after ten days.

Motion carried, and such was the order.

#### MOTION TO WITHDRAW BILL LOST.

Mr. Espey moved that Assembly Bill No. 260 be withdrawn from the Committee on Public Morals.

Mr. Stanton moved to lay the motion on the table.

Motion to lay on the table carried.

Mr. Stanton moved that the Committee on Ways and Means be granted further time on bills in its hands longer than provided for in the rules.

## POINT OF ORDER SUSTAINED.

Mr. Houser raised the point of order that the motion made by Mr. Stanton would require a suspension of the rules.

The Speaker declared the point of order "well taken."

## SPECIAL FILE.

Assembly Bill No. 555 (Substitute for Assembly Bill No. 116)—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavits of registration.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Constitutional Amendment No. 15—For the recall of officials by electors.

## ASSEMBLY CONSTITUTIONAL AMENDMENT No. 15

## For the recall of officials by electors.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

Article IV of the Constitution of the State of California shall be amended to read as follows:

Section 18½. That all elective State, county, city, city and county, town, township, and municipal officers of this State, shall be subject to recall, by electors, in such manner as shall be prescribed by law.

Constitutional amendment read.

The Committee on Constitutional Amendments submitted the following amendments:

## COMMITTEE AMENDMENT No. 1.

That the title of said constitutional amendment be amended to read as follows:

"A resolution to propose to the people of the State of California a constitutional amendment (relating to recall by electors of elective officials) by adding a new section, to be known as Section 18½, of Article IV, to the Constitution of the State of California."

Amendment adopted.

## COMMITTEE AMENDMENT No. 2.

That the enacting clause of said Assembly constitutional amendment shall be amended to read as follows:

"Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its regular session, commencing on the second day of January, nineteen hundred and five, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that Article IV of the Constitution of the State of California be amended by adding thereto a new section, to be known as section eighteen and one-half, to read as follows:"

Amendment adopted.

## COMMITTEE AMENDMENT No. 3.

That said proposed Assembly constitutional amendment be amended by substituting therefor the following:

"Section 18½. That all elective officers of this State, or any political subdivision thereof, shall be subject to recall by their respective electors"

Amendment adopted.

Assembly Constitutional Amendment No. 15 ordered to engrossment, reprint, and on special file for adoption.

## RECESS.

At twelve o'clock and twenty-eight minutes P. M., on motion of Mr. McCartney, the Assembly was declared at recess until two o'clock and thirty minutes P. M., this day.

## REASSEMBLED.

The Assembly reconvened at two o'clock and thirty minutes P. M.  
Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received out of order and read:

## ON COMMISSIONS AND PUBLIC EXPENDITURES

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905.

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Assembly Bill No. 478—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualification of persons following such business, and the sanitary conditions of barber shops in the State of California—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

VOGEL, Chairman.

Assembly Bill No. 478 ordered on second-reading file.

## SPECIAL FILE—(RESUMED).

## ASSEMBLY CONSTITUTIONAL AMENDMENT No. 8.

A resolution to propose to the people of the State of California an amendment to Article XIII by adding a new section thereto, to be known and designated as Section 1½, relating to the exemption from taxation of all the buildings used solely and exclusively for the accommodation, support, and maintenance of minor orphans, or half orphans, or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use, and occupation thereof.

*Resolved by the Assembly, the Senate concurring,* That the Legislature of the State of California, at its regular session, commencing on the second of January, Anno Domini one thousand nine hundred and five two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that Article XIII of the State Constitution of California be amended by adding a new section thereto, to be known and designated as one and three fourths, and to read as follows;

Section 1½. All buildings and so much of the real property on which they are situated as may be required for the convenience, use, and occupation of said buildings, when the same are used solely and exclusively for the accommodation, support, and maintenance of minor orphans, half orphans, or abandoned children, shall be free from taxation; *provided*, that no building so used which may be rented for any of said purposes, and rent received by the owner thereof, shall be exempt from taxation.

Constitutional amendment read on a previous day.

The question being on the adoption of Assembly Constitutional Amendment No. 8.

The roll was called, and the constitutional amendment was refused adoption by the following vote:

AYES—Messrs. Atkinson, Barnes, Burke, Chandler, Lucey, McCartney, McNamara, Meincke, O'Brien, Pfaffle, Severance, Slaven, Strohl, Thompson, Treadwell, Tripp, Vogel, and Weyand—18.

NOES—Messrs. Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Cooper, Coyle, Duryea, Gans, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Manwell, Olmsted, Perkins, Whiting, and Mr. Speaker—22.

Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 17, of Article VI, of said Constitution, relating to the compensation of Justices of the Supreme Court and Judges of the Superior Court.

Passed on file.



Assembly Bill No. 280—An Act providing for the purchase of a university farm for the use of the College of Agriculture of the University of California; providing for the appointment of a commission to select and purchase said farm; providing for a school of agriculture and a system of instruction on said farm, and appropriating money therefor.

Passed on file.

Assembly Constitutional Amendment No. 10—An Act relating to proposing an amendment to the State Constitution, providing for free public school books.

Passed on file.

Assembly Bill No. 56—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justice courts and justices.

Passed on file.

Assembly Bill No. 158—An Act authorizing certain corporations to act as guardians of the persons of abandoned, dependent, and certain other children, with power as such guardians to consent to the adoption of such children; providing for their appointment as such guardians, with the notice to be given and fees remitted.

Passed on file.

Assembly Bill No. 298—An Act to amend Chapter I of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, by adding a new section thereto, to be numbered Section 9, relating to the powers and duties of city recorders and city clerks respecting the registration of deaths and the issuance and registration of burial and disinterment permits.

Passed on file.

Assembly Bill No. 301—An Act to amend Subdivision 20, of Section 25, of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to health officers and health regulations, and the powers of boards of supervisors in connection therewith.

Passed on file.

Assembly Bill No. 323—An Act to amend an Act entitled "An Act to establish a system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131a, relating to the powers and duties of the county recorder respecting the registration of marriages, births, and deaths.

Passed on file.

Assembly Bill No. 269—An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof.

Passed on file.

Assembly Bill No. 189—An Act to further perpetuate the markings of the Government survey.

Passed on file.

Assembly Bill No. 365—An Act to amend an Act entitled an Act to amend an Act entitled "An Act to establish a State reform school for

juvenile offenders, and to make an appropriation therefor," approved March 11, 1889, by amending the title to said Act, and by amending Sections 1; 4, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by adding three new sections thereto, to be numbered, respectively, Sections 16a, 16b, and 16c, relating to a change in the name of the institution, and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State school located and established under the aforesaid Act and now maintained by the State of California at Whittier, in the County of Los Angeles therein, approved March 23, 1893.

Bill read third time, and passed on file for further consideration.

Assembly Bill No. 361—An Act regulating the commitment of criminals to the State Prison at San Quentin and the State Prison at Folsom.

Passed on file.

Assembly Bill No. 366—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and the Preston School of Industry, fixing the authority to examine and commit to such schools with the superior judges of counties, and fixing the responsibilities for which commitments are made to the State for the maintenance of the persons committed therefrom, providing for the manner of payment therefor, and fixing the responsibility of parents to the counties for which their children are committed," approved March 26, 1895.

Passed on file.

Assembly Bill No. 360—An Act regulating the grading of prisoners in the State Prison at San Quentin, in the State Prison at Folsom, and the Preston School of Industry at Ione.

Passed on file.

Assembly Bill No. 364—An Act giving to superior judges the right to impose indeterminate sentences, and prescribing the method of imposing the same.

Passed on file.

Assembly Bill No. 363—An Act amending an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889.

Passed on file.

Assembly Bill No. 277—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Passed on file.

Assembly Bill No. 89—An Act to amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time therefor.

Passed on file.

Assembly Bill No. 541—An Act fixing the salaries of three Assistant Reporters of the Decisions of the Supreme Court and District Courts of Appeal.

Passed on file.

Assembly Bill No. 152—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

Passed on file.

Assembly Bill No. 9—An Act to amend an Act to establish a Political Code, approved March 12, 1872, by amending Section 4080, relating to the planting and preservation of shade and ornamental trees.

Passed on file.

Assembly Bill No. 212—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act providing for the sale of railroad and other franchises in municipalities, and relative to the granting of franchises,'" approved March 23, 1893.

Passed on file.

Assembly Bill No. 176—An Act to amend Section 3788 of the Political Code of the State of California, relating to redemption of lands from tax sales.

Passed on file.

Mr. Houser moved that the Assembly do now take up the second-reading file.

Motion carried.

#### SECOND-READING FILE.

Assembly Bill No. 93—An Act making an appropriation to pay the judgment of J. R. Hanify against the State of California for damage sustained by the breakage of Fremont-street wharf in the City and County of San Francisco.

Bill read second time.

#### MOTION.

Mr. Treadwell moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 93.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Assembly Bill No. 93 was considered in Committee of the Whole.

Mr. Treadwell moved that the committee rise and report the bill back, with a recommendation that it do pass.

Motion carried.

#### IN ASSEMBLY.

Speaker Prescott in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 93, and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

Report was adopted.

Bill ordered to engrossment and on third-reading file.

Assembly Bill No. 105—An Act to appropriate the sum of \$150 to pay the claim of I. E. Cohn against the State of California for money advanced.

Bill read second time.

Mr. Treadwell moved to amend as follows:

Amend by striking out of the title the words "for money advanced." Also strike out of line 4, section 1, printed bill, the words "for money advanced."

Amendment adopted.

## MOTION.

Mr. Treadwell moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 105.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Assembly Bill No. 105 was considered in Committee of the Whole.

Mr. Treadwell moved that the Committee of the Whole rise and report the bill back, as amended, with a recommendation that it do pass.

## IN ASSEMBLY.

Speaker Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 105, and do now report the same back, with amendments, and recommend that the same do pass as amended.

PRESCOTT, Chairman.

Report adopted.

Bill ordered to engrossment, reprint, and on third-reading file.

## SPEAKER PRO TEM. CALLED TO THE CHAIR.

At two o'clock and forty-five minutes P. M. Hon. T. E. Atkinson of San Francisco, Speaker pro tem., in the chair.

## BILL STRICKEN FROM FILE.

On motion of Mr. Duryea, Assembly Bill No. 329—An Act to amend Sections 684 and 685 of the Political Code, relating to the State Board of Examiners, the appointment of an assistant to the secretary of said board, and for the appointment of four clerks of said board, and fixing their compensation—was ordered stricken from the file.

## SECOND-READING FILE—(RESUMED).

Assembly Bill No. 131—An Act to add a new section, to be known as Section 1927 of the Code of Civil Procedure, relating to the admission in evidence of certain statement of facts contained in patents for mineral lands issued or granted by the United States of America.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 533—An Act to provide for the "Inspector of Mines," to define his duties, and provide for his compensation, the liability of mining operators and the Inspector of Mines.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 208—An Act entitled "An Act to amend Section 1861 of the Political Code of the State of California," relating to the use of the State School Fund.

Passed on file.

Assembly Bill No. 709 (Committee substitute for Assembly Bill No. 174)—An Act to amend Section 1893 of the Political Code, relating to the manner of conducting elections for issuance of bonds in school districts.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 710 (Committee substitute for Assembly Bill No. 190)—An Act to amend an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution," approved March 2, 1903.

Passed on file.

Assembly Bill No. 435—An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children.

Passed on file.

Assembly Bill No. 712—An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry, and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, making an appropriation for the purposes of this Act, and defining and providing for the punishment of certain officers for violation of the provisions of this Act.

Passed on file.

Assembly Bill No. 306—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Passed on file.

Assembly Bill No. 738 (Committee substitute for Assembly Bill No. 103)—An Act to amend an Act entitled "The Political Code of the State of California," relating to the employment of women as physicians in State hospitals for the care and treatment of the insane, and in the California Home for the Care and Training of Feeble-Minded Children at Eldridge, Sonoma County.

Passed on file.

Assembly Bill No. 739—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, relating to powers of boards of trustees of cities of the fifth class.

Passed on file.

Assembly Bill No. 433—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, relating to compensation of officers in cities of the fifth class.

Passed on file.

Assembly Bill No. 450—An Act to validate the organization and incorporation of municipal corporations.

Bill read second time.

The following amendment was read:

Amend by striking out, on line 20, first page, printed bill, the following: All of Section 2.

Amendment adopted.

Bill ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 154—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of trustees of cities of the fifth class.

Passed on file.

Assembly Bill No. 24—An Act to add a new section to the Code of Civil Procedure, to be known as Section 637, relating to causes in the superior court in equity and at law, without a jury, in which testimony shall at request of a party be reduced to writing, and upon appeal be heard *de novo*.

Bill read second time.

The following amendments were read:

COMMITTEE AMENDMENT No. 1.

Amend by striking out all of the printed bill after the figures "637" in line 4, page 1 of the printed bill, and insert in lieu thereof the following:

"That whenever, upon the hearing of any equity causes in the Superior Court, objections shall be made to the introduction of any evidence, parol or documentary, offered in good faith, which under any theory of the case would be admissible, such evidence shall be admitted, subject to such objections, unless the objecting party will admit that the witnesses named would testify as stated by the party offering the same, or, in case of documentary evidence, that such evidence, if introduced, would establish the facts as stated, and thereupon such admission may, at the option of the objecting party, stand in lieu of the evidence so offered, subject to such objections.

"That in finding the facts in equity causes, any party may submit proposed findings to the court, and the court shall thereupon find any fact, whether deemed probative or otherwise, when requested by any party, if established by the evidence, to the end that if such case be appealed upon the judgment roll without any bill of exceptions or statement of the case, the appellate court may, if practicable, finally determine the rights of the parties without a new trial.

"That in any equity cause, where the testimony of the trial court has been preserved by bill of exceptions, or statement of the case, and appeal has been taken upon the judgment roll, the appellate court shall determine the appeal, and the rights of the parties upon all the evidence, the findings of fact in such case not being conclusive, and shall affirm, reverse, or modify the judgment or decree of the court below or make such order therein as may be agreeable to justice."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by striking out all after the word "to" in line 4 of the title, and insert in lieu thereof the following: "equity causes and to appeals therein."

Amendment adopted.

COMMITTEE AMENDMENT No. 3.

Amend by inserting in line 2, page 1 of the printed bill, after the comma, the words "to read as follows."

Amendment adopted.

Bill ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 419—An Act to amend the Code of Civil Procedure of the State of California by amending Section 859 thereof, relating to amendment of pleadings.

Passed on file.

Assembly Bill No. 475—An Act to add a new section to Chapter III, Title I, Part II, of the Penal Code of the State of California, to be numbered Section 714*n*, giving the right to appeal from justices' courts in certain cases.

Passed on file.

Assembly Bill No. 583—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered and known as Section 1163, relating to the recording of a certificate of residence.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 584—An Act to amend Section 412 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the publication of summons when the defendant is

absent from the State, concealed, or is a foreign corporation having no agent in this State, or is a person who can not be found within this State.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 317—An Act to amend Section 813 of "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the acts amendatory thereof.

Bill read second time, ordered to engrossment and on file for third reading.

Assembly Bill No. 318—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the acts amendatory thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 245—An Act making an appropriation to pay the claim of R. B. Young for materials, labor, and insurance premiums paid in the construction and erection of the Whittier State School.

Bill read second time.

#### MOTION.

Mr. Transue moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 245.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Atkinson in the chair.

Assembly Bill No. 245 was considered in Committee of the Whole.

Mr. Transue moved that the Committee of the Whole rise and report Assembly Bill No. 245 back, with a recommendation that it do pass.

#### IN ASSEMBLY.

Speaker pro tem. Atkinson in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 245, and do now report the same back, and recommend that the same do pass.

ATKINSON, Chairman.

Report adopted.

Assembly Bill No. 245 ordered to engrossment and on third-reading file.

Assembly Bill No. 531—An Act to amend an Act entitled "An Act to provide for the compilation, printing, binding, publishing, and distribution of a Legislative Manual and State Blue Book, or Roster, and repealing conflicting Acts," approved February 13, 1903.

Bill read second time.

The following amendments were read:

#### COMMITTEE AMENDMENT No. 1.

Amend on line four, second page, printed bill, after the word "twenty," by inserting the word "five."

Amendment adopted.

#### COMMITTEE AMENDMENT No. 2.

Amend on line four, second page, printed bill, after the word "twenty," by inserting the word "five."

Amendment adopted.

## COMMITTEE AMENDMENT No. 3.

Amend on line five, second page, printed bill, after the word "twenty," by inserting the word "five."

Amendment adopted.

Bill ordered to engrossment, reprint, and on file for third reading.

Assembly Bill No. 289—An Act making an appropriation for transportation of prisoners for the fifty-fifth and fifty-sixth fiscal years.

Bill read second time.

The following amendment was read:

Amend by striking out the word "eighteen," on line 1, first page, printed bill, and inserting in lieu thereof the word "twenty."

Amendment adopted.

Assembly Bill No. 282—An Act making an appropriation to pay the salary of the Secretary of the State Text-Book Committee.

Bill read second time.

Assembly Bill No. 284—An Act making an appropriation to pay a deficiency in the appropriation for the preservation, protection, and improvement of the Monterey Custom House property.

Bill read second time.

Assembly Bill No. 283—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard, for the fifty-fifth fiscal year.

Bill read second time.

Assembly Bill No. 285—An Act making an appropriation to pay a deficiency in the appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the fifty-fifth fiscal year.

Bill read second time.

Assembly Bill No. 287—An Act providing for the payment of the claim of A. G. Knight for conveying the election returns of Presidential Electors to Sacramento, and making an appropriation therefor.

Bill read second time.

Assembly Bill No. 288—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-fourth, fifty-fifth, and fifty-sixth fiscal years.

Bill read second time.

## MOTION.

Mr. Transue moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bills Nos. 289, 282, 283, 284, 285, 287, and 288.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. T. E. Atkinson in the chair.

Assembly Bills Nos. 289, 282, 283, 284, 285, 287, and 288 were considered in Committee of the Whole.

Mr. Transue moved that the Committee of the Whole do rise and report back Assembly Bills Nos. 289 (as amended), 282, 283, 284, 285, 287, and 288, with a recommendation that they do pass.

Motion carried.



## IN ASSEMBLY.

Speaker pro tem. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905.

GENTLEMEN. The Committee of the Whole have had under consideration Assembly Bills Nos. 289 (amended bill), 282, 284, 283, 285, 287, and 288, and do now report the same back, and recommend that the same do pass, except that Assembly Bill No. 289 do pass as amended.

ATKINSON, Chairman.

Report adopted.

Assembly Bills Nos. 282, 284, 283, 285, 287, and 288 ordered to engrossment and on third-reading file.

Assembly Bill No. 289 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 234—An Act amending Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Bill read second time, ordered to engrossment and on third-reading file.

Mr. Bates moved that Senate Bill No. 18 (No. 198 on file) be substituted on the file in place of Assembly Bill No. 179 (No. 188 on file), both bills being identical.

Motion carried.

Assembly Bill No. 179 withdrawn.

Senate Bill No. 18—An Act to amend Section 813 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the fire departments of cities of the fifth class.

Bill read second time and ordered on third-reading file.

Mr. Devlin moved to take up, out of order, Assembly Bill No. 79 (No. 169 on file), which had been temporarily passed on file.

So ordered.

Assembly Bill No. 79—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3652, and by adding a new section, to be numbered 3652½, relating to the time of completion of assessment roll, and the giving of notice by the Assessor of the amount of the assessment, and the date of meeting of boards of equalization.

Bill read second time.

The following amendments were read:

## COMMITTEE AMENDMENT No. 1.

Amend by inserting after the word "year" in line 5, page 2 of the printed bill, the words "except persons who are assessed for personal property only."

Amendment adopted.

## COMMITTEE AMENDMENT No. 2.

Amend by striking out of line 6, Section 2, page 2 of the printed bill, the word "persons" and the comma thereafter, and insert in lieu thereof the word "person."

Amendment adopted.

## COMMITTEE AMENDMENT No. 3.

Amend by inserting in line 3, page 1 of the printed bill, before the word "on" the word and figures "Section 3652."

Amendment adopted.

## COMMITTEE AMENDMENT No. 4.

Amend by striking out of line 2, Section 2, page 2 of the printed bill, the fraction " $\frac{1}{2}$ " and insert in lieu thereof the letter "a."

Amendment adopted.

## COMMITTEE AMENDMENT No. 5.

Amend by inserting in line 3, page 3, Section 2 of the printed bill, before word "on" the word and figures "Section 3652a."

Amendment adopted.

## COMMITTEE AMENDMENT No. 6.

Amend the title by striking out of line 4 the fraction " $\frac{1}{2}$ " and insert in lieu thereof the small letter "a."

Amendment adopted.

## COMMITTEE AMENDMENT No. 7.

Amend by striking out the words "first Monday in," in line 3, page 1 of the printed bill, and insert in lieu thereof "15th day of"

Amendment adopted.

## COMMITTEE AMENDMENT No. 8.

Amend by striking out of line 9, page 1 of the printed bill, the words "first Monday in" and insert in lieu thereof the words and figures "15th day of"

Amendment adopted.

Bill ordered to engrossment, reprint, and on third-reading file.

Mr. Dorsey moved to take up, out of order, Assembly Bill No. 349 (No. 122 on the file), which had been temporarily passed.

Motion carried.

Assembly Bill No. 349—An Act to create and maintain a public highway between the counties of Los Angeles and Kern.

Bill read second time.

Mr. Dorsey moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 349.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Atkinson in the chair.

Assembly Bill No. 349 was considered in Committee of the Whole.

Mr. Dorsey moved that the Committee of the Whole do rise, and report back Assembly Bill No. 349, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker pro tem. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 349, and do now report the same back, and recommend that the same do pass.

ATKINSON, Chairman.

Report adopted.

Bill ordered to engrossment and on third-reading file.

## SPECIAL FILE OF SENATE BILLS—(RESUMED).

Senate Bill No. 82—An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing

for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof.

Bill read second time, and ordered to third reading on Special Senate file.

Senate Bill No. 218—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

Bill read second time.

The following amendments were read:

COMMITTEE AMENDMENT No. 1

Amend by striking out of line 3, page 1, of the printed bill the words "undertakings in cases not specified."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by striking out of lines 19 and 20, page 2 of the printed bill, the word "adjudged to be such."

Amendment adopted.

COMMITTEE AMENDMENT No. 3.

Amend by inserting in line 19 page 2, of the printed bill, after the word "a" and before the word "director" the words "person adjudged to be such."

Amendment adopted.

COMMITTEE AMENDMENT No. 4.

Amend by striking out of line 19, page 2, of the printed bill, the word "a" where it occurs before the word "corporation," and insert in lieu thereof the word "such."

Amendment adopted.

Bill ordered to reprint and third reading on Special Senate file.

Senate Bill No. 94—An Act to provide for the payment of the claim of John F. Forward, County Recorder of San Diego County, for recording tax deeds to the State of California, and making appropriation therefor.

Bill read second time, and ordered to third reading on Special Senate file.

Senate Bill No. 38—An Act amending Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Bill read second time, and ordered to third reading on Special Senate file.

Mr. McGowan moved to take up Senate Bill No. 146 (No. 193 on file), which had been temporarily passed on file.

Motion carried.

Senate Bill No. 146—An Act regulating the hours of service on regular duty of members of the fire department of cities of the first class and cities and counties.

Bill read second time.

The following amendments were read:

COMMITTEE AMENDMENT No. 1

Amend by striking out of the title of the engrossed bill, after the word "first," "class and first and one-half."

Amendment adopted.

## COMMITTEE AMENDMENT No. 2.

Amend by striking out in lines 1 and 2 of the engrossed bill, after the word "first," "class and first and one-half."

Amendment adopted.

Bill ordered to reprint.

On motion of Mr. McGowan, Senate Bill No. 146 was made a special order on third reading, to follow other special orders set for to-morrow, Thursday, February 2, 1905.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received, out of order, and read:

## ON MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905.

MR. SPEAKER: Your Committee on Mileage, to whom was referred the following:

"ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1905.

"MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was granted leave of absence to visit the State Normal School at Los Angeles, State Normal School at San Diego, State Polytechnic School at San Luis Obispo, Custom House and other State buildings asking for an appropriation at Monterey, State Normal School, Women's Relief Corps Home, and Lick Observatory at San José, have visited the same.

"The following members are entitled to mileage for the same, to wit, 1,470 miles, as follows:

"Sacramento to San Francisco, 90 miles, San Francisco to Los Angeles, 475 miles; Los Angeles to San Diego, 127 miles; San Diego to San Luis Obispo, 349 miles; San Luis Obispo to Monterey, 157 miles; Monterey to San José, 75 miles; San José to Lick Observatory, 28 miles; Lick Observatory to Sacramento, 169 miles.

F. W. Barnes.....	\$147 00
Jesse R. Dorsey.....	147 00
Geo T. Rolley.....	147 00
Paul Arnerich.....	147 00
Francis McNamara.....	147 00
Wm. J. Mindham.....	147 00
L. P. Branstetter.....	147 00
J. B. R. Cooper.....	147 00
Mel. Vogel.....	147 00
James Slaven.....	147 00
Jeremiah Lucey.....	147 00

"And we ask the adoption of the following resolution:

"Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of F. W. Barnes, chairman of said committee, for the sum of sixteen hundred and seventeen dollars (\$1,617), as per above statement, said warrant to be drawn upon the fund for the contingent expenses of the Assembly, and the Treasurer be directed to pay the same"—approve the same, and recommend the adoption of the resolution.

DORSEY, Acting Chairman.

Report and resolution read.

## ADOPTION OF REPORT AND RESOLUTION.

Mr. Dorsey moved the adoption of the report of the committee and the resolution accompanying the report.

The roll was called, and the report of the committee and resolution adopted by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Chandler, Coghlan, Coyle, Creighton, Devlin, Dorsey, Gans, Hawkins, Held, Houser, Jarvis, Johnstone, King, Lumley, Lynch, Mc'artney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaefle, Pyle, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Whiting, and Wickersham—47.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905

MR. SPEAKER: Your Committee on Mileage has had under consideration the following report and resolution, and recommend its adoption.

BECKETT, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1905.

MR. SPEAKER. Your Committee on State Hospitals and Asylums, authorized to visit the following State hospitals in this State, to wit: The Napa State Hospital, the Veterans' Home at Yountville, the Home for the Care and Training of Feeble-Minded Children, and the Mendocino State Hospital, have visited the same, and herewith present this bill for mileage, as follows:

Held .....	\$42 50
Cromwell .....	42 50
King .....	42 50
Severance .....	42 50
Strobridge .....	42 50
Mitcheltree .....	42 50
Gates .....	42 50
Meincke .....	42 50
Pfaeffle .....	42 50
Pryor .....	42 50
Total .....	\$425 00

And for the adoption of the following:

Resolved, That the State Controller is hereby directed to draw his warrant in favor of W. D. L. Held, chairman of the Committee on State Hospitals and Asylums for the sum of \$425, and the Treasurer is hereby directed to pay the same out of the Contingent Fund of the Assembly.

HELD, Chairman.

Report and resolution read.

#### ADOPTION OF REPORT AND RESOLUTION.

Mr. Beckett moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Chandler, Coghlan, Coyle, Creighton, Devlin, Dorsey, Estudillo, Gans, Hartman, Hawkins, Held, Houser, Jarvis, Johnstone, King, Lucey, Lynch, McCartney, McGowan, McNamara, Meincke, Mindham, O'Brien, Olmsted, Perkins, Pfaeffle, Pyle, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Whiting, and Wickersham—46.

NOES—None.

#### MOTION TO RECONSIDER CONTINUED.

Mr. Chandler moved that his motion to reconsider the vote whereby Assembly Bill No. 255 was refused passage be continued until to-morrow.

Motion carried.

#### RECESS.

At three o'clock and twenty-three minutes P. M., on motion of Mr. McCartney, a recess was declared until seven o'clock and thirty minutes P. M. this day.

#### EVENING SESSION.

The Assembly reconvened at seven o'clock and thirty minutes P. M. Speaker Hon. Frank C. Prescott in the chair.

#### SPECIAL FILE ON CODE REVISION.

Assembly Bill No. 264—An Act to repeal Section 58 and to amend Sections 60, 68, 70, 79½, and 84 of the Civil Code, all relating to marriage. Bill read third time.

## SELECT COMMITTEE AMENDMENT.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 264, as follows:

On page 1, in the title of said bill, strike out the word and punctuation "seventy,"

Motion carried.

Mr. Drew was appointed as such select committee.

## REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 264, with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

Report of select committee adopted.

Bill ordered to reëngrossment, reprint, and for passage on Special Code Revision file.

Assembly Bill No. 216—An Act to amend Sections 47 and 49 of the Civil Code, and to add four new sections thereto, to be numbered 51, 52, 53, and 54, all relating to personal rights.

Bill read second time.

The following amendments were read:

## COMMITTEE AMENDMENT No. 1.

Amend by striking out all of Section 2.

Amendment adopted.

## COMMITTEE AMENDMENT No. 2.

Amend by striking out the figure "3" in Section 3, line 1, of printed bill, and insert in lieu thereof the figure "2."

Amendment adopted.

## COMMITTEE AMENDMENT No. 3.

Amend by striking out of line 1, Section 4, the figure "4," and insert in lieu thereof the figure "3."

Amendment adopted.

## COMMITTEE AMENDMENT No. 4.

Amend by striking out of line 1, in Section 5, the figure "5," and insert in lieu thereof the figure "4."

Amendment adopted.

## COMMITTEE AMENDMENT No. 5.

Amend by striking out of line 1, Section 6, the figure "6," and insert in lieu thereof the figure "5."

Amendment adopted.

## COMMITTEE AMENDMENT No. 6.

Amend by striking out of line 2 of the title the words "sections forty-seven and forty-nine," and insert in lieu thereof the words "section forty-seven"

Amendment adopted.

## COMMITTEE AMENDMENT No. 7.

Amend by inserting in line 11, Section 4, page 3, of the printed bill, after the word "inn" the word "hotel."

Amendment adopted.

Bill ordered to engrossment, reprint, and third reading on Special Code Revision file.

Assembly Bill No. 263—An Act to amend Sections 164 and 170 of the Civil Code, all relating to husband and wife.

Bill read second time.

The following amendments were read:

COMMITTEE AMENDMENT No. 1.

Amend by inserting on line 16, second page, printed bill, after the word "property" the following: "which she acquired prior to May nineteenth, eighteen hundred and eighty-nine."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by striking out the whole of Section 2 of said bill.

Amendment adopted.

Bill ordered to engrossment, reprint, and third reading on Special Code Revision file.

Assembly Bill No. 334—An Act to amend Sections 388, 391, 392, and 393 of the Civil Code, all relating to the sale of franchises under execution.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 390—An Act to amend Sections 468, 481, and 489 of the Civil Code, and to add two new sections thereto, to be numbered 465a and 473a, all relating to railroad corporations.

Passed on file.

Assembly Bill No. 387—An Act to add a Chapter IV to Title II, of Part IV, of Division I, of the Civil Code, relating to mutual benefit and life associations.

Bill read third time.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 387, as follows:

AMENDMENT No. 1.

On page 1, Section 1, in line 7, printed bill, strike out the word "one" and insert in lieu thereof the word "three."

AMENDMENT No. 2.

On page 1, Section 1, line 11, printed bill, after the word "by," and before "articles," insert the word "being."

AMENDMENT No. 3.

On page 2, Section 1, line 15, printed bill, strike out the punctuation and word ", such" and insert in lieu thereof the punctuation and word ". Such."

AMENDMENT No. 4.

On page 2, Section 1, line 20, printed bill, strike out the words, figures and punctuation "292, and 594, of this Code," and insert in lieu thereof the following, "two hundred and ninety-two and five hundred and ninety-four."

Motion carried.

Mr. Drew was appointed as such select committee.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1906.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 387, with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

Report of select committee adopted.

Assembly Bill No. 387 was ordered to reëngrossment, reprint, and for passage on Special Code Revision file.

Assembly Bill No. 386—An Act to amend Sections 437, 447, 449, and 450, and to repeal Sections 431, 444, and 448, of the Civil Code, and to add a new section thereto, to be numbered 452, all relating to life, health, and accident insurance corporations.

Bill read third time.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 386, as follows:

On page 1 of the printed bill, strike out the whole of the title thereof and insert in lieu thereof the following:

"An Act to repeal sections four hundred and thirty-one and four hundred and forty-eight of the Civil Code, and to add thereto a new section, to be numbered four hundred and fifty-two, all relating to life, health, and accident insurance corporations"

Motion carried.

Mr. Drew was appointed as such select committee.

#### REPORT OF SELECT COMMITTEE OF ONE

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 386, with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

Report of select committee adopted.

Bill ordered to reëngrossment, reprint, and for passage on Special Code Revision file.

Assembly Bill No. 384—An Act to amend Sections 414, 415, 417, and 418 of the Civil Code, to add a new section thereto, to be numbered 421, and to repeal Section 427, all relating to insurance corporations.

Passed on file.

Assembly Bill No. 393—An Act to amend Sections 498, 504, and 507 of the Civil Code, all relating to street railway operations.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 394—An Act to amend Sections 513, 514, 517, 518, and 522 of the Civil Code, all relating to wagon road corporations.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 395—An Act to add a new section to the Civil Code, to be numbered 524, relating to franchises for the construction of paths and roads for the use of horseless vehicles.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 396—An Act to amend Sections 528, 529, and 550 of the Civil Code, relating to bridge, ferry, wharf, chute, and pier corporations.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 399—An Act to add a new section to the Civil Code, to be numbered 583b, and to repeal an Act entitled "An Act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1893, both relating to statements to be made and notices to be given by depositaries of money.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.



Assembly Bill No. 479—An Act to repeal Title XI, of Part IV, of Division I, of the Civil Code, and each and every section of said title, and to substitute a new Title XI to take the place thereof in said Code, relating to mining corporations.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 480—An Act to add a new title to Part IV, of Division I, of the Civil Code, to be known as Title XIa, relating to corporations for the formation of chambers of commerce, boards of trade, mechanics' institutes, and other kindred associations.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 481—An Act to add a title to Part IV, of Division I, of the Civil Code, to be known as Title XIIa, relating to societies for the prevention of cruelty to animals.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 516—An Act to amend Section 3451 of the Civil Code, relating to assignments for the benefit of creditors.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 515—An Act to amend Section 3366 of the Civil Code, relating to specific and preventive relief.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 514—An Act to add a new section to the Civil Code, to be numbered 3346a, relating to damages for negligently firing woods.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 512—An Act to amend Sections 3131, 3176, 3197, and 3235 of the Civil Code, all relating to negotiable instruments.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 513—An Act to amend Section 3294 of the Civil Code, relating to exemplary damages.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 510—An Act to add a new section to the Civil Code, to be numbered 2973, relating to mortgages of personal property.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 509—An Act to amend Sections 2903 and 2913 of the Civil Code, both relating to liens.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 508—An Act to amend Section 2541 of the Civil Code, relating to the insurance of mortgaged property.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 507—An Act to amend Section 2334 of the Civil Code, relating to the liability of principals for the acts of their agents.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 506—An Act to amend Section 2236 of the Civil Code, relating to the obligations of trustees.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 505—An Act to amend Sections 2170, 2172, 2180, and 2195 of the Civil Code, all relating to common carriers.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 504—An Act to amend Sections 1929, 1930, and 1932 of the Civil Code, all relating to the hiring of property.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 503—An Act to amend Sections 1865 and 1871 of the Civil Code, both relating to finders and savers of property.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 502—An Act to add an Article IIIa to Chapter II, of Title III, of Part IV, of Division III, of the Civil Code, relating to warehouses.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 499—An Act to amend Sections 1386, 1388, 1395, 1399, 1405, and 1406 of the Civil Code, and to add a new section thereto, to be numbered 1409, all relating to succession to the property of deceased persons.

Bill read second time,

The following amendment was read:

COMMITTEE AMENDMENT.

On line 30, page 2, printed bill, amend by inserting after the word "other" the word "half."

Amendment adopted.

Bill ordered to engrossment, reprint, and third reading on Special Code Revision file.

Assembly Bill No. 496—An Act to amend Section 1263 of the Civil Code, relating to declaration of homestead.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 495—An Act to add a new section to the Civil Code, to be numbered 1218, relating to the recording of certified copies of instruments in writing.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 494—An Act to amend Sections 1181, 1185, 1190, 1202, and 1203 of the Civil Code, all relating to the proof or acknowledgment of instruments in writing.

Bill read second time.

The following amendment was read:

COMMITTEE AMENDMENT.

Amend by striking out the words "or office," on line 11, Section 3, second page, printed bill.

Amendment adopted.

Bill ordered to engrossment, reprint, and third reading on Special Code Revision file.

Assembly Bill No. 493—An Act to amend Section 1161 of the Civil Code, relating to the recording of instruments in writing.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 492—An Act to add a new section to the Civil Code, to be numbered 1096, relating to the mode of transferring real property.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 491—An Act to amend Section 993 of the Civil Code, relating to the transfer of the good will and name of a business.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 490—An Act to amend Section 970 of the Civil Code, relating to the rules of navigation.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 489—An Act to add Sections 842 and 843 to the Civil Code, both relating to persons associated in the use of conduits for the conveyance of water.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 488—An Act to amend Section 822 of the Civil Code, relating to the remedies of a lessor of real property against the assignees of his lessee.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 487—An Act to amend Section 793 of the Civil Code, relating to actions for the possession of real property leased or granted with a right of reentry.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 486—An Act to add a Title XX to Part IV, of Division I, of the Civil Code, relating to cooperative business associations.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 485—An Act to add a title to Part IV, of Division I, of the Civil Code, relating to cooperative business corporations.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 484—An Act to amend Section 643 of the Civil Code, to repeal Section 648½ of said Code, and to add a new section thereto, to be numbered 638a, all relating to land and building corporations.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 483—An Act to repeal Title XV, of Part IV, of Division I, of the Civil Code, and to substitute therefor in said Code a new Title XV relating to corporations formed for the purpose of furnishing light for public use.

Bill read second time.

Mr. Drew moved that Assembly Bill No. 483 be re-referred to Committee on Revision and Reform of Laws.

Motion carried, and such was the order.

Assembly Bill No. 391—An Act to amend Section 493 of the Civil Code, relating to franchisees for the construction of elevated and underground railroad tracks.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 392—An Act to repeal Section 494 of the Civil Code, approved March 22, 1899, relating to the sale by any railroad company, owning any railroad in this State, of its property or franchises, or any part thereof, to any other railroad company, either organized under the laws of this State, or of any other State or Territory, or under any Act of Congress, and prescribing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 397—An Act to repeal Chapter VII, of Title IV, of Division I, of the Civil Code, and each and every section of such chapter, and to substitute a new Chapter VII, to take the place thereof in said Code, relating to telegraph and telephone corporations.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 398—An Act to amend Sections 549 and 551, and to repeal Section 550 of the Civil Code, all relating to water and canal corporations.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 482—An Act to amend Section 613 of the Civil Code, relating to cemetery corporations.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received, out of order, and read:

##### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 497—An Act to add a chapter to Title V, of Part IV, of Division II, of the Civil Code, relating to the homesteads of insane persons.

Also: Assembly Bill No. 500—An Act to add a new section to the Civil Code, to be numbered 1468, relating to covenants running with the land.

Also: Assembly Bill No. 501—An Act to amend Sections 1624 and 1625 of the Civil Code, both relating to the manner of creating contracts.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 498—An Act to amend Sections 1275, 1276, 1285, 1300, 1306, 1307, 1327, 1360, 1364, and 1376 of the Civil Code, and to add a new section thereto, to be numbered 1314, all relating to wills.

Also: Assembly Bill No. 511—An Act to amend Section 3052 of the Civil Code, and to add five new sections thereto to be numbered 3061, 3062, 3063, 3064, and 3065, all relating to liens on personal property.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

DURYEA, Chairman

Mr. Drew moved that Assembly Bills Nos. 511, 501, 500, 498, and 497 be now taken up for second reading.

Motion carried.

Assembly Bill No. 511.—An Act to amend Section 3052 of the Civil Code, and to add five new sections thereto, to be numbered 3061, 3062, 3063, 3064, and 3065, all relating to liens on personal property.

Bill read second time.

The following amendments were read:

AMENDMENT No. 1.

Amend by inserting the words "barley crusher" after the word "any," on line 4, Section 2, page 2, printed bill; also on line 5, Section 2, page 2, printed bill, after the word "in" insert the words "crushing or."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the whole of Section 1 of the printed bill, and renumbering the remaining sections of the bill accordingly.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "to amend section thirty hundred and fifty-two of the Civil Code, and to add five new sections thereto," on lines 2 and 3 of the title, first page, printed bill, and inserting in lieu thereof the following: "to add five new sections to the Civil Code."

Amendment adopted.

Bill ordered to engrossment, reprint, and third reading on Special Code Revision file.

Assembly Bill No. 501.—An Act to amend Sections 1624 and 1625 of the Civil Code, both relating to the manner of creating contracts.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 500.—An Act to add a new section to the Civil Code, to be numbered 1468, relating to covenants running with land.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

Assembly Bill No. 498.—An Act to amend Sections 1275, 1276, 1285, 1300, 1306, 1307, 1327, 1360, 1364, and 1376 of the Civil Code, and to add a new section thereto, to be numbered 1314, all relating to wills.

Bill read second time.

The following amendment was read:

Amend by striking out the period at the end of Section 1, on line 8, first page, printed bill, and insert in lieu thereof the following: "Subject, however, to the provision of Section 1313."

Amendment adopted.

Bill ordered to engrossment, reprint, and third reading on Special Code Revision file.

Assembly Bill No. 497.—An Act to add a chapter to Title V, of Part IV, of Division II of the Civil Code, relating to the homesteads of insane persons.

Bill read second time, ordered to engrossment and third reading on Special Code Revision file.

ADJOURNMENT.

At seven o'clock and fifty minutes P. M., on motion of Mr. Transue, the Speaker declared the Assembly adjourned until Thursday, February 2, 1905, at eleven o'clock A. M.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,

Thursday, February 2, 1905. }

The Assembly met at eleven o'clock A. M., pursuant to adjournment.  
 Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly,  
 in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—78.

Quorum present.

## LEAVES OF ABSENCE.

Leave of absence for the day was granted to Mr. Moore.  
 Mr. McCartney was granted leave of absence for Friday.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, February 1, 1905, on motion of Mr. King, its further reading was dispensed with.

## APPROVAL OF THE JOURNAL.

The Journal of Tuesday, January 31, 1905, was read, corrected, and approved.

## MOTION—BILL ORDERED RE-ENGROSSED OUT OF ORDER.

Mr. Devlin moved that Assembly Bill No. 248 be reengrossed, and that the printer take the bill up out of order and print the same at once.  
 Motion carried, and such was the order.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reengrossed:

Assembly Bill No. 323—An Act to amend an Act entitled "An Act to establish a system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131a, relating to the powers and duties of the county recorder respecting the registration of marriages, births, and deaths.

Assembly Bill No. 152—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

Also, that the following bills have been correctly engrossed:

Assembly Bill No. 338—An Act to amend Section 515 of the Political Code, and to provide for the appointment of a statistician, a clerk and stenographer, and a text-book clerk for the Superintendent of Public Instruction, and to fix their compensation.

Assembly Bill No. 202—An Act to promote the drainage of wet swamp and overflowed lands, and to promote the public health in the communities in which they lie.

Assembly Bill No. 155—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Assembly Bill No. 159—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 224 thereof, relating to the consent to the adoption of children.

Assembly Bill No. 272—An Act entitled an Act to amend Section 1670 of the Political Code of the State of California, relating to the establishment of high schools.

Assembly Bill No. 409—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 38 of said Section 25, relating to a special road-fund tax.

Assembly Bill No. 439—An Act to provide for the disposition of the funds which may hereafter be collected by the State of California from the United States in payment of the claims arising out of the Indian and Civil wars.

Assembly Bill No. 412—An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by county boards of education.

Assembly Bill No. 459—An Act to add a new-section to the Political Code, to be numbered Section 4247, to enable county recorders to return or destroy certain papers on file in their office.

Assembly Bill No. 280—An Act providing for the purchase of a university farm for the use of the College of Agriculture of the University of California; providing for the appointment of a commission to select and purchase said farm, providing for a school of agriculture and a system of instruction on said farm and appropriating money therefor.

Assembly Bill No. 457—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expense of actions, alimony, and actions for maintenance and support.

Assembly Bill No. 476—An Act to amend Section 1564 of the Political Code of California, in regard to teachers' institutes.

Assembly Bill No. 212—An Act to amend an Act entitled "An Act providing for the sale of railroad and other franchises in municipalities, and relative to granting of franchises," approved March 23, 1893, by amending Section 1 of said Act, to provide for the making and acceptance of cash bids for such franchises at the time of the opening of the written tenders by boards of supervisors of counties, or governing bodies of municipal corporations.

Assembly Bill No. 77—An Act to amend Section 443 of the Political Code of the State of California, relating to the amount of money to be raised for each census child by State tax.

Assembly Bill No. 44—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 94 of said Civil Code, relating to extreme cruelty as a cause of action for divorce.

Assembly Bill No. 76—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 49 thereof, relating to personal relations.

DEVLIN, Chairman.

Assembly Bills Nos. 323 and 152 ordered on file for passage.

Assembly Bills Nos. 338, 202, 155, 159, 272, 409, 439, 412, 459, 280, 457, 476, 212, 77, 44 and 76 ordered on file for third reading.

#### SPECIAL ORDERS.

Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employes of the Senate and Assembly.

Mr. Stanton moved that action on Assembly Constitutional Amendment No. 3 be passed on file, and that the same be made a special order for Thursday, February 9, 1905, immediately after the reading of the Journal.

Motion carried.

Senate Bill No. 146—An Act regulating the hours of service on regular duty of members of the fire department of cities of the first class and cities and counties.

The consideration of Senate Bill No. 146 was reset for Tuesday, February 7, 1905.

Senate Bill No. 11 (Substitute for Assembly Bill No. 52)—An Act to provide for the purchase of a site for the erection, equipment, and furnishing of a building or buildings, and for the improvement of grounds for the use of the State Normal School at San Francisco, and making an appropriation therefor.

Mr McGowan moved that Senate Bill No. 11 be passed on file, and made a special order for Thursday, February 9, 1905, immediately after the reading of the Journal, to follow special order already set for that day.

Motion carried, and such was the order.

#### RE-REFERENCE OF BILL.

Mr. Busick moved that Assembly Bill No. 458 be re-referred to the Committee on Judiciary, and retain its place on file.

Motion carried, and such was the order.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read out of order:

#### ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

WHEREAS, The Assembly of the thirty-fifth session of the Legislature, by resolution, duly adopted, did vote certain sums of money to certain persons for services rendered, the same to be payable out of the Contingent Fund of the Assembly for the thirty-fifth session of the Legislature; and

WHEREAS, By reason of the deficiency in said Contingent Fund said persons did not receive the said amounts so voted them; therefore, be it

*Resolved*, That the Controller of State be and he is hereby directed to draw his warrant in favor of the persons hereinafter mentioned for the sums hereinafter set forth, and the Treasurer is directed to pay the same; the said sums to be payable out of the Contingent Fund of the Assembly of the thirty-sixth session of the Legislature.

Clio Lloyd.....	\$56 70
Lewis A. Hilborn.....	45 00
E. J. Dwyer.....	27 00
H. F. Bridges.....	27 00
Al. Lewald.....	27 00
Jake Steppacher.....	18 00
C. W. Curtis.....	13 50
R. L. Dempsey.....	9 00
Geo. Wells.....	9 00
Ida Thomas.....	5 04
Alice Burns.....	5 04
Agnes Kelley.....	5 04
Pauline Smith.....	5 04
Wm. Wright.....	3 78
Thomas Smith.....	3 78
A. A. Wood.....	13 50
Clark Howard.....	13 50
Ed. Gill.....	13 50
Thos. G. Walker.....	13 50
J. T. Stafford.....	138 60
J. A. Galland.....	9 00
Bert Swan.....	21 06
Ben L. Peckham.....	21 06
Ed. Smith.....	21 06
W. C. Guirey.....	9 00
W. W. Benchley.....	3 15

Have had the same under consideration, and respectfully report the same back and recommend that it be adopted

CROMWELL, Chairman.

Mr. Cromwell moved the adoption of the resolution.



The roll was called, and the resolution adopted by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Gates, Goodrich, Hartman, Hawkins, Held, John, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lynch, Manwell, McGowan, McNamara, Meincke, Mindham, Mitcheltree, Perkins, Pfaeffe, Pyle, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—62.  
**NOES**—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905

**MR. SPEAKER:** Your Committee on Contingent Expenses and Accounts, to whom was referred a resolution providing for payment of supplies delivered to the Sergeant-at-Arms of the Assembly by order of the Assembly.

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of two thousand one hundred sixty-two and three one-hundredths dollars (\$2,162.03) in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

A. J. Johnston Company	\$447 25
Lucke & Lavenson	217 83
John Breuner Company	269 75
Veach Novelty Company	18 00
Scott, Stack & Lyman	421 50
News Publishing Company	250 00
Artesian Water Company	30 00
L. B. Cummings	10 00
Capital Manufacturing Company	217 05
Yost Writing Machine Company	188 00
Hook & Son	76 75
Roy Hart	5 80
Miss M. Brown	2 10
Mrs. C. Mackall	8 00
<b>Total</b>	<b>\$2,162 03</b>

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

CROMWELL, Chairman.

Mr. Cromwell moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Busick, Chandler, Cleveland, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lynch, McCartney, McGowan, McNamara, Meincke, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaeffe, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Weyand, Whiting, Wickersham, and Mr. Speaker—64.  
**NOES**—None.

#### ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1905.

**MR. SPEAKER:** Your Committee on Agriculture, to whom was referred Assembly Bill No. 552—An Act providing for the establishment of a branch agricultural experiment station of the University of California, providing for the appointment of a committee to purchase land, and appropriating money therefor—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass, and be referred to the Committee on Ways and Means.

Also: Assembly Bill No. 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be numbered 66a, relating in the amendment to the boards of supervisors of the several counties of the State, and making it their duty to furnish the Secretary of the State Agricultural Society with certain statistical information, and declaring the same to be a county charge—have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

Also: Assembly Bill No. 608—An Act making an appropriation for the erection and construction of buildings and equipping the fair grounds owned by or under the juris-

diction and control of the California State Agricultural Society, for exposition and State fair purposes, and for the payment of other expenses incidental and relating thereto, and providing that certain moneys now in the State Treasury may be used in connection with this appropriation for such purposes—have had the same under consideration, and respectfully report the same back, and recommend that same do pass and be referred to the Committee on Ways and Means, and retain its place on file.

Also, Assembly Bill No. 609—An Act making an appropriation to the Board of Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against the said society—have had the same under consideration, and respectfully report the same back, and recommend that same do pass and be referred to the Committee on Ways and Means

STROBRIDGE, Chairman.

Assembly Bills Nos. 552, 608, and 609 ordered on second-reading file, and referred to Committee on Ways and Means.

Assembly Bill No. 578 ordered on second-reading file.

#### ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1905.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred a resolution by Mr. Atkinson, as follows:

*Resolved*, That Emil Ney be and he is hereby appointed an Assistant Sergeant-at-Arms of the Assembly at the same per diem as is paid the other Assistant Sergeant-at-Arms of the Assembly. The duties of said Emil Ney as such Assistant Sergeant-at-Arms shall be to attend between the Clerk's desk and the office of the Superintendent of State Printing as messenger and general utility man; said per diem being payable out of the appropriation for the contingent expenses of the Assembly. The State Controller is hereby directed to draw his warrant for said per diem, and the State Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BLISS, Chairman.

#### LAI'D ON THE TABLE.

Mr. Atkinson moved the adoption of the report of the committee and the resolution.

Mr. Stanton moved to lay the resolution on the table.

Motion to lay on the table carried.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

##### ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1905.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 400—An Act to amend the Political Code by adding a new section, to be numbered 642a, relating to the powers and authorities of the Fish Commissioners and their assistants.

Also: Assembly Bill No. 537—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the restoration and preservation of fish in the waters of the State of California, approved March 21, 1887 (Stats 1887, pp. 233-4).

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

O'BRIEN, Chairman.

Assembly Bills Nos. 400 and 537 ordered on second-reading file.

#### ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1905.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 687—An Act to amend Section 2161 of the Civil Code, relating to the carriage of telegraph and telephone messages—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DREW, Chairman.

Assembly Bill No. 687 ordered on Special Code Revision file for second reading.

## ON ROADS AND HIGHWAYS

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905.

MR. SPEAKER. Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 629—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that the same do pass as amended.

COYLE, Chairman

Assembly Bill No. 629 ordered on second-reading file, and referred to Committee on Ways and Means.

## ON FRUIT AND VINE INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905.

MR. SPEAKER: Your Committee on Fruit and Vine Interests, to whom was referred Assembly Bill No. 83—An Act directing the Regents and President of the University of California to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 631—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the destruction of the Russian thistle or salt wort.

Also: Assembly Bill No. 696—An Act to amend an Act entitled "An Act to provide for the marking, branding, or labeling the boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions," approved March 20, 1903, by amending Sections 1 and 2 thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended

CLEVELAND, Chairman

Assembly Bills Nos. 631 and 696 ordered on second-reading file.

Assembly Bill No. 83 ordered on second-reading file, and referred to Committee on Ways and Means.

## ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 559—An Act to amend Section 1844 of the Code of Civil Procedure of the State of California, relating to the evidence necessary for the proof of certain facts—reports the same back, with one amendment, and with the recommendation that it do pass as amended

Also: Assembly Bill No. 560—An Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to witnesses—reports the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 376—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 1624, prescribing what contracts must be in writing—reports the same back, with the recommendation that it do pass, by a majority vote.

Also: Assembly Bill No. 605—An Act to amend Section 241 of the Code of Civil Procedure, relating to the impaneling of grand juries—reports the same back, with four amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 659—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section to said Code of Civil Procedure to be numbered 1760, relating to the removal of guardianship proceedings from the superior court of any county in this State to the superior court of any other county thereof, and to provide for the payment of the fees thereon—reports the same back, with three amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 23—An Act to add a new section to the Civil Code of the State of California, to be known as Section 133, relating to the appointment of an attorney by the court in divorce actions to contest the action and inquire into the merits of the case and prevent collusion and fraud when defendant fails to appear or contest the proceeding, and providing for the fee of such attorney in such cases—reports the same back

with one amendment, and with the recommendation that it do pass as amended, by a majority vote

Also: Assembly Bill No 628—An Act to amend an Act entitled "An Act to establish a Penal Code in the State of California," approved February 14, 1872, by amending Section 261 thereof—reports the same back, with two amendments, and with the recommendation that it do pass as amended, by a majority vote

Also: Assembly Bill No 261—An Act to amend Section 2924 of the Civil Code, relating to the distinction between mortgages and pledges—reports the same back, with two amendments, and with the recommendation that it do pass as amended.

Also. Assembly Bill No. 420—An Act to amend the Code of Civil Procedure of the State of California by amending Section 851 thereof, relating to form of pleadings—reports the same back, with three amendments, and with the recommendation that it do pass as amended

Also. Assembly Bill No 704—An Act to amend Sections 199 and 200 of the Code of Civil Procedure, relating to the qualifications and exemptions of jurors—reports the same back, with the recommendation that it do pass

Also: Assembly Bill No. 705—An Act to add a new section to the Code of Civil Procedure, to be known as Section 203, relating to the discharge of jurors in courts of record—reports the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 627—An Act to amend Section 848 of the Code of Civil Procedure of the State of California, relating to the service of summons issued from justices' courts where the defendant resides out of the county in which the action is brought—reports the same back, with two amendments, and with the recommendation that it do pass as amended.

DURYEA, Chairman

The following report was submitted by the minority of the Committee on Judiciary:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1905.

MR. SPEAKER: Some of your Committee on Judiciary, to whom was referred Assembly Bill No 376—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 1624, prescribing what contracts must be in writing—beg leave to file a minority report, and having had the same under consideration, respectfully report and recommend that it do not pass

MCGOWAN.  
KING.  
CLEVELAND.  
BURKE  
DURYEA.

Assembly Bills Nos. 559, 560, 376, 605, 659, 23, 628, 261, 420, 704, 705, and 627 ordered on second-reading file.

#### ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1905.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No 296—An Act to authorize and empower the Board of State Harbor Commissioners to pay for advertising the San Francisco Seawall Act—have had the same under consideration, and respectfully report the same back, with recommendation that it do pass

HARTMAN, Chairman.

Assembly Bill No. 296 ordered on second-reading file.

#### ON MINES AND MINING INTERESTS

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905.

MR. SPEAKER: Your Committee on Mines and Mining Interests, to whom was referred Assembly Bill No. 621—An Act to amend Section 1 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880, and amended March 9, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass

WHITING, Chairman.

Assembly Bill No. 621 ordered on second-reading file.

## ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1905.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 291—An Act making an appropriation to pay the claim of John Burr.

Also. Assembly Bill No. 464—An Act to pay the claim of D D McLaren against the State of California.

Also: Assembly Bill No. 538—An Act making an appropriation to pay the claim of H. W. Scott, for costs of suits in foreclosing delinquent purchases of State school lands.

Also: Assembly Bill No. 373—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SEVERANCE, Chairman.

Assembly Bills Nos. 291, 464, 538, and 373 ordered on second-reading file, and referred to Committee on Ways and Means.

## ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly reengrossed:

Assembly Bill No. 248—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley, and the land embracing the Mariposa Big Tree Grove.

DEVLIN, Chairman.

Bill ordered on file for passage.

## SAN FRANCISCO DELEGATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1905.

MR. SPEAKER: The San Francisco Delegation, to whom was referred Assembly Bill No. 582—An Act appropriating the sum of twenty-one hundred and sixty dollars (\$2,160) for the rental of a building or buildings for the use of the San Francisco State Normal School—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, take its place on the second-reading file, and be referred to Committee on Ways and Means.

McGOWAN, Chairman.

Assembly Bill No. 562 ordered to retain its place on second-reading file, and referred to Committee on Ways and Means.

## ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1905.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 61 of said Act relative to county officers—have had the same under consideration, and respectfully report the same back with amendments, and recommended that the same do pass as amended.

BURKE, Chairman.

Assembly Bill No. 404 ordered on second-reading file.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 1, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 243—An Act to amend Section 3805a of the Political Code of the State of California, relating to public lands upon which final payment has not been made.

Also. Senate Bill No. 285—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

Also: Amended and adopted as amended Assembly Joint Resolution No. 1—Relative to the establishment of a national park at "The Pinnacles," in San Benito County, State of California.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 243 read first time, and referred to Committee on Judiciary.

Senate Bill No. 285 read first time, and referred to Committee on Judiciary.

Assembly Joint Resolution No. 1—Relative to the establishment of a national park at "The Pinnacles," in San Benito County, State of California.

CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY JOINT RESOLUTION No. 1

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Joint Resolution No. 1?"

SENATE AMENDMENTS.

On page 1, line 13, strike out all after the word "Senators," and insert in lieu thereof the following: "and Representatives in Congress be."

Also: On page 1, line 11, strike out the word "the," and insert in lieu thereof the word "that."

Senate amendments read.

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Busick, Chandler, Cleveland, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lynch, McCartney, McGowan, McNamara, Meincke, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Rolley, Severance, Slaven, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Weyand, Whiting, Wickersham, and Mr. Speaker—64.

NOES—None.

Joint resolution ordered to engrossment and enrollment.

INTRODUCTION AND REFERENCE OF BILLS.

Bills were introduced and referred, as follows:

By Mr. McGowan: Assembly Bill No. 809—An Act concerning warehouse receipts, and the issuing, sale, and transfer thereof, and the sale of goods, wares, and merchandise stored in public or private warehouses in other States.

Read first time, and referred to Committee on Judiciary.

By Mr. Ells: Assembly Bill No. 810—An Act to amend Section No. 3488 of the Political Code of the State of California.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 811—An Act authorizing and directing the Board of Prison Directors to parole certain convicts sentenced to life terms in State Prison, and describing the conditions under which said paroles are to be granted.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. King: Assembly Bill No. 812—An Act to amend Section 1470 of the Code of Civil Procedure of the State of California.

Read first time, and referred to Committee on Judiciary.

By Mr. Goodrich: Assembly Bill No. 813—An Act to amend Sections 245 and 246 of the Political Code of the State of California, relating to the officers of the Senate and Assembly.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 814—An Act to add a new section, to be numbered 273, to Chapter II, of Title IX, of Part I, of the Penal Code of the State of California.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 815—An Act to repeal Section 270 of the Penal Code and to add a new section to Chapter II, Title IX, of Part I, of the Penal Code of the State of California, to be numbered 270, relative to minor children and their care by parents.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 816—An Act to amend Section 874 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Busick: Assembly Bill No. 817—An Act making an appropriation to pay the claim of Dr. G. A. White, for professional services rendered and expenses incurred by him at the instance and request of the State Prison officials at Represa, in attendance upon Guards Cotter and Cochran, after the prison break at the said State Prison at Represa, on July 27, 1903.

Read first time, and referred to Committee on Claims.

#### RECONSIDERATION OF VOTE ON ASSEMBLY BILL No. 255

In compliance with his notice given on a previous day, Mr. Chandler moved to reconsider the vote whereby Assembly Bill No. 255—An Act to amend Subdivision 2 of Section 1543 of the Political Code, relating to the duties of county superintendents of schools—was refused passage on January 31, 1905.

The roll was called and the motion to reconsider carried by the following vote:

**AYES**—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cullen, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lynch, Manwell, McCartney, McKenney, McNamara, Meincke, Mindham, Mitchell, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Treadwell, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—66.

**NOES**—None.

Bill ordered on third-reading file, and, on motion of Mr. Chandler, set for further consideration for Monday, February 6, 1905.

#### INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

Bills were introduced, and referred as follows:

By Mr. O'Brien: Assembly Bill No. 818—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 25 of said Act a new subdivision, to be known as Section 6½, and relating to a cooperation by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services.

Read first time, and referred to Committee on County and Township Governments.

By Committee on Fish and Game: Assembly Bill No. 819 (Substitute for Assembly Bills 231, 455, and 570)—An Act to amend Sections 628

629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628a, 628b, 628c, 628d, and 632a, all relating to the protection and preservation of fish.

Read first time, and ordered on second-reading file.

Also: Assembly Bill No. 820 (Substitute for Assembly Bills Nos. 14, 425, and 568)—An Act to amend Sections 626, 626c, 626d, 626f, 626g, 626i, 626k, 627a, 627b, 631, and 631a, of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631c, all relating to the protection and preservation of game.

Read first time, and ordered on second-reading file.

#### BILLS WITHDRAWN.

Assembly Bills Nos. 231, 455, 570, 14, 425, and 568 were withdrawn, as suggested by the Committee on Fish and Game, and ordered stricken from the file.

#### RESOLUTIONS.

The following resolutions were offered:

By Mr. Walsh:

(To substitute clerk.)

*Resolved*, That T. J. Holland is hereby substituted for and in place of P. O'Connell as an Assistant Sergeant-at-Arms, at the same per diem now allowed said O'Connell, said substitution to take effect on and after February 4, 1905.

Resolution read and adopted.

By Mr. Atkinson:

(To pay Ed. J. Smith.)

*Resolved*, That for and by reason of services rendered the Assembly at the desk by Ed. J. Smith from January 23, 1905, to February 1, 1905, both days inclusive, as an Assistant Clerk, at the request of the Chief Clerk, the Controller of State is hereby directed to draw his warrant in favor of said Ed. J. Smith for the sum of sixty dollars (\$60) for said services, said sum being at the same rate per diem as is paid the other Assistant Clerks at the desk, and the State Treasurer is hereby directed to pay said warrant out of the appropriation for the contingent expenses of the Assembly.

Resolution read.

Mr. Anthony moved the adoption of the resolution, without reference to a committee.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cullen, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucev, Lynch, Maxwell, McGowan, McNamara, Meincke, Mindham, Mitchellree, O'Brien, Perkins, Pfaeffe, Pyle, Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Trupp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—68.

**NOES**—None.

#### BILL WITHDRAWN FROM COMMITTEE.

Mr. Stanton moved that Assembly Bill No. 11 be withdrawn from the Committee on Judiciary and placed on the second-reading file.

Motion carried, and such was the order.

#### SENATE MESSAGE TAKEN UP.

On motion of Mr. Transue the following Senate message was taken up and read:

SENATE CHAMBER, SACRAMENTO, February 2, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 104—An Act to amend Sections 1 and 7 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities,



and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Also: Senate Bill No. 113—An Act to amend Section 849 of the Code of Civil Procedure, relating to service of summons issued out of the justice's court

Also: Senate Bill No. 186—An Act making an appropriation to pay the claim of R. B. Young, for materials, labor, and insurance premiums paid in the construction and erection of the Whittier State School

Also: Senate Bill No. 178—An Act confirming the organization of school districts.

Also: Senate Bill No. 16—An Act to add a new section, to be numbered and designated as Section 321b, to an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to regulating the giving and use of proxies to vote corporate stock at any meeting of the stockholders of any corporation organized under the laws of this State.

Also: Senate Bill No. 269—An Act to authorize and provide for the transfer of the Veterans' Home of California, its property, management, control, and support to the Government of the United States, its officers and authorities, to be conducted as a National home under such laws as now exist or which may hereafter be enacted by Congress, and for the conveying of the property of said home, both real and personal, belonging to the State of California, situate in Napa County, to the Government of the United States, for such purpose.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bills Nos. 16, 104, and 113 read first time, and referred to Committee on Judiciary.

Senate Bill No. 178 read first time, and referred to Committee on Education.

Senate Bill No. 269 read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 186 read first time.

#### SENATE BILL PLACED ON FILE.

Mr. Transue moved that Senate Bill No. 186 be placed on the Senate special file on second reading without reference to a committee, and that Assembly Bill No. 245 be withdrawn, both bills being identical.

Motion carried, and such was the order.

Assembly Bill No. 245 withdrawn and ordered stricken from file.

#### RESOLUTION.

Mr. Lucey offered the following resolution:

(To print extra copies of bill.)

*Resolved*, That the State Printer be and he is directed to print two hundred and fifty (250) extra copies of Assembly Bill No. 42, as the supply of the same in the Sergeant-at-Arms' office is exhausted.

Resolution read, and referred to Committee on Public Printing.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received out of order and read:

#### ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1905.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions have visited the State School at Whittier, California, as per resolution heretofore adopted, and the following are entitled to nine hundred and eighty (980) miles mileage each, to-wit: Messrs. Amerige, Bliss, Boyle, Ellis, Lynch, Olmsted, Beckett, Wickersham, and McKenney. The adoption of the following resolution is therefore respectfully suggested.

*Resolved*, That the State Controller is hereby authorized to draw his warrant for the amount of \$882 in favor of C. H. McKenney, payable out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

McKENNEY, Chairman.

Mr. McKenney moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Amerige, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cooper, Coyle, Cullen, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, O'Brien, Olmsted, Pfaffle, Pyle, Severance, Strobridge, Strohl, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—58.

NOES—None

#### INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

The following bills were introduced, out of order, and referred as indicated:

By Mr. Mindham: Assembly Bill No. 821—An Act amending an Act entitled "An Act defining the duties and liabilities of employment agents, making the violating thereof a misdemeanor, and fixing the penalty therefor," approved February 12, 1903.

Read first time, and referred to Committee on Labor and Capital.

By Mr. Rolley: Assembly Bill No. 822—An Act to amend an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State," approved March 28, 1895, by amending the provisions thereof relative to jurors' fees.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 823—An Act to provide that no person will be eligible to the office of justice of the peace in any incorporated city or town of California having a population of more than ten thousand persons, excepting a regularly admitted attorney-at-law, and providing a special means of determining for the purposes of this Act, the population of incorporated cities and towns.

Read first time, and referred to the Committee on Judiciary.

#### CONCURRENT RESOLUTION—(OUT OF ORDER).

Mr. O'Brien was granted leave to introduce, out of order, the following concurrent resolution, in honor of Washington's birthday:

##### ASSEMBLY CONCURRENT RESOLUTION No. 13.

Relative to making arrangements for appropriately celebrating Washington's birthday.

*Resolved by the Assembly, the Senate concurring.* That the Senate and Assembly meet in joint session, in the Assembly Chamber, at eight o'clock p. m., February 22d, for the purpose of appropriately observing the anniversary of Washington's birthday; and be it

*Further resolved.* That a committee of three members of the Assembly be appointed to confer with a like committee from the Senate, to arrange a programme of exercises, said committees to be appointed by the Speaker and President of the Senate, respectively, and any expense incurred to be paid equally by the Assembly and Senate out of their Contingent Funds, said expense not to exceed \$100 in the aggregate.

Concurrent resolution read.

Mr. O'Brien moved its adoption.

The roll was called, and the concurrent resolution adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Burge, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Cullen, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, O'Brien, Olmsted, Pfaffle, Rolley, Severance, Slaven, Strobridge, Strohl, Transue, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—58.

NOES—None.

Concurrent resolution ordered to print and transmitted to Senate.

## SPECIAL FILE.

Assembly Bill No. 280—An Act providing for the purchase of a university farm for the use of the College of Agriculture of the University of California; providing for the appointment of a commission to select and purchase said farm; providing for a school of agriculture and a system of instruction on said farm, and appropriating money therefor.

Passed on file.

Assembly Concurrent Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Section 17, of Article VI, of said Constitution, relating to the compensation of Justices of the Supreme Court and judges of the superior court.

Passed on file.

## SUBSTITUTION ON VISITING COMMITTEE.

The Speaker announced the following substitutions on visiting committee to State institutions:

Messrs Philip A. Stanton and Frank A. Duryea are hereby substituted for and in place of Messrs. Bates and Mitcheltree, to accompany the Committee on Public Charities and Corrections on a trip to the two State prisons and to Whittier and Preston Schools of Industry, for the purpose of investigating said institutions.

## RECESS.

At twelve o'clock and fifteen minutes P. M., on motion of Mr. Busick, a recess was declared until two o'clock and thirty minutes P. M. this day.

## REASSEMBLED.

The Assembly reconvened at two o'clock and thirty minutes P. M.  
Speaker Prescott in the chair.

## THIRD-READING FILE—(RESUMED).

Assembly Bill No. 248—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley and the land embracing the Mariposa Big Tree Grove.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony Arnerich, Atkinson, Barnes, Bates, Bhas, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, King, Lumley, Mauwell, McKenney, Mitcheltree, Olmsted, Perkins, Pfaffle, Pyle, Strobbridge, Thompson, Treadwell, Waste, Whiting, Wickersham, and Mr. Speaker—46.

NOES—Messrs. Beardslee, Beckett, Busick, Cullen, Hartman, Hawkins, Jarvis, John, Jury, Lucey, Lynch, McNamara, Meincke, Mindham, Rolley, Severance, Slaven, Vogel, and Walsh—19.

Title read and approved.

## NOTICE OF MOTION TO RECONSIDER.

Mr. Jones of Tuolumne gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 248 was passed this day.

## REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 34—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, by amending Section 3 of said Act, and an Act amendatory thereof, approved March 27, 1895

Assembly Bill No. 347—An Act to amend Sections 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, and 3083, and to repeal Section 3084 of the Political Code of the State of California, relating to the State Board of Health and the registration of births, marriages, and deaths, and providing for the compensation of a State Statistician and assistants.

Assembly Bill No. 350—An Act to prevent the payment of fees to municipal officers out of the funds of the county.

Assembly Bill No. 417—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered 1177, relating to the settlement and engrossment of bills of exceptions in criminal proceedings and actions.

Assembly Bill No. 446—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 2955 of said Code in regard to chattel mortgages, designating what property may be mortgaged.

Assembly Bill No. 437—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments

Assembly Bill No. 453—An Act appropriating \$20,000 for the improvement of the Big Basin Park.

Assembly Bill No. 576—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

Assembly Bill No. 522—An Act creating the office of Public Defender, and fixing his duties and compensation.

Assembly Bill No. 339—An Act to amend Sections 2978, 2979, and 2982, and to repeal Section 2983 of the Political Code of the State of California, relating to the State Board of Health.

Assembly Bill No. 330—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 680, making it a misdemeanor for any person, or corporation, to negligently permit, suffer, or cause barbed wire to lie unrolled and loose upon the ground.

Assembly Bill No. 311—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

Assembly Bill No. 258—An Act to amend Section 731 of the Code of Civil Procedure of California, relating to abatement of private and public nuisances.

Assembly Bill No. 218—An Act to amend Section 2690 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings on approval of viewer's report in the matter of public highways.

Assembly Bill No. 217—An Act to amend Section 1669 of the Code of Civil Procedure of the State of California, relating to payment of taxes and decrees of distribution of estates.

Assembly Bill No. 205—An Act to amend Section 427 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Assembly Bill No. 206—An Act to amend Section 415 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to the holding, purchase and conveyance of real estate by life insurance companies.

Assembly Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

Assembly Bill No. 194—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts.

Assembly Bill No. 10—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Assembly Bill No. 346—An Act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act.

DEVLIN, Chairman.

The above reported bills ordered on third-reading file.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

Mr. Houser, on behalf of the Committee on Judiciary, was granted leave to introduce the following report out of order, which was read:

## ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1905.

MR. SPEAKER: Your Committee on Judiciary having had under consideration Assembly Bill No. 340—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 837, relating to the purposes for which express trusts may be created—reports the same back, with eight amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 369—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered Section 404—reports the same back, with the recommendation that it be referred to the Committee on Public Health and Quarantine, to be subsequently re-referred to the Committee on Judiciary.

DURYEA, Chairman.

Assembly Bill No. 340 ordered on second-reading file.

Assembly Bill No. 369 ordered on second-reading file, referred to Committee on Public Health and Quarantine, to be subsequently re-referred to Committee on Judiciary.

## RECESS.

At four o'clock and forty-four minutes P. M., on motion of Mr. Atkinson, a recess was declared until seven o'clock and thirty minutes P. M. this day.

## EVENING SESSION.

The Assembly was called to order at seven o'clock and thirty minutes P. M.

Hon. T. E. Atkinson, Speaker pro tem., in the chair.

## BILL RECALLED FROM COMMITTEE.

Mr. Cromwell moved that Assembly Bill No. 8—An Act to amend Sections 1 and 7 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891—be recalled from the Committee on Judiciary and placed on second-reading file.

Motion carried, and such was the order.

## RESOLUTION.

Mr. Drew offered the following resolution:

(Authority to engross mislaid bill.)

WHEREAS, It appears that, through inadvertence, a portion of the original of Assembly Bill No. 481 has been lost or mislaid, therefore, be it

Resolved, That the Committee on Engrossment and Enrollment be authorized and directed to make their report on the printed bill.

The resolution read and adopted.

## THIRD-READING FILE.

Assembly Bill No. 56—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justice courts and justices.

Passed on file.

Assembly Bill No. 158—An Act authorizing certain corporations to act as guardians of the persons of abandoned, dependent, and certain other children, with power as such guardians to consent to the adoption of such children; providing for their appointment as such guardians, with the notice to be given and fees remitted.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Dorsey, Drew, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Lucey, Lumley, McKenney, McNamara, Meincke, Olmsted, Perkins, Rolley, Severance, Slaven, Strobridge, Thompson, Treadwell, Vogel, Waste, and Wickersham—46.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 298—An Act to amend Chapter I of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, by adding a new section thereto, to be numbered Section 9, relating to the powers and duties of city recorders and city clerks, respecting the registration of deaths and the issuance and registration of burial and disinterment permits.

Read third time.

#### SELECT COMMITTEE AMENDMENT.

Mr. Espey moved that a select committee of one be appointed to amend Assembly Bill No. 298, as follows:

Amend the title thereof by striking out the words "city recorders and city clerks" in line 7 of said title, and insert in lieu thereof the words "city clerks and city recorders."

Also: Amend the said bill by striking out the word "recorder" in line 6, Section 1, of the printed bill and insert in lieu thereof the words "city clerk."

Also: By striking out the word "clerk" in line 7, Section 1, of the printed bill, and insert in lieu thereof the word "recorder."

Also: By striking out the word "recorder" in line 8, Section 1, of the printed bill, and insert in lieu thereof the word "clerk."

Motion carried.

Mr. Espey was appointed such select committee.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, FEBRUARY 2, 1905.

**MR. SPEAKER:** Your select committee of one, to whom was referred Assembly Bill No. 298, with instructions, does now report that the instructions of the Assembly have been carried out.

ESPEY, Committee.

Report of select committee adopted.

Assembly Bill No. 298 ordered to reengrossment, reprint, and on file for passage.

Assembly Bill No. 301—An Act to amend Subdivision 20, of Section 25, of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to health officers and health regulations, and the powers of boards of supervisors in connection therewith.

Passed on file.

Assembly Bill No. 323—An Act to amend an Act entitled "An Act to establish a system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131a, relating to the powers and duties of the county recorder respecting the registration of marriages, births, and deaths.

Passed on file.

Assembly Bill No. 269—An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement thereof by the Commissioners of the Bureau of Labor Statistics, and providing penalties for the violation thereof.

Passed on file.

Assembly Bill No. 365—An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to establish a State reform school for juvenile offenders, and to make an appropriation therefor,' approved March 11, 1889, by amending the title to said Act, and by amending Sections 1, 4, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by adding three new sections thereto, to be numbered, respectively, Sections 16a, 16b, and 16c, relating to a change in the name of the institution, and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State school located and established under the aforesaid Act and now maintained by the State of California at Whittier, in the County of Los Angeles therein," approved March 23, 1893.

Bill read third time on a previous day.

#### SELECT COMMITTEE AMENDMENT.

Mr. McKenney moved that a select committee of one be appointed to amend Assembly Bill No. 365, as follows:

Amend by striking out the words "until they shall have reached the age of twenty-one years," from lines 28 and 29, and inserting "until any such male minor shall have reached the age of sixteen years, and any such female minor shall have reached the age of twenty-one years."

Motion carried.

Mr. McKenney was appointed such select committee.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 365—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a State reform school for juvenile offenders, and to make an appropriation therefor,' approved March 11, 1889, by amending the title to said Act, and by amending Sections 1, 4, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by adding three new sections thereto, to be numbered, respectively, Sections 16a, 16b, and 16c, relating to a change in the name of the institution, and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State school located and established under the aforesaid Act and now maintained by the State of California at Whittier, in the County of Los Angeles therein," approved March 23, 1893—with instructions, does now report that the instructions of the Assembly have been carried out.

McKENNEY, Committee.

Report of select committee adopted.

Assembly Bill No. 365 ordered to reëngrossment, reprint, and on file for passage.

Assembly Bill No. 361—An Act regulating the commitment of criminals to the State Prison at San Quentin and the State Prison at Folsom.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Dorsey, Drew, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of San Francisco, King, Lucey, Lumley, McKenney, McNamara, Meincke, Olmsted, Perkins, Pfaffle, Slaven, Strobridge, Thompson, Treadwell, Vogel, Waste, and Wickersham—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 366—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and the Preston School of Industry, fixing the authority to examine and commit to such schools with the superior judges of counties, and fixing the responsibilities for which commitments are made to the State for the maintenance of the persons committed therefrom, providing for the manner of payment therefor, and fixing the responsibility of parents to the counties for which their children are committed," approved March 26, 1895.

Read third time.

Mr. McKenney moved that a select committee of one be appointed to amend Assembly Bill No. 366, as follows:

Amend by striking out the word "amend" in the first line of the title, and inserting the word "repeal."

Also, by adding to bill the following: "Section 2. This Act shall take effect May first, nineteen hundred and five."

Motion carried.

Mr. McKenney was appointed such select committee.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 366, with instructions, does now report that the instructions of the Assembly have been carried out.

MCKENNEY, Committee.

Report of select committee adopted.

Assembly Bill No. 366 ordered to reengrossment, reprint, and on file for passage.

Assembly Bill No. 360—An Act regulating the grading of prisoners in the State Prison at San Quentin, in the State Prison at Folsom, and the Preston School of Industry at Ione.

Read third time.

Mr. McKenney moved that a select committee of one be appointed to amend Assembly Bill No. 360, as follows:

Amend by striking out the letter "A" in line 15, Section 1, page 2, of printed bill, and inserting in lieu thereof the letter "B."

Also: Amend by striking out the letter "B" on line 3, Section 4, page 2, of printed bill, and inserting in lieu thereof the letter "A."

Motion carried.

Mr. McKenney was appointed such select committee.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 360, with instructions, does now report that the instructions of the Assembly have been carried out.

MCKENNEY, Committee.

Report of select committee adopted.



Assembly Bill No. 360 ordered to reengrossment, reprint, and on file for passage.

Assembly Bill No. 364—An Act giving to superior judges the right to impose indeterminate sentences, and prescribing the method of imposing the same.

Passed on file.

Assembly Bill No. 363—An Act amending an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Dorsey, Drew, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Johnson, Johnstone, Jones of San Francisco, King, Lucey, Lynch, McKenney, McNamara, Meincke, Olmsted, Perkins, Pfaffle, Pyle, Rolley, Severance, Slaven, Strobridge, Thompson, Treadwell, Vogel, Waste, and Wickersham—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 277—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Read third time

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Dorsey, Drew, Espey, Estudillo, Gans, Goodrich, Hawkins, Held, Houser, Johnson, Johnstone, Jones of San Francisco, King, Lynch, Manwell, McKenney, Meincke, Olmsted, Perkins, Pfaffle, Pyle, Rolley, Slaven, Strobridge, Thompson, Treadwell, Vogel, Waste, and Wickersham—43.

NOES—Messrs. Lucey, McNamara, and Severance—3.

Title read and approved.

#### NOTICE OF MOTION TO RECONSIDER.

Mr. Treadwell gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 277 was finally passed this day.

#### BILL TAKEN UP OUT OF ORDER.

Mr. Waste moved that Assembly Bill No. 217 (No. 80 on file) be taken up in place of Assembly Bill No. 541 (No. 30 on file).

Motion carried.

Assembly Bill No. 217—An Act to amend Section 1699 of the Code of Civil Procedure of the State of California, relating to payment of taxes and decrees of distribution of estates.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Dorsey, Drew, Espey, Estudillo, Gans, Hartman, Hawkins, Held, Houser, Johnson, Johnstone, Jones of San Francisco, King, Lucey, Manwell, McKenney, McNamara, Meincke, Olmsted, Perkins, Pfaffle, Pyle, Rolley, Severance, Slaven, Strobridge, Thompson, Treadwell, Vogel, and Waste—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 89—An Act to amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time therefor.

Passed on file.

Assembly Bill No. 152—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Drew, Espey, Estudillo, Goodrich, Hartman, Hawkins, Held, Houser, Johnson, Johnstone, Jones of San Francisco, King, Lucey, Manwell, McKenney, McNamara, Meincke, Olmsted, Perkins, Pfaffie, Pyle, Rolley, Severance, Slaven, Strobridge, Thompson, Treadwell, Vogel, Waste, and Wickersham—44.

NOES—Mr. Dorsey—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 9—An Act to amend an Act to establish a Political Code, approved March 12, 1872, by amending Section 4080, relating to the planting and preservation of shade and ornamental trees.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Dorsey, Drew, Espey, Estudillo, Goodrich, Hawkins, Held, Houser, Johnson, Jones of San Francisco, King, Lucey, Manwell, McKenney, McNamara, Meincke, Olmsted, Perkins, Pfaffie, Pyle, Rolley, Severance, Slaven, Strobridge, Thompson, Treadwell, Vogel, Waste, and Wickersham—43.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 212—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act providing for the sale of railroad and other franchises in municipalities, relative to the granting of franchises,'" approved March 23, 1893.

Passed on file.

Assembly Bill No. 176—An Act to amend Section 3788 of the Political Code of the State of California, relating to redemption of lands from tax sales.

Passed on file.

Assembly Bill No. 193—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

Passed on file.

Assembly Bill No. 99—An Act to amend Section 1167 of the Code of Civil Procedure, relating to summons in summary proceedings for obtaining possession of real property.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Dorsey, Drew, Espey, Estudillo, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Johnson, Jones of San Francisco, Lucey, Manwell, McKenney, McNamara, Meincke, Olmsted, Perkins, Pfaffle, Pyle, Severance, Slaven, Strobridge, Thompson, Treadwell, Vogel, Waste, and Wickersham—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 44—An Act to amend an Act entitled “An Act to establish a Civil Code,” approved March 21, 1872, by amending Section 94 of said Civil Code, relating to extreme cruelty as a cause of action for divorce.

Passed on file.

Assembly Bill No. 457—An Act to amend an Act entitled “An Act to establish a Civil Code,” approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expense of actions, alimony, and actions for maintenance and support.

Passed on file.

Assembly Bill No. 76—An Act to amend an Act entitled “An Act to establish a Civil Code,” approved March 21, 1872, relating to personal relations.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Dorsey, Drew, Espey, Estudillo, Goodrich, Hawkins, Held, Houser, Johnson, Jones of San Francisco, King, Lucey, Manwell, McKenney, McNamara, Meincke, Olmsted, Perkins, Pfaffle, Pyle, Severance, Slaven, Strobridge, Thompson, Treadwell, Vogel, Walsh, and Waste—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### LEAVES OF ABSENCE.

At their own request, Messrs. Slaven and Cleveland were granted leave of absence from Friday until Monday.

Assembly Bill No. 72—An Act to amend Section 595 of the Civil Code, relating to the amount of real estate which may be held by certain corporations.

Passed on file.

Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Passed on file.

Assembly Bill No. 159—An Act to amend an Act entitled “An Act to establish a Civil Code,” approved March 21, 1872, by amending Section 224 thereof, relating to the consent to the adoption of children.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Boyle, Branstetter, Chandler, Cleveland, Cooper, Coyle, Creighton, Dorsey, Drew, Espey, Estudillo, Goodrich, Hartman, Hawkins, Held, Houser, Johnson, Jones of San Francisco, King, Lucey, Maxwell, McKenney, McNamara, Meincke, Olmsted, Perkins, Pfeifle, Pyle, Severance, Slaven, Strobbridge, Thompson, Treadwell, Vogel, Walsh, Waste, and Wickersham—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 30—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissioners having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895, which became a law March 4, 1899.

Passed on file.

Assembly Bill No. 155—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Read third time.

Mr. Olmsted moved that a select committee of one be appointed to amend bill so that "Section 1" shall read as follows:

"Section 1. When application has been made to purchase lands from this State under any Act providing or assuming to provide for the sale of salt marsh or tide lands, or swamp and overflowed lands, or either or both, and payment has been made to the treasurer of the proper county, for the same, in whole or in part, and a certificate of purchase or patent has been issued thereon, subsequent to the 12th day of March, 1872, to the applicant, his successors or assigns, the title of the State of California to said lands is hereby vested in said applicant, his successors or assigns, and the same shall be deemed and held to convey the title of the State of California to the lands in such certificates of purchase or patent described to the purchaser therein named, his successors or assigns, upon his making full payment therefor; and the State of California does hereby grant to the purchaser or purchasers named in such certificate of purchase or patent, or his successors or assigns, in case the title has been transferred, all its right, title and interest in and to the lands in said certificate of purchase or patent described; *provided, that this Act shall not apply to school lands or to forest reserve lands.*"

Motion carried.

Mr. Olmsted was appointed such select committee.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 155—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchaser thereof—with instructions, does now report that the instructions of the Assembly have been carried out.

OLMSTED, Committee.

Report of select committee adopted.

Assembly Bill No. 155 ordered to reengrossment, reprint, and on file for passage.

Assembly Bill No. 202—An Act to promote the drainage of wet, swamp, and overflowed lands, and to promote the public health in the communities in which they live.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

Ayes—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Boyle, Branstetter, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Dorsey, Drew, Espey, Estudillo, Goodrich, Hartman, Held, Houser, Johnson, Jones of San Francisco, King, Lucey, McKenney, McNamara, Meincke, Olmsted, Perkins, Pfaffle, Pyle, Severance, Slaven, Strobbridge, Thompson, Treadwell, Vogel, Walsh, Waste, and Wicksham—43  
Noes—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 409—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 38 of said Section 25, relating to a special road-fund tax.

Passed on file.

Assembly Bill No. 410—An Act to amend Section 2653 of the Political Code, relating to highways.

Passed on file.

Assembly Bill No. 443—An Act to provide for the location and acquirement of mining claims on salt marsh and tide lands, owned by the State of California.

Passed on file.

Assembly Bill No. 185—An Act to provide for the destruction of gophers, squirrels, other wild animals, noxious weeds and insects.

Passed on file.

Assembly Bill No. 439—An Act to provide for the disposition of funds which may hereafter be collected by the State of California from the United States in payment of the claims arising out of the War of the Rebellion.

Passed on file.

Assembly Bill No. 634—An Act to amend Sections 439 and 441 of the Political Code, relating to the office of the Controller of State, his deputy and assistants, the salaries of the deputies and assistants, and to repeal all laws in conflict therewith.

Passed on file.

Assembly Bill No. 529—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Superintendent or Public Instruction's office for the fifty-sixth fiscal year.

Passed on file.

Assembly Bill No. 338—An Act to amend Section 515 of the Political Code, and to provide for the appointment of a statistician, a clerk and stenographer, and a text-book clerk for the Superintendent of Public Instruction, and to fix their compensation.

Read third time, and passed on file for further consideration.

Assembly Bill No. 353—An Act to amend Section 6 of an Act entitled "An Act to provide for compiling, electrotyping, printing, binding, copyrighting, and distributing a State series of school text-books, and appropriating money therefor," approved March 15, 1887.

Passed on file.

Assembly Bill No. 171—An Act to amend Section 1617 of the Political Code, relating to boards of school trustees and city boards of education.

Passed on file.

Assembly Bill No. 172—An Act to amend Section 1634 of the Political Code, relating to school census marshal.

Passed on file.

Assembly Bill No. 207—An Act entitled an Act to amend Section 1772 of the Political Code of the State of California, relating to certificates upon examination.

Passed on file.

Assembly Bill No. 272—An Act entitled "An Act to amend Section 1670 of the Political Code of the State of California," relating to the establishment of high schools.

Passed on file.

Assembly Bill No. 173—An Act confirming the organization of school districts.

Passed on file.

Assembly Bill No. 77—An Act entitled "An Act to amend Section 443 of the Political Code of the State of California, relating to the State School Fund."

Passed on file.

Assembly Bill No. 447—An Act to amend Section 443 of the Political Code of the State of California, relating to the amount of money to be raised for each census child by State tax.

Passed on file.

Assembly Bill No. 412—An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by county boards of education.

Passed on file.

Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued license to practice in all the courts of this State.

Passed on file.

Assembly Bill No. 226—An Act to amend Paragraph I, of Section 1874 of the Political Code of California, providing that pupils shall not be required to purchase supplemental books, and teachers and school authorities shall be punishable by expulsion from office, or a fine not exceeding \$50, for violation.

Passed on file.

Assembly Bill No. 476—An Act to amend Section 1564 of the Political Code of California in regard to teachers' institutes.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Boyle, Branstetter, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Dorsey, Drew, Espey, Estudillo, Gates, Goodrich, Hawkins, Held, Houser, Johnson, Johnstone, Jones of San Francisco, King, Manwell, McKenney, McNamara, Meincke, Olmsted, Perkins, Paeffe, Pyle, Slaven, Strobridge, Thompson, Treadwell, Vogel, and Waste—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 249—An Act to amend Section 1621 of the Political Code, relating to boards of school trustees and city boards of education.

Read third time, and passed on file for further consideration.

Assembly Bill No. 194—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts.

Passed on file.

Assembly Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

Passed on file.

Assembly Bill No. 668—An Act to amend an Act entitled "An Act to repeal Chapter II, of Title VI, Part III, of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, and each and every section of said Chapter II, and to enact a new Chapter II, of Title VI, Part III, of said Code, and substitute the same in place of said repealed Chapter II, in said Code, relating to Roads and Highways," approved February 28, 1883.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Dorsey, Drew, Espey, Estudillo, Gates, Goodrich, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of San Francisco, Jury, King, Manwell, McKenney, McNamara, Meincke, Olmsted, Perkins, Pfaeffe, Pyle, Slaven, Strobridge, Thompson, Treadwell, Vogel, Waste, and Wickersham—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 532—An Act protecting the claims of those who may furnish materials or labor for the working or developing of mining properties under powers which are obtained by bond or a trust deed.

Passed on file.

Assembly Bill No. 125—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of State and county school funds.

Passed on file.

Assembly Bill No. 273—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 3788½, relating to the time within which deeds must be executed for property sold for delinquent taxes to purchasers other than the State of California.

Passed on file.

Assembly Bill No. 585—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the disposition of moneys received by the State on a sale of lands acquired by the State at tax sales.

Passed on file.

#### SECOND-READING FILE TAKEN UP.

Mr. King moved to take up out of order Assembly Bill No. 325 (No. 203 on file), for the purpose of amendment.

Motion carried.

Assembly Bill No. 325—An Act to amend Sections 2, 3, 5, 7, 10, and 13, and to repeal Section 14, of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers,

sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Read second time.

Mr. King offered the following amendment:

Amend the title of the bill by inserting after the figures "10" a comma (,) and figures "11, 12."

Amendment adopted.

Assembly Bill No. 325 ordered to engrossment, reprint, and on third-reading file.

#### BILL RE-REFERRED.

Mr. Amerige moved that Assembly Bill No. 254 be recalled from the Committee on Judiciary, and referred to the Committee on Public Morals. Motion carried, and such was the order.

#### INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

Mr. Espey was granted leave to introduce the following bills out of order:

By Mr. Espey: Assembly Bill No. 824—An Act to amend Section 581 of the Code of Civil Procedure, relating to dismissal of actions or entry of non-suit in superior courts.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 825—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 826—An Act to amend Section 1036 of the Code of Civil Procedure, relating to the defendants in certain civil proceedings requiring security for costs.

Read first time, and referred to Committee on Judiciary.

By Mr. Lucey: Assembly Bill No. 827—An Act relating to complaints in proceedings to remove or suspend police officers in municipalities.

Read first time, and referred to San Francisco Delegation.

#### ADJOURNMENT.

Mr. Dorsey moved that the Assembly adjourn until to-morrow, at ten o'clock A. M.

Mr. Burke moved to amend by striking out ten o'clock, and inserting eleven o'clock.

Amendment lost.

The question recurring on the original motion, the same was put.

At nine o'clock and fifty-four minutes P. M., Speaker pro tem. Hon. T. E. Atkinson declared the motion carried, and the Assembly adjourned until Friday, February 3, 1905, at ten o'clock A. M.



## IN ASSEMBLY.

ASSEMBLY CHAMBER,

Friday, February 3, 1905. }

The Assembly met at ten o'clock A. M., pursuant to adjournment.

Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Anthony, Arnerich, Atkinson, Barnes Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Cullen, Drew, Ells, Espey, Estudillo, Goodrich, Hawkins, Houser, Jarvis, Johnson, Johnstone, Jones of San Francisco, Jury, Lynch, Manwell, McNamara, Meincke, Mindham, Olmsted, Perkins, Pyle, Rolley, Thompson, Treadwell, Vogel, Waste, Whiting, and Mr. Speaker—44.

Quorum present.

## LEAVE OF ABSENCE.

Leave of absence for the day was granted Messrs. Bliss, Moore, and Gans.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal of Thursday, February 2, 1905, on motion of Mr. Atkinson, its further reading was dispensed with.

## APPROVAL OF THE JOURNAL.

The Journal of Wednesday, February 1, 1905, was read, corrected, and approved.

## REPORTS BY COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The following reports of the Committee on Engrossment and Enrollment were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly reengrossed:

Assembly Bill No. 189—An Act to reestablish and further perpetuate United States Government section corners where formerly established by a Government surveyor, perpetuating the same, and providing for the expense thereof.

DEVLIN, Chairman.

Bill ordered on file for passage.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly engrossed:

Assembly Bill No. 401—An Act to amend Section 6 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations.

DEVLIN, Chairman.

Bill ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly re-engrossed:

Assembly Bill No. 46—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, relating to legal holidays and non-judicial days.

Assembly Bill No. 48—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 10 of said Code, relating to legal holidays and non-judicial days.

Assembly Bill No. 49—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 7 of said Code, relating to legal holidays and non-judicial days.

DEVLIN, Chairman.

Assembly Bills Nos. 46, 48, and 49 ordered on file for passage.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 131—An Act to add a new section, to be known as Section 1927 of the Code of Civil Procedure, relating to the admission in evidence of certain statements of facts contained in patents for mineral lands issued or granted by the United States of America.

Assembly Bill No. 533—An Act to provide for "The Inspector of Mines," to define his duties and provide for his compensation, the liability of mining operators, and the Inspector of Mines.

Assembly Bill No. 709—An Act to amend Section 1383 of the Political Code, relating to the manner of conducting elections for issuance of bonds in school districts.

Assembly Bill No. 583—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section, to be numbered and known as Section 1863, relating to the recording of a certificate of residence.

Assembly Bill No. 584—An Act to amend Section 412 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the publication of summons when the defendant is absent from the State, concealed, or is a foreign corporation having no agent in this State, or is a person who cannot be found within this State.

Assembly Bill No. 245—An Act making an appropriation to pay the claim of R. B. Young, for materials, labor, and insurance premiums paid in the construction and erection of the Whittier State School.

Assembly Bill No. 282—An Act making an appropriation to pay the salary of the Secretary of the State Text-Book Committee.

Assembly Bill No. 284—An Act making an appropriation to pay a deficiency in the appropriation for the preservation, protection, and improvement of the Monterey Custom-House property.

Assembly Bill No. 283—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard, for the fifty-fifth fiscal year.

Assembly Bill No. 285—An Act making an appropriation to pay a deficiency in the appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the fifty-fifth fiscal year.

Assembly Bill No. 287—An Act providing for the payment of the claim of A. G. Knight for conveying the election returns of Presidential Electors to Sacramento, and making an appropriation therefor.

Assembly Bill No. 288—An Act making an appropriation for the arrest of criminals without the limits of the State, for the fifty-fourth, fifty-fifth, and fifty-sixth fiscal years.

Assembly Bill No. 234—An Act amending Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Assembly Bill No. 349—An Act to create and maintain a public highway between the counties of Los Angeles and Kern.

Assembly Bill No. 317—An Act to amend Section 813 of "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof.

Assembly Bill No. 318—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883," and the Acts amendatory thereof.

Assembly Bill No. 93—An Act making an appropriation to pay the judgment of J. R. Hanify against the State of California, for damage sustained by the breakage of Fremont-Street Wharf, in the City and County of San Francisco.

Assembly Bill No. 555—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavits of registration.

Assembly Bill No. 334—An Act to amend Sections 388, 391, 392, and 393 of the Civil Code, all relating to the sale of franchises under execution

Assembly Bill No. 394—An Act to amend Sections 513, 514, 517, 518, and 522 of the Civil Code, all relating to wagon road corporations.

Assembly Bill No. 395—An Act to add a new section to the Civil Code, to be numbered 524, relating to franchises for the construction of paths and roads for the use of horseless vehicles.

Assembly Bill No. 396—An Act to amend Sections 528, 529, and 530 of the Civil Code, all relating to bridge, ferry, wharf, chute, and pier corporations.

Assembly Bill No. 399—An Act to add a new section to the Civil Code, to be numbered 583b, and to repeal an Act entitled "An Act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1895, both relating to statements to be made and notices to be given by depositaries of money.

Assembly Bill No. 479—An Act to repeal Title XI of Part IV of Division First of the Civil Code, and each and every section of said title, and to substitute a new Title XI to take the place thereof in said Code, relating to mining corporations.

Assembly Bill No. 480—An Act to add a new title to Part IV of Division First of the Civil Code, to be known as Title XIa, relating to corporations for the formation of chambers of commerce, boards of trade, mechanics' institutes, and other kindred associations.

Assembly Bill No. 516—An Act to amend Section 3451 of the Civil Code, relating to assignments for the benefit of creditors.

Assembly Bill No. 515—An Act to amend Section 3366 of the Civil Code, relating to specific and preventive relief.

Assembly Bill No. 514—An Act to add a new section to the Civil Code, to be numbered 3346a, relating to damages for negligently firing woods.

Assembly Bill No. 513—An Act to amend Section 3204 of the Civil Code, relating to exemplary damages.

Assembly Bill No. 512—An Act to amend sections 3131, 3176, 3197, and 3235, of the Civil Code, all relating to negotiable instruments.

Assembly Bill No. 510—An Act to add a new section to the Civil Code, to be numbered 2973, relating to mortgages of personal property.

Assembly Bill No. 509—An Act to amend Sections 2903 and 2913 of the Civil Code, both relating to liens.

Assembly Bill No. 508—An Act to amend Section 2541 of the Civil Code, relating to insurance of mortgaged property.

Assembly Bill No. 507—An Act to amend Section 2334 of the Civil Code, relating to the liability of principals for the acts of their agents.

Assembly Bill No. 506—An Act to amend Section 2236 of the Civil Code, relating to the obligations of trustees.

Assembly Bill No. 505—An Act to amend Sections 2170, 2172, 2180, and 2195 of the Civil Code, all relating to common carriers.

Assembly Bill No. 504—An Act to amend Sections 1929, 1930, and 1932 of the Civil Code, all relating to the hiring of property.

Assembly Bill No. 503—An Act to amend Sections 1865 and 1871 of the Civil Code, both relating to finders and savers of property.

Assembly Bill No. 502—An Act to add an Article IIIa to Chapter II, of Title III, of Part IV, of Division Third, of the Civil Code, relating to warehousemen.

Assembly Bill No. 496—An Act to amend Section 1263 of the Civil Code, relating to declarations of homestead.

Assembly Bill No. 495—An Act to add a new section to the Civil Code, to be numbered 1218, relating to the recording of certified copies of instruments in writing.

Assembly Bill No. 493—An Act to amend Section 1161 of the Civil Code, relating to the recording of instruments in writing.

Assembly Bill No. 492—An Act to add a new section to the Civil Code, to be numbered 1096, relating to the mode of transferring real property.

Assembly Bill No. 491—An Act to amend Section 993 of the Civil Code, relating to the transfer of the good will and name of a business.

Assembly Bill No. 490—An Act to amend Section 970 of the Civil Code, relating to the rules of navigation.

Assembly Bill No. 489—An Act to add Sections 842 and 843 to the Civil Code, both relating to persons associated in the use of conduits for the conveyance of water.

Assembly Bill No. 488—An Act to amend Section 822 of the Civil Code, relating to the remedies of a lessor of real property against the assignees of his lessee.

Assembly Bill No. 487—An Act to amend Section 793 of the Civil Code, relating to actions for the possession of real property leased or granted with a right of reentry.

Assembly Bill No. 486—An Act to add a Title XX to Part IV of Division First of the Civil Code, relating to cooperative business associations.

Assembly Bill No. 485—An Act to add a Title XIX to Part IV of Division First of the Civil Code, relating to cooperative business corporations.

Assembly Bill No. 484—An Act to amend Section 643 of the Civil Code, to repeal Section 648½ of said Code, and to add a new section thereto, to be numbered 638a, all relating to land and building corporations.

Assembly Bill No. 391—An Act to amend Section 493 of the Civil Code, relating to franchises for the construction of elevated and underground railroad tracks.

Assembly Bill No. 392—An Act to repeal Section 494 of the Civil Code, as approved March 22, 1899, relating to the sale by any railroad company owning any railroad in this State of its property and franchises, or any part thereof, to any other railroad company,

whether organized under the laws of this State, or of any other state or territory, or under any Act of Congress, and prescribing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Assembly Bill No. 397—An Act to repeal Chapter VII, of Title IV, of Part IV, of Division First of the Civil Code and each and every section of such chapter, and to substitute a new Chapter VII to take the place thereof in said Code, relating to telegraph and telephone corporations.

Assembly Bill No. 398—An Act to amend Sections 549 and 551, and to repeal Section 550 of the Civil Code, all relating to water and canal corporations.

Assembly Bill No. 482—An Act to amend Section 613 of the Civil Code, relating to cemetery corporations.

Assembly Bill No. 497—An Act to add a chapter to Title V, of Part IV, of Division Second of the Civil Code, relating to the homesteads of insane persons

Assembly Bill No. 500—An Act to add a new section to the Civil Code, to be numbered 1463, relating to covenants running with land.

Assembly Bill No. 501—An Act to amend Sections 1624 and 1625 of the Civil Code, both relating to the manner of creating contracts.

Assembly Bill No. 393—An Act to amend Sections 497, 498, 504, and 507 of the Civil Code, all relating to street railway corporations.

Also, that the following bill has been correctly reengrossed:

Assembly Bill No. 365—An Act to amend an Act entitled an Act to amend an Act entitled "An Act to establish a State reform school for juvenile offenders, and to make an appropriation therefor," approved March 11, 1889, by amending the title to said Act and by amending Sections 1, 4, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by adding three new sections thereto, to be numbered, respectively, Sections 16a, 16b, and 16c, relating to a change in the name of the institution, and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State school located and established under the aforesaid Act and now maintained by the State of California at Whittier, in the County of Los Angeles therein, approved March 23, 1893, and adding certain sections thereto.

DEVLIN, Chairman.

Assembly Bill No. 365 ordered on file for passage.

All other above reported bills ordered on third-reading file.

#### PETITION.

Mr. Espey submitted a petition, signed by a large number of citizens of Alameda County, which reads as follows:

#### PETITION TO THE LEGISLATURE OF THE STATE OF CALIFORNIA.

*To the Honorable, the Legislature of the State of California*

GENTLEMEN: We, the undersigned citizens of Alameda County, California, most respectfully petition your honorable body to enact such laws as will prevent the Board of Supervisors of this county from spending money of the General Fund upon road districts, and your petitioners will ever pray.

Petition read and ordered filed.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

#### ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1905.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 462—An Act to provide for the acquisition of the old Mission at Sonoma, of the Fort Ross property, of the landing place at Monterey of Junipero Serra, and the Old Theater property at Monterey, and providing for the preservation, maintenance, protection, and improvement of said properties—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 615 (the same being identical with Senate Bill No. 462)—have had the same under consideration, and respectfully report that the author withdraw Assembly Bill No. 615.

BARNES, Chairman.

Senate Bill No. 462 ordered on special Senate file.

Assembly Bill No. 615 (identical with Senate Bill No. 462) withdrawn, and ordered stricken from the file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1905

MR. SPEAKER. We, the Committee on Public Buildings and Grounds, do respectfully submit herewith the petition of the Association Pioneer Women of California, which meets our approval, and recommend that same be referred to the Committee on Ways and Means.

BARNES, Chairman.

(Petition relative to statues of deceased illustrious citizens of California.)

THE ASSOCIATION PIONEER WOMEN OF CALIFORNIA,  
GOLDEN GATE HALL, SAN FRANCISCO, October 7, 1904.

*To the Honorable Speaker of the Assembly of California, Sacramento, California.*

SIR: The following petition is handed to you in the confidence that it will be brought immediately to the attention of the Assembly and receive its favorable action:

WHEREAS, By Section 1814 of the Revised Statutes of the United States the President is authorized to invite all the States of the Union to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem worthy of this national commemoration; and when so furnished, the same shall be placed in the National Statuary Hall in the Capitol of the United States; and

WHEREAS, The great and glorious State of California, now in its fifty-fifth year, is not represented in this respect, though there are many Californians whose services during life have given them national renown, it is fitting and proper that California, the extreme west of the national domain, be so represented; now, therefore,

We, the undersigned, The Association of Pioneer Women of California, and other residents of the State of California, most earnestly petition the Honorable Legislature of 1905 to make an appropriation at this session adequate for the placing of such statues, in pursuance of said law, Section 1814 of the Revised Statutes of the United States.

Respectfully,

ANNA E. MCINTYRE, Chairman Committee of National Statuary Resolutions.

AGNES M. McDONALD, President.  
JULIA RANDLE BROWN, Secretary

And others,

Petition referred to Committee on Ways and Means.

#### ON CAPITAL AND LABOR

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1905.

MR. SPEAKER: Your Committee on Capital and Labor, to whom was referred Assembly Bill No. 646—An Act to prohibit boycotting, unfair lists, picketing, or other interference with the lawful business or occupation of others, and to provide a penalty therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass

MINDHAM, Chairman

Assembly Bill No. 646 ordered on second-reading file.

#### ON DAIRIES AND DAIRY PRODUCTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1905.

MR. SPEAKER: Your Committee on Dairies and Dairy Products, to whom was referred Assembly Bill No. 50—An Act requiring the marking of packages of butter, containing less than six pounds and more than one half pound, so as to advise the purchasers or others as to the weight of butter contained in such package—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 232—An Act to amend an Act entitled "An Act to add a new section to the Penal Code, to be known and numbered as Section 381a," by adding thereto a section to be known and numbered as Section 381b.

Also: Assembly Bill No. 233—An Act to prevent deception in the sale of renovated butter, and to license manufacturers and dealers in the same.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

Also: Assembly Bill No. 461—An Act to establish a California State dairy school and experiment farm, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 51—An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold; to improve the quality of dairy pro-

ducts of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

COOPER, Chairman.

Assembly Bills Nos. 50, 232, 233, 461, and 51 ordered on second-reading file.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1905.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 143—An Act to amend Section 850 of the Code of Civil Procedure, relating to notice of trial or hearing thereof in justices' courts—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Assembly Bill No. 143 ordered on second-reading file.

ON STATE PRISONS AND REFORMATORIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1905.

MR. SPEAKER: Your Committee on State Prisons and Reformatories, to whom was referred Assembly Bill No. 688—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

McKENNEY, Chairman.

Assembly Bill No. 688 ordered on second-reading file.

ON LEVEES AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1905.

MR. SPEAKER: Your Committee on Levees and River Improvements, to whom was referred Assembly Bill No. 520—An Act to appropriate money to protect the banks of Eel River from erosion, by means of rip-rap and jetty work along the banks thereof—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

OLMSTED, Chairman.

Assembly Bill No. 520 ordered on second-reading file.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1905.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution by adding thereto a new section to Article IX, to be known as Section 13, relating to the exemption from taxation of the property now or hereafter belonging to the Cogswell Polytechnic College—have had the same under consideration, and respectfully report the same back, and a majority of said committee recommends that it do pass.

HOUSER, Chairman.

Constitutional Amendment No. 5 ordered on special file.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1905.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 456—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

BURKE, Chairman.

Assembly Bill No. 456 ordered on second-reading file.

## ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1905

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 722—An Act making an appropriation to pay the claim of the County of El Dorado against the State of California

Also: Assembly Bill No. 661—An Act appropriating money to pay the claim of A. S. Bosquit against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

SEVERANCE, Chairman.

Assembly Bills Nos. 722 and 661 ordered on second-reading file, and referred to Committee on Ways and Means.

## MESSAGE FROM THE SENATE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, February 2, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day returned Assembly Bill No. 27, as per your request

And passed the following:

Senate Bill No. 117—An Act to amend Sections 773 and 871 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the assessment and collection of taxes in municipalities of the fifth and sixth classes

Assembly Bill No. 281—An Act to amend the Political Code by adding thereto a new section, to be numbered 421, relating to watchmen employed in the State Capitol and for the Governor's Mansion, and providing for their salaries

And concurred in Assembly Concurrent Resolution No. 5—Approving ten amendments to the charter of the City of Santa Barbara, a municipal corporation in the county of Santa Barbara, State of California, which said ten amendments were submitted to vote of, and ratified by, the qualified electors of said city at a general municipal election at which the same was duly submitted, and said election being held on December 1, 1903.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary.

Senate Bill No. 117 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 281 ordered to enrollment.

Assembly Concurrent Resolution No. 5 ordered to enrollment.

Assembly Bill No. 27 ordered filed as having been refused passage.

## INTRODUCTION AND REFERENCE OF BILLS.

Bills were introduced and referred, as follows:

By Mr. Creighton: Assembly Bill No. 828—An Act to amend Section 315 of the Penal Code of the State of California, relating to the keeping of and residing in a house of ill-fame.

Read first time, and referred to Committee on Public Morals.

By Mr. Atkinson: Assembly Bill No. 829—An Act authorizing the judges of the superior court in all counties, and cities and counties, having a population of two hundred thousand inhabitants and over, to appoint a secretary, and fixing the terms and manner of appointment of such secretary.

Read first time, and referred to San Francisco Delegation.

By Mr. Estudillo: Assembly Bill No. 830—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 537 and 538 thereof, relating to the cases in which a writ of attachment shall issue, and to the contents of the affidavit for attachment.

Read first time, and referred to Committee on Judiciary.

By Mr. Pyle: Assembly Bill No. 831—An Act to promote and facilitate the enforcement of laws against the adulteration of foods and drugs, creating certain officers, prescribing their duties, their terms of office, fixing their salaries, and making an appropriation to pay such salaries and other expenses, creating the pure food fund, defining certain crimes and providing penalties for the punishment thereof, and repealing inconsistent Acts.

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Waste: Assembly Bill No. 832—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 25 of said Act a new subdivision, to be known as Section 6½, and relating to cooperation by County Boards of Supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Espey: Assembly Bill No. 833—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901, by adding a new section thereto, to be numbered Section 8.

Read first time, and referred to Committee on Judiciary.

By Mr. McGowan: Assembly Bill No. 834—An Act to amend Section 164 of the Civil Code, relating to separate and community property.

Read first time, and referred to Committee on Judiciary.

By Mr. Burke: Assembly Bill No. 835—An Act making the cost of certain bonds of receivers, assignees, trustees, guardians, administrators, and executors chargeable to a certain extent against the trust estate.

Read first time, and referred to Committee on Judiciary.

By Mr. Houser: Assembly Bill No. 836—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 412 thereof, relating to the service of summons by publication, and as to the nature of the judgment in such cases.

Read first time, and referred to Committee on Judiciary.

#### RESOLUTION.

Mr. Atkinson offered the following resolution:

(To pay Emil Ney)

*Resolved*, That for and by reason of services rendered the Assembly by Emil Ney from January 18, 1905, to February 1, 1905, both days inclusive, as an Assistant Sergeant-at-Arms, general utility man and messenger between the Clerk's desk and the office of the Superintendent of State Printing, the Controller of State is hereby directed to draw his warrant in favor of said Emil Ney for the sum of forty five dollars (\$45) for said services, said sum being for fifteen days at the rate of three dollars (\$3) per diem, and the State Treasurer is hereby directed to pay the same out of the appropriation for the contingent expenses of the Assembly, and the said Emil Ney is hereby discharged from further service.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

#### BILLS PLACED ON SPECIAL FILE.

Mr. Waste moved that Assembly Bill No. 87—An Act making an appropriation of \$5,075 to repay the Regents of the University of California for moneys appropriated by them to repair, maintain, and erect



necessary buildings for a forestry station at Santa Monica, and prescribing the duties of the Controller and Treasurer in relation thereto—be placed on the special file.

Motion carried, and such was the order.

Mr. Waste moved that Assembly Bill No. 68—An Act making an appropriation of ten thousand (\$10,000) dollars for the establishing at the Lick Observatory of a light and power plant, and prescribing the duties of the Controller and Treasurer in relation thereto—be placed on the special file.

Motion carried, and such was the order.

#### RESOLUTION.

Mr. Atkinson, at the request of Mr. Severance, submitted the following resolution:

(Granting leave of absence to Committee on Claims to visit certain lands.)

WHEREAS, Assembly Bill No. 579, carrying an appropriation of \$5,000 to pay the claim of the Lauritzen Company for damages to land owned by said Lauritzen Company caused by reason of the building of jetties in the Sacramento River by the Board of Public Works, and

WHEREAS, It is necessary for said committee to view said premises in order to intelligently pass upon said claim; and,

WHEREAS, Said land is only a short distance from the City of Sacramento, to wit: about thirty-five or forty miles;

Now, therefore, Your Committee on Claims asks the adoption of the following resolution:

Resolved, That the Committee on Claims and one member of the Committee on Ways and Means (said member of Committee on Ways and Means to be selected by the Speaker) be and they are hereby authorized to visit the land of said Lauritzen Company, on the Sacramento River, for the purpose of enabling said committee to act intelligently upon said bill, and they are hereby granted leave of absence for said purpose.

SEVERANCE, Chairman.

Resolution read.

Mr. Atkinson moved the adoption of the resolution, without reference to a committee.

Resolution adopted.

#### UNFINISHED BUSINESS.

Assembly Bill No. 46—An Act to amend an Act entitled "An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 28, 1893, relating to legal holidays.

Passed on file.

Assembly Bill No. 48—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Passed on file.

Assembly Bill No. 49—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Passed on file.

Assembly Bill No. 187—An Act to amend an Act entitled "An Act relating to estrays, providing for taking up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force, relating to estrays," approved March 23, 1901, by amending the second section thereof.

Passed on file.

## SPECIAL FILE.

Assembly Bill No. 280—An Act providing for the purchase of a university farm for the use of the College of Agriculture of the University of California; providing for the appointment of a commission to select and purchase said farm; providing for a school of agriculture and a system of instruction on said farm and appropriating money therefor.

Passed on file.

Assembly Constitutional Amendment No. 10—An Act relating to proposing an amendment to the State Constitution providing for free public school books.

Passed on file.

Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 17 of Article VI of said Constitution, relating to the compensation of Justices of the Supreme Court and judges of the superior court.

Passed on file.

## THIRD-READING FILE.

Assembly Bill No. 56—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justice courts and justices.

Passed on file.

Assembly Bill No. 298—An Act to amend Chapter I of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, by adding a new section thereto, to be numbered Section 9, relating to the powers and duties of city recorders and city clerks, respecting the registration of deaths and the issuance and registration of burial and disinterment permits.

Passed on file.

Assembly Bill No. 301—An Act to amend Subdivision 20, of Section 25, of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to health officers and health regulations, and the powers of boards of supervisors in connection therewith.

Passed on file.

Assembly Bill No. 323—An Act to amend an Act entitled "An Act to establish a system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131a, relating to the powers and duties of the county recorder respecting the registration of marriages, births, and deaths.

Passed on file.

Assembly Bill No. 269—An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement thereof by the Commissioners of the Bureau of Labor Statistics, and providing penalties for the violation thereof.

Passed on file.

Assembly Bill No. 189—An Act to further perpetuate the markings of the Government survey.

Passed on file.

Assembly Bill No. 365—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a State reform school for juvenile offenders, and to make an appropriation therefor,' approved March 11, 1889, by amending the title to said Act, and by amending Sections 1, 4, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by adding three new sections thereto, to be numbered, respectively, Sections 16a, 16b, and 16c, relating to a change in the name of the institution, and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State school located and established under the aforesaid Act and now maintained by the State of California at Whittier, in the County of Los Angeles therein," approved March 23, 1893.

Passed on file.

Assembly Bill No. 366—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and the Preston School of Industry, fixing the authority to examine and commit to such schools with the superior judges of counties, and fixing the responsibilities for which commitments are made to the State for the maintenance of the persons committed therefrom, providing for the manner of payment therefor, and fixing the responsibility of parents to the counties for which their children are committed," approved March 26, 1895.

Passed on file.

Assembly Bill No. 360—An Act regulating the grading of prisoners in the State Prison at San Quentin, in the State Prison at Folsom, and the Preston School of Industry at Ione.

Passed on file.

Assembly Bill No. 364—An Act giving to superior judges the right to impose indeterminate sentences, and prescribing the method of imposing the same.

Passed on file.

Assembly Bill No. 89—An Act to amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected, or paid more than once, and limiting the time therefor.

Passed on file.

Assembly Bill No. 541—An Act fixing the salaries of three assistant reporters of the decisions of the Supreme Court and District Courts of Appeal.

Passed on file.

Assembly Bill No. 212—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act providing for the sale of railroad and other franchises in municipalities, and relative to the granting of franchises,' approved March 23, 1893.

Passed on file.

Assembly Bill No. 176—An Act to amend Section 3788 of the Political Code of the State of California, relating to redemption of lands from tax sales.

Passed on file.

Assembly Bill No. 193—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

Passed on file.

Assembly Bill No. 44—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 94 of said Civil Code, relating to extreme cruelty as a cause of action for divorce.

Passed on file.

Assembly Bill No. 457—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expense of actions, alimony, and actions for maintenance and support.

Passed on file.

Assembly Bill No. 72—An Act to amend Section 595 of the Civil Code, relating to the amount of real estate which may be held by certain corporations.

Passed on file.

Assembly Bill No. 251—An Act to add a new section, to be numbered and designated as Section 321b, to an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to regulating the giving and use of proxies to vote corporative stock at any meeting of the stockholders of any corporation organized under the laws of this State.

Passed on file.

Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Passed on file.

Assembly Bill No. 30—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissioners having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895, which became a law March 4, 1899.

Passed on file.

Assembly Bill No. 155—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Passed on file.

Assembly Bill No. 409—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 38 of said Section 25, relating to a special road-fund tax.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Ellis, Espey, Estudillo, Hawkins, Houser, Johnson, Johnstone, Jury, Lucey, Lynch, Manwell, McKenney, McNamara, Mindham, Olmsted, Perkins, Pyle, Rolley, Thompson, Treadwell, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 410—An Act to amend Section 2653 of the Political Code, relating to highways.

Passed on file.

Assembly Bill No. 443—An Act to provide for the location and acquirement of mining claims on salt marsh and tide lands owned by the State of California.

Passed on file.

Assembly Bill No. 185—An Act to provide for the destruction of gophers, squirrels, other wild animals, noxious weeds and insects.

Passed on file.

Assembly Bill No. 439—An Act to provide for the disposition of the funds which may hereafter be collected by the State of California from the United States in payment of the claims arising out of the War of the Rebellion.

Passed on file.

Assembly Bill No. 634—An Act to amend Sections 439 and 441 of the Political Code, relating to the office of the Controller of State, his deputy and assistants, the salaries of the deputy and assistants, and to repeal all laws in conflict therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Coyle, Creighton, Cullen, Dorsey, Drew, Ellis, Espey, Estudillo, Hawkins, Houser, Johnson, Johnstone, Jury, Lumley, Lynch, Manwell, McKenney, McNamara, Mindham, Olmsted, Perkins, Pyle, Rolley, Thompson, Treadwell, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—43.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 529—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Superintendent of Public Instruction's office for the fifty-sixth fiscal year.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Creighton, Cullen, Drew, Ellis, Espey, Estudillo, Hawkins, Houser, Johnson, Johnstone, Jury, Lumley, Lynch, Manwell, McKenney, McNamara, Mindham, Olmsted, Perkins, Pyle, Rolley, Thompson, Treadwell, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—41.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

#### BILL RECOMMITTED.

Mr. Wickersham moved that Assembly Bill No. 537 (No. 213 on file) be recommitted to Committee on Fish and Game.

Motion carried.

#### THIRD READING-FILE—(RESUMED).

Assembly Bill No. 338—An Act to amend Section 515 of the Political Code, and to provide for the appointment of a statistician, a clerk, and stenographer, and a text-book clerk for the Superintendent of Public Instruction, and to fix their compensation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burke, Busick, Chandler, Cooper, Creighton, Cullen, Drew, Ellis, Espey, Goodrich, Hawkins, Houser, Johnson, Johnstone, Jury, Lucey, Lumley, Lynch, Manwell, McKenney, McNamara, Mindham, Olmsted, Perkins, Pyle, Rolley, Thompson, Treadwell, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill 353—An Act to amend Section 6 of an Act entitled "An Act to provide for compiling, electrotyping, printing, binding, copyrighting, and distributing a State series of school text-books, and appropriating money therefor," approved March 15, 1887.

Passed on file.

Assembly Bill No. 171—An Act to amend Section 1617 of the Political Code, relating to boards of school trustees and city boards of education.

Passed on file.

Assembly Bill No. 172—An Act to amend Section 1634 of the Political Code, relating to school census marshal.

Passed on file.

Assembly Bill No. 207—An Act entitled an Act to amend Section 1772 of the Political Code of the State of California, relating to certificates upon examination.

Passed on file.

Assembly Bill No. 272—An Act entitled "An Act to amend Section 1670 of the Political Code of the State of California," relating to the establishment of high schools.

Passed on file

Assembly Bill No. 173—An Act confirming the organization of school districts.

Passed on file.

Assembly Bill No. 77—An Act entitled "An Act to amend Section 443 of the Political Code of the State of California, relating to the State School Fund."

Passed on file.

Assembly Bill No. 447—An Act to amend Section 443 of the Political Code of the State of California, relating to the amount of money to be raised for each census child by State tax.

Passed on file.

Assembly Bill No. 412—An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by county boards of education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Dorsey, Drew, Ellis, Espey, Estudillo, Goodrich, Hawkins, Johnson, Johnstone, Jury, Lucey, Lumley, Lynch, Manwell, McKenney, McNamara, Mindham, Olmsted, Perkins, Pyle, Rolley, Thompson, Treadwell, Vogel, Waste, Whiting, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

Passed on file.

#### MR. TREADWELL CALLED TO THE CHAIR.

At eleven o'clock and twenty-three minutes A. M., the Speaker called Hon. E. F. Treadwell to the chair.

Assembly Bill No. 226—An Act to amend Paragraph I of Section 1874 of the Political Code of California, providing that pupils shall not be

required to purchase supplemental books, and teachers and school authorities shall be punishable by expulsion from office, or a fine not exceeding \$50, for violation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Ellis, Espey, Estudillo, Hawkins, Johnson, Johnstone, Jury, Lucey, Lumley, Lynch, Manwell, McKenney, McNamara, Mindham, Olmsted, Pyle, Rolley, Thompson, Treadwell, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### SPEAKER RESUMES THE CHAIR.

At eleven o'clock and forty minutes A. M., Speaker Prescott resumed the chair.

Assembly Bill No. 249—An Act to amend Section 1621 of the Political Code, relating to boards of school trustees and city boards of education.

Passed on file.

Assembly Bill No. 194—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts.

Passed on file.

Assembly Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

Passed on file.

Assembly Bill No. 532—An Act protecting the claims of those who may furnish materials or labor for the working or developing of mining properties under powers which are obtained by bond or a trust deed.

Bill read third time.

#### REFERRED TO SELECT COMMITTEE.

Mr. Busick moved that Assembly Bill No. 532 be referred to a select committee, consisting of the Committee on Judiciary, for further consideration and to propose amendments.

Motion carried, and such was the order.

Assembly Bill No. 125—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of State and county school funds.

Passed on file.

Assembly Bill No. 273—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 3788½, relating to the time within which deeds must be executed for property sold for delinquent taxes to purchasers other than the State of California.

Passed on file.

Assembly Bill No. 585—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the disposition of moneys received by the State on a sale of lands acquired by the State at tax sales.

Passed on file.

Assembly Bill No. 453—An Act to appropriate \$20,000 for the improvement of Big Basin Park.

Passed on file.

Assembly Bill No. 218—An Act to amend Section 2690 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings on approval of viewer's report in the matter of public highways.

Passed on file.

LEAVE OF ABSENCE.

Mr. Atkinson requested and was granted leave of absence for the remainder of to-day's session, and until Monday, February 6, 1905.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 311—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Busick, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Ellis, Espey, Estudillo, Goodrich, Houser, Johnson, Johnstone, Jury, Lucey, Lynch, Manwell, McKenney, McNamara, Mindham, Olmsted, Perkins, Pyle, Rolley, Thompson, Treadwell, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 10—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Passed on file.

Assembly Bill No. 417—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered 1177, relating to the settlement and engrossment of bills of exceptions in criminal proceedings and actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Coyle, Creighton, Cullen, Dorsey, Drew, Ellis, Espey, Estudillo, Goodrich, Hawkins, Houser, Johnson, Johnstone, Jury, Lucey, Lumley, Lynch, Manwell, McKenney, McNamara, Olmsted, Perkins, Pyle, Rolley, Thompson, Treadwell, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RESOLUTION—(OUT OF ORDER).

Mr. Creighton offered the following resolution, out of order:

*Resolved*, That Harry W. Pulcifer be and he is hereby appointed a stenographer to the Committee on County and Township Governments of the Assembly, at the same per diem as is paid the other stenographers of the Assembly, said per diem to be paid out of the appropriation for the contingent expenses of the Assembly, and the State Controller is hereby directed to draw his warrant in his favor, and the State Treasurer is hereby authorized to pay the same.

Resolution read, and referred to Committee on Attachés and Employés.



## MOTION TO ADJOURN.

Mr. Anthony moved that when the Assembly adjourns this day, it be until next Monday morning, at ten o'clock A. M.

## MR. DORSEY CALLED TO THE CHAIR.

At twelve o'clock noon, Hon. J. R. Dorsey of Kern in the chair.

Pending action on the motion to adjourn, the Speaker, at twelve o'clock and three minutes P. M., resumed the chair.

Mr. Dorsey moved to amend the motion to adjourn to Monday, that when the Assembly adjourns it be until eleven o'clock A. M. on Monday.

After a brief discussion, the motion to adjourn and the amendment thereto were withdrawn.

## THIRD-READING FILE--(RESUMED).

Assembly Bill No. 258—An Act to amend Section 731, Code of Civil Procedure of California, relating to the abatement of private and public nuisances.

Passed on file.

Assembly Bill No. 437—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Passed on file.

## MOTION TO RECONSIDER LAID ON THE TABLE.

Mr. Hawkins, in compliance with notice given yesterday by Mr. Jones of Tuolumne, moved to reconsider the vote whereby Assembly Bill No. 248 was passed.

The question being put, Mr. Hawkins then moved to postpone further action until Friday, February 10, 1905.

Mr. Estudillo moved that the motion to reconsider Assembly Bill No. 248 be laid on the table.

Motion withdrawn.

Mr. Treadwell moved to lay the motion to postpone further action on the table.

Motion carried.

Mr. Treadwell moved that the motion to reconsider be laid on the table.

Motion carried.

Assembly Bill No. 248 ordered transmitted to the Senate.

## REPORT BY COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The following report from the Committee on Engrossment and Enrollment was received and read:

## ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills, etc., have been correctly engrossed:

Assembly Constitutional Amendment No. 15—A resolution to propose to the people of the State of California a constitutional amendment relating to recall by electors of elective officials, by adding a new section, to be known as Section 18½, of Article IV, to the Constitution of the State of California.

Assembly Bill No. 24—An Act to add a new section to the Code of Civil Procedure to be known as Section 637, relating to equity causes and to appeals therein.

Assembly Bill No 450—An Act to validate the organization and incorporation of municipal corporations

Assembly Bill No. 531—An Act to amend an Act entitled "An Act to provide for the compilation, printing, binding, publishing, and distribution of a Legislative Manual and State Blue Book, or Roster, and repealing conflicting Acts," approved February 13, 1903

Assembly Bill No. 289—An Act making an appropriation for transportation of prisoners for the fifty-fifth and fifty-sixth fiscal years

Assembly Bill No. 79—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3652 and by adding a new section, to be numbered 3652a, relating to the time of completion of assessment roll, and the giving of notice by the assessor of the amount of assessments, and the date of meeting of boards of equalization.

Assembly Bill No. 105—An Act to appropriate the sum of \$150 to pay the claim of I. E. Cohn against the State of California.

Assembly Bill No 481—An Act to add a title to Part IV of Division First of the Civil Code, to be known as Title XLIIa, relating to societies for the prevention of cruelty to children and animals.

Also, that the following bills have been correctly reengrossed:

Assembly Bill No. 89—An Act to amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time therefor.

Assembly Bill No 187—An Act to amend An Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by amending the second section thereof.

DEVLIN, Chairman.

Assembly Bills Nos. 89 and 187 ordered on file for passage.

Assembly Constitutional Amendment No. 15 ordered on file for adoption.

Assembly Bills Nos. 24, 450, 531, 289, 79, 105, and 481 ordered on third-reading file.

#### RECESS.

At twelve o'clock and twenty minutes P. M., on motion of Mr. Waste, a recess was declared until two o'clock and thirty minutes P. M. this day.

#### REASSEMBLED.

The Assembly reconvened at two o'clock and thirty minutes P. M.  
The Speaker, Hon. Frank C. Prescott, in the chair.

#### PETITION.

Speaker Prescott presented the following petition:

SANTA CRUZ, CALIFORNIA, February 2, 1905.

*To the Honorable F. C. Prescott, Speaker, and Members of the General Assembly of the State Legislature of California*

GENTLEMEN: Recognizing the fact that your valuable time should not be consumed, and that the people of the State should not be put to the great expense of investigating the false and malicious charges preferred against me as Judge of the Superior Court of Santa Cruz County by a few cowardly and disreputable conspirators who tried to defeat me at the election two years ago by circulating similar and even worse vile and malicious falsehoods, I have delayed addressing you this communication until the present time

Yet, as these few disreputable pettifoggers and disgruntled litigants persist in willfully and knowingly slandering me by formulating pretended charges of impeachment, but their real and only purpose being to injure me by having their false and malicious slanders published in the newspapers throughout the State, I therefore most respectfully request that in order to save any member of your honorable body the deep mortification of futherling these vile slanders by offering a resolution regarding them, that the same be considered as filed with my consent, and that a committee be appointed, with full power to act, to investigate the charges made by this disreputable gang of cowardly and malicious scoundrels and notorious liars and slanderers, and if I fail to prove by the leading citizens of Santa Cruz County, and by numerous witnesses of unquestioned integrity, beyond all reasonable doubt and to the satisfaction of the committee and all other honorable persons, that the charges made are rank and malicious falsehoods, and that the authors thereof are vile and cowardly slanderers without repu-

table characters or standing in the county where they reside, then I will cheerfully pay all the expenses of the investigation, so that the taxpayers of the State will not be compelled to pay the same.

Being a Democrat in politics, I would further request that the entire committee be composed of disinterested Republicans, which alone would exempt Mr. Cleveland of your body from serving on said committee, he being desired as a witness.

I would further request that the investigation be had in Santa Cruz County, where my character and standing both as a judge and citizen are well known, and also where the characters of the disreputable cowards who have so unjustly and maliciously assailed me are also well known.

Awaiting your pleasure in this matter, and assuring you that I am ready to have the investigation commence at the very earliest moment possible, I remain,

Very respectfully, your obedient servant,

LUCAS F. SMITH,

Judge of the Superior Court of Santa Cruz County, State of California.

Petition read, and on motion of Mr. Waste ordered printed in the Journal.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

#### ON REVENUE AND TAXATION

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1905.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 648—An Act to amend an Act entitled, "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered 3782, relating to taxation; providing for actions to determine validity of sales of real property—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be referred to Committee on Judiciary.

Also: Assembly Bill No. 582—An Act to amend Section 3897 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the sale by the State of lands sold to the State for taxes—have had the same under consideration, and respectfully report the same back, and recommend its reference to the Committee on Judiciary.

Also: Assembly Bill No. 737—An Act to amend Section 3819 of the Political Code, relating to the recovery of taxes paid under protest.

Also: Assembly Bill No. 219—An Act to repeal Sections 3824 and 3825 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

GOODRICH, Chairman.

Assembly Bills Nos. 648 and 582 ordered on second-reading file, and referred to Committee on Judiciary.

Assembly Bills Nos. 737 and 219 ordered on second-reading file.

#### SECOND-READING FILE ORDERED TAKEN UP.

Mr. Waste moved to take up the second-reading file.

Motion carried.

#### SECOND-READING FILE.

Assembly Bill No. 327—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, relating to advertising estrays and the costs and expenses of redeeming them.

Passed on file.

Assembly Bill No. 208—An Act entitled "An Act to amend Section 1861 of the Political Code of the State of California, relating to the use of the State School Fund."

Passed on file.

Assembly Bill No. 710 (Committee Substitute for Assembly Bill No. 190)—An Act to amend an Act entitled "An Act creating a fund for

the benefit and support of high schools, and providing for its distribution," approved March 2, 1903

Bill read second time.

Assembly Bill No. 710 ordered engrossed, and on third-reading file.

Assembly Bill No. 435—An Act making an appropriation to pay certain claims against the California Home for the Care and Treatment of Feeble-Minded Children.

Bill read second time.

#### MOTION.

Mr. Waste moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 435.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Assembly Bill No. 435 considered in Committee of the Whole.

Mr. Waste moved that the Committee of the Whole rise and report back Assembly Bill No. 435, with a recommendation that it do pass.

Motion carried.

#### IN ASSEMBLY.

Speaker Prescott in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 435—An Act making an appropriation to pay certain claims against the California Home for the Care and Treatment of Feeble-Minded Children—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

Report adopted.

Assembly Bill No. 435 ordered to engrossment and on third-reading file.

Assembly Bill No. 712—An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry, and certain officers subordinate to said Board, prescribing the duties of such officers, creating a forestry fund, making an appropriation for the purpose of this Act, and defining and providing for the punishment of certain officers for violation of the provisions of this Act.

Passed on file.

Assembly Bill No. 738 (Committee Substitute for Assembly Bill No. 103)—An Act to amend an Act entitled "The Political Code of the State of California," relating to the employment of women as physicians in State hospitals for the care and treatment of the insane, and in the California Home for the Care and Training of Feeble-Minded Children at Eldridge, Sonoma County.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 739 (Committee Substitute for Assembly Bills Nos. 3, 178, and 319)—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, relating to powers of boards of trustees of cities of the fifth class.

Bill read second time, ordered to engrossment and on third-reading file.

MR. DORSEY CALLED TO THE CHAIR.

At two o'clock and forty-five minutes P. M., Hon. J. R. Dorsey of Kern in the chair.

Assembly Bill No. 433—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, relating to compensation of officers in cities of the fifth class.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 154—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of trustees of cities of the fifth class.

Passed on file.

Assembly Bill No. 64—An Act for the relief of Patrick Creighton.

Bill read second time.

The following committee amendments were read:

AMENDMENT No. 1.

Amend by striking out the words "with interest thereon until paid, from the first day of January, 1873," on lines 4 and 5, first page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "and interest," on line 6, first page, printed bill

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "with legal interest thereon," on line 3, Section 2, first page, printed bill.

Amendment adopted.

Assembly Bill No. 64 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 419—An Act to amend the Code of Civil Procedure of the State of California, by amending Section 859 thereof, relating to amendment of pleadings.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 475—An Act to add a new section to Chapter III, Title I, Part II of the Penal Code of the State of California, to be numbered Section 714a, giving the right to appeal from justices' courts in certain cases.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 611—An Act to amend an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 204—An Act to amend Section 636 of the Political Code, relating to the registration of life insurance policies and deposit of security with Insurance Commissioner thereof.

Passed on file.

Assembly Bill No. 96—An Act adding a new section to the Civil Code, to be known as Section 433, relating to corporations transacting business in insuring titles to real estate, and providing the terms and conditions of policies issued by such corporations.

Bill read second time.

The Committee on Insurance and Insurance Laws submitted the following amendment:

COMMITTEE AMENDMENT.

Amend by striking out of printed bill all of the same after the enacting clause thereof, and inserting in lieu thereof the following:

"Section 1. A new section is hereby added to the Civil Code, to be numbered 433, to read as follows:

"Section 433. Corporations transacting business in insuring titles to real estate shall issue policies of insurance of titles to real estate in substantially the following form, and not otherwise:

POLICY OF TITLE INSURANCE

"In consideration of its charges for the examination of title, the..... company does hereby insure..... and ..... heirs and devisees against loss or damage not exceeding..... dollars, which the said insured shall sustain by reason of any defects in the title to the real property hereinafter described, at the date hereof, subject to the conditions and exceptions hereinafter contained.

"The interest of the insured in said property is as follows:

*Description of the Property Covered by this Policy of Insurance*

"All the certain lot... of land situate in the county of....., State of California, and bounded and described as follows, to wit: (Here insert description.)

"The Title to Said Property is Vested in..... free and clear of all liens and incumbrances, except the following: (Here may be inserted any specific lien, incumbrance or claim upon said premises, and any specific part which the company does not guarantee.)

"Conditions of this Policy 1. The company will, at its own cost, defend the insured in all actions or proceedings founded on a claim insured against by this policy; and, in case the company shall fail to do so, the insured may defend such action or proceeding, and recover the expense thereof, including counsel fees from the company.

"2. This policy is not intended to insure against liens, incumbrances, or claims specifically set forth in the policy, nor against defects not shown by any public record of the county, or by the records of the Federal officers of the district, within which said property is situated.

"3. This policy is not intended to insure against claims founded upon possession not appearing of record, nor against overlapping improvements.

"4. If at any time any defect hereby insured against shall be discovered in the title to the property insured, of such a character that a court of competent jurisdiction would not decree specific performance of a contract for the sale of the premises, the insured shall notify the company thereof, and unless the company shall cure such defect within a reasonable time the same may be cured by the insured, and the reasonable expense of curing the same, including counsel fees, may be recovered from such company.

"5. The company shall also be liable upon this policy in the following cases:

"(a) When there has been a final determination by a court of competent jurisdiction, under which the insured may be dispossessed or evicted from the premises covered by this policy, or from some part, or undivided share or interest therein, by reason of some defect hereby insured against in the title thereto.

"(b) When there has been a final determination by such a court adverse to the title as insured, upon a lien or incumbrance not excepted in this policy.

"(c) When it has been determined by any such court that the title to the premises covered by this policy is defective in any manner not exempted in the policy.

"(d) When the insured has lost the benefit of a bona fide written contract of sale of said premises by reason of any defect in the title to said premises; provided, that the insured must give the company written notice of such sale and such defect and the company may at its option either cure such defect, or proceed to compel the purchaser to complete the purchase.

"6. No transfer of this policy shall be made, except that a policy held by the owner of a mortgage or other incumbrance may be transferred to an assignee of the interest insured, or to the purchaser at a foreclosure sale, where the property sold is bought in by or for the insured, and except also in such other cases as the company may by special written agreement, permit. The liability of the company to any such collateral holder of a policy shall in no case exceed the amount of the pecuniary interest of such collateral holder in the premises described in the policy.

"7. In case any action or proceeding is begun, or in case of the service of any paper or pleading, the object or effect of which shall or may be to impugn, attack, or call in question, the validity or the title hereby insured, or to raise any material question relating to a claim or incumbrance hereby insured against, or to cause any loss or damage for which the company shall or may be liable under or by virtue of any of the terms or conditions of this policy, or in case any action or proceeding is begun that may have such object or effect, it shall be the duty of the insured at once to notify the company thereof in writing. In such cases, and in all cases where this policy requires the company to prosecute or defend actions, it shall be the duty of the insured to secure to it the right

and opportunity to maintain or defend the action or proceeding, and all appeals from any determination therein, and to give it all reasonable aid therein, and permit it to use, at its option, the name of the assured for such purposes. If such notice shall not be given to this company within five days after the service of the summons in such action or proceeding, then this policy shall be void; *provided*, that no failure to give such notice shall affect the company's liability if such failure has not prejudiced, and cannot in the future prejudice, the company. The company will pay, in addition to the loss, all costs imposed on the insured in litigation carried on by it for the insured under the requirements of this policy; but in no case will it be liable for the fees of any counsel or attorney employed by the insured, unless the company shall fail to employ counsel to defend such action; and the costs and loss paid shall not together exceed the amount of this policy.

"8. The company reserves the option to settle any claim insured against by this policy, or to pay this policy in full; and the payment or tender of payment to the full amount of this policy shall determine all liability of the company thereunder. All payments under this policy shall reduce the amount of the insurance *pro tanto*.

"Nothing contained in this policy shall be construed as an insurance to any one against defects, liens, or incumbrances created subsequent to the date hereof, nor against any acts of the insured.

"IN TESTIMONY WHEREOF, The ----- company has caused its corporate seal to be hereunto affixed and these presents to be signed by two of its officers thereunto duly authorized this ----- day of ----- 190.., at ----- o'clock ----- M.

"----- President.  
"----- Secretary.

"No such policy shall contain any provision or condition other than the provisions and conditions above set forth, and any provision or condition contained in any such policy other than as above set forth shall be inoperative and void, and such policy shall be construed as if such provision or condition were not contained therein.

"9. The liability of this company shall in no case exceed in all the actual loss of the insured.

"10. Whenever this company shall have settled a claim or loss under this policy, it shall be subrogated to and be entitled to, all the rights, securities and remedies of the insured for the recovery of the same, including also all the rights, securities, and remedies which the insured has or would have had against any other person or property in respect to such claim or loss had this policy not been made, and also the right to use the name of the insured for the purpose of enforcing or collecting the same, and at the option of this company, the insured shall transfer or cause to be transferred to this company all such rights, including permission and authority to use the name of the insured for the recovery or defense thereof. If the payment of the loss under this policy does not cover the whole loss of the insured, this company shall be subrogated to such rights, securities, and remedies in the proportion which the payment of loss bears to the amount of such loss of the insured not covered by said payment, and the insured warrants that such rights of subrogation shall vest in this company unaffected by any right of the insured."

Amendment read and adopted.

Assembly Bill No. 96 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 351—An Act to amend Section 637 of the Penal Code of the State of California, relating to the taking and killing of meadow larks and wild birds other than game birds.

Passed on file.

Assembly Bill No. 519—An Act to add a new section to the Penal Code, numbered 599, making it a felony to kill any elk within the State of California.

Bill read second time.

The Committee on Fish and Game submitted the following amendments, which were read:

#### AMENDMENT No. 1.

Amend the title on printed bill, by striking out all after the word "code," and inserting in lieu thereof the following: "of the State of California, to be numbered section five hundred and ninety-nine, making it a felony to kill any elk within the State of California."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out all after the word "code," on line 2, first page of the printed bill, and inserting in lieu thereof the following: "of the State of California, to be numbered section five hundred and ninety-nine, the same to read as follows."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out of line 3, first page of the printed bill, the words "killing elk a felony."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out of line 1, Section 3, first page of the printed bill, the letter "a," in the word "inconsistent," and inserting in lieu thereof the letter "e."

Amendment adopted.

Assembly Bill No. 519 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 639—An Act authorizing the bringing of actions on behalf of the State for the purpose of enforcing the lien or liens of taxes under an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, and the several Acts amendatory thereof, and to authorize the bringing and prosecution of actions against the State for the purpose of quieting title against claims or liens made by or upon behalf of the State under the said Act and the Acts amendatory thereof, and to regulate the procedure in said actions.

Bill read second time.

The Committee on Judiciary submitted the following amendment:

Amend by striking out the word "governor" on line 2, Section 4, page 3, printed bill, and inserting in lieu thereof the following: "secretary of state."

Amendment read and adopted.

Assembly Bill No. 639 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 604—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 382b, relating to the refusal of sale of goods, wares, merchandise, or supplies by retail dealers therein to any person offering to purchase the same for cash; and upon conviction thereof fixing the penalty therefor.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 28—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 367 of said Code of Civil Procedure, relating to parties to civil actions.

Bill read second time.

The Committee on Judiciary submitted the following amendments:

## AMENDMENT No. 1

Amend by striking out all of Section 2.

Amendment read and adopted.

## AMENDMENT No. 2.

Amend by inserting on line 4 of the printed bill, before the figures "367" the word "section."

Amendment read and adopted.



Assembly Bill No. 28 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 658—An Act to amend Section 1278 of the Code of Civil Procedure of the State of California, relating to hearing application for change of names, and remonstrance, and requiring production of the certificate of the Secretary of State by corporations that name desired is not the name of any other corporation, or so closely resembles the same as will tend to deceive.

Bill read second time.

The Committee on Judiciary submitted the following amendments:

AMENDMENT No. 1.

Amend by inserting on line 1 of printed bill, before the word "section," the word and figure "Section 1."

Amendment read and adopted.

AMENDMENT No. 2.

Amend by inserting on line 3 of printed bill, before the figures "1278," the word "section."

Amendment read and adopted.

Assembly Bill No. 658 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 274—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 172, relating to conveyances of real property by married men, and limiting the time in which to commence actions for the recovery of community property by wives.

Passed on file.

Assembly Bill No. 383—An Act to amend Sections 360 and 362 and to repeal Sections 361 and 363 of the Civil Code, all relating to the powers of corporations.

Bill read second time.

The following amendments were submitted and read:

By Committee on Judiciary:

AMENDMENT No. 1.

Amend by inserting in line 3, Section 3, page 2, of printed bill, before the figures "362" the word "section."

Amendment lost.

AMENDMENT No. 2.

Amend by inserting in line 16, page 2, of printed bill, after the word "and," the words "it and."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of line 20, page 2, of printed bill, the word "original."

Amendment lost.

By Mr. Drew:

AMENDMENT No. 1.

Amend by striking out of Section 1, line 3, of printed bill, the word "Section," at the beginning of the line

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of Section 3, in lines 12 and 13, of the printed bill, the comma after the word "are," and further striking out the words, "or any copy thereof is required by this code to be filed," and inserting in lieu thereof the following: "filed,

and a certified copy thereof, duly certified by such county clerk, in the office of the Secretary of State. A copy of such articles of incorporation, so amended, duly certified by the Secretary of State, must be filed in the office of the county clerk of every county in which such corporation has or holds property, except only the county in which the original amended articles of incorporation have been filed. Any corporation which shall amend its articles of incorporation and shall fail to file copies of its amended articles, as required by the preceding sentence, shall be subject to the penalties and liabilities provided in Section 299 for a failure of corporations to file copies of their articles of incorporation in the offices of the county clerks of the counties in which they shall purchase, hold, or locate property."

Amendment adopted.

#### AMENDMENT No. 3.

Amend section 3, in lines 13-21 of the printed bill, by striking out the semi-colon and the words: "provided, that the time of the existence of such corporation shall not be by such amendment extended beyond the original time fixed in the original articles of incorporation."

Amendment adopted.

#### AMENDMENT No. 4.

Amend section 3, page 3 of the printed bill, by striking out line 38 thereof, and inserting in lieu thereof the following: "increase or diminish its capital stock, change its name, extend its corporate existence, or increase or diminish the number of its directors, without complying with the special provisions of this code applicable thereto."

Amendment adopted.

Assembly Bill No. 383 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 270—An Act to amend Section 3617 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms.

Bill read second time.

The Committee on Judiciary submitted the following amendments, which were read:

#### AMENDMENT No. 1.

Amend by inserting after the enacting clause, the following: "Section 1. Section 3617 of an Act entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the definition of terms, is hereby amended to read as follows:"

Amendment adopted.

#### AMENDMENT No. 2.

Amend by inserting in line 5, page 1, of printed bill, a "comma" after the word "stocks"

Amendment adopted.

#### AMENDMENT No. 3.

Amend by striking out of line 13, page 1, of printed bill, the word "belonging," and inserting in lieu thereof the word "being."

Amendment adopted.

#### AMENDMENT No. 4.

Amend by inserting in line 40, page 2, of the printed bill, after the word "or," where it occurs before the word "associations," the following: "association assessed to bona fide residents of this State, or firms."

Amendment adopted.

#### AMENDMENT No. 5.

Amend by striking out all of Section 2.

Amendment adopted.

Assembly Bill No. 270 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 617—An Act to repeal an Act entitled "An Act to provide for the appointment of a deputy Supreme Court reporter, and to regulate his compensation," approved February 26, 1881.

Bill read second time.

The Committee on Judiciary submitted the following amendment:

Amend by inserting at the end of the printed bill the following: "Section 2. This Act shall take effect and be in force from and after the first day of July, 1905."

Amendment read and adopted.

Assembly Bill No. 617 ordered to engrossment, reprint, with rush order, and on third-reading file.

Assembly Bill No. 677—An Act to add a new section to the Penal Code, to be numbered Section 526, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theatre or other public place of amusement for more than the original price thereof.

Bill read second time.

The Committee on Judiciary submitted the following amendments:

AMENDMENT No. 1.

Amend by inserting in line 3 of the printed bill before the figures "626" the word "section."

Amendment read and adopted.

AMENDMENT No. 2.

Amend by striking out all of Section 2

Amendment read and adopted.

Assembly Bill No. 677 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 606—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking of depositions in this State.

Bill read second time.

The Committee on Judiciary submitted the following amendment:

Amend by inserting in line 3, before the figures 2021, the word "section."

Amendment read and adopted.

Assembly Bill No. 606 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 468—An Act to amend Section 626m of the Penal Code of the State of California, relating to hunting at night time.

Bill read second time.

The Committee on Fish and Game submitted the following amendments:

AMENDMENT No. 1.

Amend by striking out the figures "6:30" on line 3, first page of the printed bill, and inserting in lieu thereof the figure "6."

Amendment read and adopted.

AMENDMENT No. 2.

Amend by striking out the figure "5" on line 4, first page of the printed bill, and inserting in lieu thereof the figure "6"

Amendment adopted.

AMENDMENT No. 3.

Strike out Section 2.

Amendment adopted.

Assembly Bill No. 468 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 478—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualification of persons following

such business, and the sanitary condition of barber-shops in the State of California.

Bill read second time.

The Committee on Commissions and Public Expenditures submitted the following amendment:

Amend by striking out all of Section 15.

Amendment adopted.

Assembly Bill No. 478 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 371—An Act to amend the Penal Code of California by adding a new section, to be numbered 345, relating to the manufacture, sale, or giving away of baneful or injurious food adulterants.

Passed on file.

Assembly Bill No. 356—An Act to prevent vaccination being made a condition precedent to admission to public schools of the State of California.

Bill read second time.

The Committee on Public Health and Quarantine submitted the following amendment:

Amend by striking out Section 3.

Amendment read and adopted.

Assembly Bill No. 356 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 598—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377d, making it a misdemeanor to refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health concerning the discontinuance, abatement, or removal of noisome or noxious smoke, gas, vapor, or effluvia.

Bill read second time.

The Committee on Public Health and Quarantine submitted the following amendment:

Amend by striking out Section 3.

Amendment adopted.

Assembly Bill No. 598 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 243—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend Section 6 of an Act entitled 'An Act concerning the water-front of the City and County of San Francisco,'" approved March 15, 1878, and "to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880, approved March 19, 1889, "conferring further powers upon the said Board," approved March 26, 1895, approved March 23, 1901.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be numbered 66a, relating in the amendment to the board of supervisors of the several counties of the State, and making it their duty to furnish the

Secretary of the State Agricultural Society with certain statistical information, and declaring the same to be a county charge.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 400—An Act to amend the Political Code by adding a new section, to be numbered 642a, relating to the powers and authorities of the Fish Commissioners and their assistants.

Bill read second time.

The Committee on Fish and Game submitted the following amendments:

AMENDMENT No. 1.

Amend by striking out the words "conveyance, vehicle," on lines 7 and 8, first page of printed bill.

Amendment read and adopted.

AMENDMENT No. 2.

Amend by striking out the semicolon after the word "house," on line 10, first page of printed bill, and inserting in lieu thereof a "comma" and the following: "or a private or public cold storage."

Amendment read and adopted.

Assembly Bill No. 400 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 537—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the restoration and preservation of fish in the waters of the State of California.

Assembly Bill No. 537 recommitted to committee.

Assembly Bill No. 629—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Referred to Committee on Ways and Means.

Assembly Bill No. 631—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture," and repealing the Act entitled "An Act to protect and promote the horticultural interests of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891, approved March 31, 1897, relating to the destruction of the Russian thistle, or salt wort.

Passed on file.

Assembly Bill No. 696—An Act to amend an Act entitled "An Act to provide for the marking, branding, or labeling of the boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions," approved March 20, 1903, by amending Sections 1 and 2 thereof.

Passed on file.

Assembly Bill No. 83—An Act directing the Regents and the President of the University of California to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Referred to Committee on Ways and Means.

Assembly Bill No. 559—An Act to amend Section 1844 of the Code of Civil Procedure of the State of California, relating to the evidence necessary for the proof of certain facts.

Bill read second time.

The Committee on Judiciary submitted the following amendment:

## COMMITTEE AMENDMENT No. 1.

Amend by striking out of lines 12 and 13 the comma (,) after the word "witness" and the words "or by corroborating circumstances."

Amendment read and adopted.

Assembly Bill No. 559 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 560—An Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to witnesses.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 376—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1873, by amending Section 1624, prescribing what contracts must be in writing.

Passed on file.

Assembly Bill No. 605—An Act to amend Section 241 of the Code of Civil Procedure, relating to the impaneling of grand juries.

Bill read second time.

The Committee on Judiciary submitted the following four amendments, which were read:

## AMENDMENT No. 1.

Amend by inserting in line 3, before the figures "241," the word "section."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out of line 4 the words "must require," and inserting in lieu thereof the word "requires."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out of line 4 the word "may," and inserting in lieu thereof the word "must."

Amendment adopted.

## AMENDMENT No. 4.

Amend by inserting in line 8, after the word "be," the words "at least."

Amendment adopted.

Assembly Bill No. 605 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 659—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section to said Code of Civil Procedure, to be numbered 1760, relating to the removal of guardianship proceedings from the superior court of any county in this State to the superior court of any other county thereof, and to provide for the payment of the fees thereon.

Bill read second time.

The Committee on Judiciary submitted the following amendments, which were read:

## AMENDMENT No. 1.

Amend by inserting after the enacting clause the following: "Section 1. There is hereby added to the Code of Civil Procedure a new section, to be numbered 1760, to read as follows:"

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out of line 23, page 2, of the printed bill, the words "reason such removal is desired," and inserting in lieu thereof "reasons for such removal."

Amendment adopted.

## AMENDMENT No. 3.

Amend by adding, at the end of line 10, page 1, of the printed bill, the following: "except that no such proceeding shall be transferred to the court of any county which at the time of such proceeding would not have jurisdiction to issue original letters in such matter or proceeding."

Amendment adopted.

Assembly Bill No. 659 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 23—An Act to add a new section to the Civil Code of the State of California, to be known as Section 133, relating to the appointment of an attorney by the court in divorce actions, to contest the action and inquire into the merits of the case, and prevent collusion and fraud when defendant fails to appear or contest the proceeding, and providing for the fee of such attorney in such cases.

Bill read second time.

The Committee on Judiciary submitted the following amendment:

Amend by striking out all of Section 2.

Amendment read and adopted.

Assembly Bill No. 23 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 628—An Act to amend an Act entitled "An Act to establish a Penal Code in the State of California," approved February 14, 1872, by amending Section 261 thereof.

Bill read second time.

The Committee on Judiciary submitted the following amendments:

## AMENDMENT No. 1.

Amend by inserting in line 3, page 1, before the figures 261, the word "Section."

Amendment read and adopted.

## AMENDMENT No. 2.

Amend by inserting in line 1, page 1, after the words "sixty-one," the words "of the Penal Code."

Amendment read and adopted.

Assembly Bill No. 628 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 261—An Act to amend Section 2924 of the Civil Code, relating to the distinction between mortgages and pledges.

Bill read second time.

The Committee on Judiciary submitted the following amendments:

## AMENDMENT No. 1.

Amend by striking out all of Section 2.

Amendment read and adopted.

## AMENDMENT No. 2.

Amend by inserting in line 3, before the figures 2924, the word "Section."

Amendment read and adopted.

Assembly Bill No. 261 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 420—An Act to amend the Code of Civil Procedure of the State of California by amending Section 861 thereof, relating to the form of pleadings.

Bill read second time.

The Committee on Judiciary submitted the following amendments, which were read:

AMENDMENT No. 1.

Amend by striking out all of subdivision 2 after the figure 2, and insert in lieu thereof the words "must be in writing."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of lines 9 and 10 of printed bill the words "need not be verified unless otherwise provided in this title, but"

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of line 10 the lower-case "w" in the word "when," and insert in lieu thereof the upper case "W."

Amendment adopted.

Assembly Bill No. 420 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 704—An Act to amend Sections 199 and 200 of the Code of Civil Procedure, relating to the qualifications and exemptions of jurors.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 705—An Act to add a new section to the Code of Civil Procedure, to be known as Section 203, relating to the discharge of jurors in courts of record.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 627—An Act to amend Section 848 of the Code of Civil Procedure of the State of California, relating to the service of summons issued from justices' courts where the defendant resides outside of the county in which the action is brought.

Bill read second time.

The Committee on Judiciary submitted the following amendments, which were read:

AMENDMENT No. 1

Amend by striking out all of Section 1 after the figures 848 in line 4, of page 1 of the printed bill, and insert in lieu thereof the following: "The summons may be served in any county within the State."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all of Section 2.

Amendment adopted.

Assembly Bill No. 267 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 296—An Act to authorize and empower the Board of State Harbor Commissioners to pay for advertising the San Francisco Seawall Act.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 621—An Act to amend Section 1 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880, and amended March 9, 1897.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 61 of said Act, relating to county officers.

Bill read second time.



The Committee on County and Township Governments submitted the following amendments, which were read:

AMENDMENT No. 1. .

Amend by striking out the words "section 61 of an Act to establish a uniform system of county and township government," on lines 1 and 2, first page, printed bill, and inserting in lieu thereof the following: "SECTION 1. Section sixty-one (61) of an Act entitled 'An Act to establish a uniform system of county and township government,'" approved April 1, 1897,

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "in the rooms designated by the board of supervisors," on lines 5 and 6, first page printed bill.

Amendment adopted.

Assembly Bill No. 404 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 340—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 857, relating to the purposes for which express trusts may be created.

Bill read second time.

The Committee on Judiciary submitted the following amendments, which were read:

AMENDMENT No. 1.

Amend by inserting in line 4, before the figures "857," the word "Section."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the word "purposes" in line 5, the following: "1. To sell real property, and apply or dispose of the proceeds in accordance with the instrument creating the trust."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the figure "1," in line 6, page 1, of the printed bill, and insert in lieu thereof the figure "2."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the figure "2," in line 13, page 1, of the printed bill, and insert in lieu thereof the figure "3."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out of line 16, page 2 of the printed bill, the figure "3," and insert in lieu thereof the figure "4."

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out of line 22, page 2 of the printed bill, the figure "4," and insert in lieu thereof the figure "5."

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out all of lines 25 and 26.

Amendment adopted.

AMENDMENT No. 8.

Amend by striking out of line 6, page 1 of the printed bill, the word "and" where it occurs before the word "sell" and insert in lieu thereof the word "or."

Amendment adopted.

Assembly Bill No. 340 ordered to engrossment, to print, and on third-reading file.

## SPECIAL SENATE FILE TAKEN UP.

Mr. Waste moved to take up bills on second reading of special Senate file.  
Motion carried, and such was the order.

## SPECIAL SENATE FILE.

Senate Bill No. 77—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Mendocino State Hospital for the Insane.

Bill read second time.

Senate Bill No. 77 ordered to third reading on special Senate file.

Senate Bill No. 114—An Act entitled "An Act to amend the Civil Code of the State of California," relating to the amount of real estate which may be held by corporations whose object is not pecuniary profit.

Bill read second time.

The Committee on Judiciary submitted the following amendments:

## COMMITTEE AMENDMENT No. 1.

Amend by striking out all the title and insert in lieu thereof the following: "An Act to amend Section 595 of the Civil Code, relating to the amount of real estate which may be held by certain corporations."

Amendment read and adopted.

## COMMITTEE AMENDMENT No. 2.

Amend by inserting in line 3, page 1, of the printed bill, before the figures "595" the word "section."

Amendment read and adopted.

Senate Bill No. 114 ordered to reprint and on special Senate file for third reading.

## INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

Leave was granted for the introduction and reference of bills out of order, as follows:

By Mr. Hartman: Assembly Bill No. 837—An Act requiring the payment of tuition fees from all Japanese children attending the public schools.

Read first time, and referred to Committee on Education.

By Mr. Drew: Assembly Bill No. 838—An Act to amend Section 1547 of the Penal Code by adding a new subdivision thereto, and to repeal all Acts or Statutes in conflict therewith.

Read first time, and referred to Committee on Judiciary.

By Mr. Drew: Assembly Bill No. 839—An Act to amend Section 12 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901.

Read first time, and referred to Committee on County and Township Governments.

## THIRD-READING FILE—(RESUMED).

Mr. Waste moved to take up Assembly Bill No. 339 (No. 83 on file), on third reading.

Motion carried.

Assembly Bill No. 339—An Act to amend Sections 2978, 2979, and 2982, and to repeal Section 2983 of the Political Code of the State of California, relating to the State Board of Health.

Bill read third time.

Mr. Waste moved that a select committee of one be appointed to amend Assembly Bill No. 339, as follows:

Strike out of line 47, page 3, of the printed bill the words "prepare or."

Motion carried.

Mr. Waste was appointed such select committee.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1905

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 339, with instructions, does now report that the instructions of the Assembly have been carried out.

WASTE, Committee.

Report of select committee read and adopted.

Assembly Bill No. 339 ordered to reengrossment, reprint, and on file for passage.

REPORTS BY COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following reports:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined and found correctly enrolled Assembly Bill No. 53—An Act to amend Section 97 of the Code of Civil Procedure of the State of California, relating to the salaries of justices of the peace in cities and counties—and presented the same to the Governor on this day at eleven o'clock and thirty-five minutes A. M.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined and found correctly enrolled Assembly Concurrent Resolution No. 3—Approving two amendments to the charter of the Town of Berkeley, County of Alameda, State of California, submitted to be voted for and ratified by the qualified electors of said Town of Berkeley, at an election held therein on the 13th day of April, 1903—and presented the same to the Governor on this day at three o'clock and forty-five minutes P. M.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined and found correctly enrolled Assembly Joint Resolution No. 5—Relative to relief measures by Congress in favor of Hon. Frank A. Leach—and presented the same to the Governor on this day at eleven o'clock and thirty-five minutes A. M.

DEVLIN, Chairman.

BILL WITHDRAWN.

Mr. Estudillo was granted permission to withdraw Assembly Bill No. 591. Bill ordered stricken from the file.

SPECIAL CODE REVISION FILE TAKEN UP.

Mr. Drew moved to take up special Code Revision file, to consider Assembly Bills Nos. 687, 384 and 392.

Motion carried, and such was the order.

Assembly Bill No. 687—An Act to amend Section 2161 of the Civil Code, relating to the carriage of telegraph and telephone messages.

Bill read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 384—An Act to amend Sections 414, 415, 417, and 418 of the Civil Code, to add a new section thereto to be numbered 421 and to repeal Section 427, all relating to insurance corporations.

Bill read third time.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 384, as follows:

AMENDMENT No. 1

Strike out of Section 2, page 2 of the printed bill, all of lines 14 to 17, inclusive, and insert in lieu thereof the following: "All such real estate so acquired, which is not necessary for carrying on the business of such corporation, must be sold and disposed of within five years after such corporation acquired title to the same."

AMENDMENT No. 2

Strike out the whole of Sections 5 and 6; pages 3 and 4, of the printed bill.

AMENDMENT No. 3.

Strike out of the title, in lines 3 to 6 inclusive of the printed bill, the words "to add a new section thereto, to be numbered four hundred and twenty-one, and to repeal section four hundred and twenty-seven"

Motion carried.

Mr. Drew was appointed such select committee.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 384, with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

Report of select committee read and adopted.

Assembly Bill No. 384 ordered to reengrossment, reprint, and on file for passage.

Assembly Bill No. 392—An Act to repeal Section 494 of the Civil Code, approved March 22, 1899, relating to the sale by any railroad company, owning any railroad in this State, of its property and franchises, or any part thereof, to any other railroad company, either organized under the laws or this State, or of any other State or Territory, or under any Act of Congress, and prescribing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Read third time.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 392, as follows:

Strike out the period at the end of line 2, Section 1, page 1 of the printed bill, and insert in lieu thereof a semicolon, and insert thereafter the following: "provided, that nothing in this Act contained shall be deemed to repeal any of the provisions of Section 494 of said Code, as approved February 27, 1903"

Motion carried.

Mr. Drew was appointed such select committee.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 392, with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

Report of select committee read and adopted.

Assembly Bill No. 392 ordered to reengrossment, reprint, and on file for passage.

POINTS OF ORDER.

Mr. Anthony moved to reconsider the vote whereby the Assembly on this day passed a resolution authorizing the Committee on Claims to visit certain lands of the Lauritzen Company.

Mr. John raised the point of order that, as there had been no roll call, it could not be determined who had voted in favor of the adoption of the resolution.

The acting Speaker, Mr. Dorsey, declared the point of order well taken.

#### APPEAL FROM DECISION OF THE CHAIR.

Mr. Anthony appealed from the decision of the Chair.

The question being put, "Shall the decision of the Chair stand as the judgment of the House?"

The decision of the Chair was sustained.

#### MOTIONS TO ADJOURN.

At four o'clock and thirty-two minutes P. M., Mr. Burke moved that the Assembly adjourn until next Monday at eleven o'clock A. M.

Mr. Houser moved to amend that the Assembly adjourn until nine o'clock and thirty minutes A. M. to-morrow (Saturday).

#### ADJOURNMENT FOR WANT OF QUORUM.

The question being on Mr. Houser's amendment that the Assembly adjourn until to-morrow (Saturday) at nine o'clock and thirty minutes A. M.

The ayes and noes were demanded by Messrs. Hartman, Burke, and Amerige.

The roll was called, with the following result:

**AYES**—Messrs. Amerige, Arnerich, Barnes, Beardslee, Branstetter, Burge, Creighton, Drew, Houser, John, Johnson, Johnstone, Lumley, Perkins, Pyle, Thompson, Vogel, Waste, Whiting, and Wickersham—20.

**NOES**—Messrs. Burke, Coyle, Estudillo, Hartman, and Hawkins—5.

#### ADJOURNMENT.

Whereupon, at four o'clock and fifty-two minutes P. M. the acting Speaker, Mr. Dorsey, announced that the roll call disclosed the fact that there was "no quorum" present, and thereupon declared the Assembly adjourned until the next legislative day, Saturday, February 4, 1905, at nine o'clock and thirty minutes A. M.

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Saturday, February 4, 1905. }

The Assembly was called to order at nine o'clock and fifty-seven minutes A. M.

Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

#### ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Anthony, Arnerich, Barnes, Beardslee, Branstetter, Burge, Coyle, Creighton, Drew, Gans, Goodrich, Hawkins, Houser, Jarvis, John, Johnson, Johnstone, Lumley, Lynch, Perkins, Pyle, Thompson, Waste, Whiting, Wickersham, and Mr. Speaker.

## CALL OF THE HOUSE.

At ten o'clock A. M., Mr. Waste moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Anthony, Arnerich, Barnes, Beardslee, Branstetter, Burge, Coyle, Creighton, Drew, Gans, Goodrich, Hawkins, Houser, Jarvis, John, Johnson, Johnstone, Lumley, Lynch, Perkins, Pyle, Thompson, Waste, Whiting, Wickersham, and Mr Speaker—26

The Sergeant-at-Arms was furnished with the names of members unexcused by the Assembly, and directed to bring such absentees before the bar of the House.

At ten o'clock and twenty-five minutes A. M., the Sergeant-at-Arms brought to the bar of the House Messrs Hartman and McKenney, who were excused for their absence.

At ten o'clock and forty minutes A. M., Messrs. Dorsey and Rolley were brought before the bar of the House by the Sergeant-at-Arms, and were excused for their absence.

At ten o'clock and forty-five minutes A. M., Mr. Walsh was brought before the bar of the House by the Sergeant-at-Arms, and was excused for his absence.

At ten o'clock and forty-seven minutes A. M., Mr. Estudillo was brought before the bar of the House by the Sergeant-at-Arms, and was excused for his absence.

At eleven o'clock A. M., on motion of Mr. John, further proceedings under the call of the House were dispensed with.

## ADJOURNMENT.

At eleven o'clock and two minutes A. M. the Speaker announced that the roll call showed no quorum present, and thereupon declared the Assembly adjourned until the next legislative day, Sunday, February 5, 1905, at nine o'clock and thirty minutes A. M.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Sunday, February 5, 1905. }

The Assembly was called to order at nine o'clock and thirty minutes A. M.  
Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Anthony, Burge, Goodrich, Houser, John, Johnson, Moore, Thompson, Whiting, and Mr. Speaker—10.

## ADJOURNED FOR WANT OF A QUORUM.

The Speaker announced that the roll call showed no quorum present, and thereupon declared the Assembly adjourned until the next legislative day, Monday, February 6, 1905, at nine o'clock and thirty minutes A. M.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, February 6, 1905. }

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

## CALL OF THE HOUSE.

The roll was called.

Pending the announcement of the result, Mr. Atkinson, at ten o'clock and fifteen minutes A. M., moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Espey, Gans, Goodrich, Hawkins, Houser, Johnson, Johnstone, Jury, Lucey, Lumley, Manwell, McNamara, Mindham, Moore, Perkins, Pyle, Slaven, Thompson, Treadwell, Vogel, Walsh, Waste, Whiting and Mr Speaker—40

The doors were ordered closed and the Sergeant-at-Arms furnished with the names of unexcused absentees, and ordered to bring such members before the bar of the House.

At ten o'clock and thirty minutes A. M., the Sergeant-at-Arms brought Messrs. Hartman, Beckett, and Rolley before the bar of the House.

On motion, they were excused for their absence.

At ten o'clock and forty minutes A. M., the Sergeant-at-Arms brought Mr. Busick before the bar of the House.

Mr. Busick was, on motion, excused for his absence.

## FURTHER PROCEEDINGS DISPENSED WITH.

At ten o'clock and fifty minutes A. M., on motion of Mr. Atkinson, further proceedings under the call of the House were dispensed with.

The doors were ordered open.

## ROLL CALL.

The roll call was resumed and finished.

Whereupon the Speaker announced that the roll call disclosed that the following members had answered to their names:

Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Espey, Gans, Goodrich, Hartman, Hawkins, Houser, Johnson, Johnstone, Jury, Lucey, Lumley, Manwell, McCartney, Mindham, Moore, Perkins, Pyle, Rolley, Slaven, Thompson, Treadwell, Vogel, Walsh, Waste, Whiting, and Mr Speaker—44.

Quorum present.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF JOURNALS.

During the reading of the Journals of Friday, February 3, Saturday, February 4, and Sunday, February 5, 1905, on motion of Mr. Waste, their further reading was dispensed with.

## APPROVAL OF JOURNAL.

The Journal of Thursday, January 5, 1905, having been corrected, was read and approved.

## MEMORIAL.

Mr. Cleveland presented the following memorial against Lucius Flattery Smith, Judge of the Superior Court of Santa Cruz County, which, on motion of Mr. Cleveland, was ordered printed in the Journal:

## MEMORIAL.

*To the Assembly of the State of California:*

GREETING: John H. Leonard, an attorney-at-law, licensed to practice in all the courts of the State of California, a citizen and a resident of the County of Santa Cruz, in said State, respectfully presents to the Assembly of said State, this, his memorial, and shows unto your honorable body that Lucius Flattery Smith, Judge of the Superior Court in and for the said County of Santa Cruz, has been guilty of misdemeanors in office, and respectfully requests your honorable body to investigate the hereto annexed specific charges against said Lucius Flattery Smith, numbered from one to twelve, inclusive, and hereby referred to and made part hereof.

And if the same or any of the same be found true, that by proper proceeding said Lucius Flattery Smith be duly impeached and removed from office.

JOHN H. LEONARD.

*NOTE.—The originals of the affidavits herein referred to preserved for evidence*

## SPECIFICATION 1.

That Lucas Flattery Smith, as Judge of the Superior Court of the County of Santa Cruz, State of California, has been guilty of great partiality and favoritism to one Charles M. Cassin, a practicing attorney in said court. That said partiality and favoritism has been manifested to such a degree by said Smith, while presiding in cases in which said Cassin represented one of the litigants, and has become so well known that it has created a general impression that to succeed in that court before said Smith it is necessary to retain said Cassin.

JOHN H. LEONARD.

*See affidavits marked "Affidavit to Specification 1."*

## AFFIDAVIT TO SPECIFICATION 1.

STATE OF CALIFORNIA, }  
COUNTY OF SANTA CRUZ. } ss.

Harrison Rich, being first duly sworn, upon oath, states as follows:

That he is the affiant herein and has resided in the County of Santa Cruz for about thirty years last past;

That affiant knows it is common rumor and common talk among the citizens of said county that Judge Lucas F. Smith unduly favors one Charles M. Cassin, a practicing lawyer in the Superior Court of said county, and shows said Cassin great partiality and favoritism in cases in which said Cassin represents one of the litigants;

That affiant knows that said partiality and favoritism of said Judge Smith toward and for said Cassin is and has become so well known that it has created a general impression that to succeed in that court before said Judge Smith, it is necessary to retain said Cassin.

HARRISON RICH.

Subscribed and sworn to, this 4th day of February, 1905, before me,

[SEAL] Wm. M. AYDELOTTE;  
Notary Public in and for the County of Santa Cruz, State of California.

## AFFIDAVIT TO SPECIFICATION 1.

STATE OF CALIFORNIA, }  
COUNTY OF SANTA CRUZ. } ss.

H. W. Rich, being first duly sworn, upon oath, states as follows:

That he is the affiant herein and has resided in the County of Santa Cruz for about one year last past;

That affiant knows it is common rumor and common talk among the citizens of said county that Judge Lucas F. Smith unduly favors one Charles M. Cassin, a practicing lawyer in the Superior Court of said county, and shows said Cassin great partiality and favoritism in cases in which said Cassin represents one of the litigants;



That affiant knows that said partiality and favoritism of said Judge Smith toward and for said Cassin is and has become so well known that it has created a general impression that to succeed in that court before said Judge Smith, it is necessary to retain said Cassin

H. W. RICH.

Subscribed and sworn to, this 4th day of February, 1905, before me,

[SEAL]

WM. M. AYDELOTTE,

Notary Public in and for the County of Santa Cruz, State of California.

#### AFFIDAVIT TO SPECIFICATION 1.

STATE OF CALIFORNIA, } ss.  
COUNTY OF SANTA CRUZ. }

Wm. M. Aydelotte, being first duly sworn, upon oath, states as follows:

That he is the affiant herein and has resided in the County of Santa Cruz for about three and one-half years last past;

That affiant knows it is common rumor and common talk among the citizens of said county that Judge Lucas F. Smith unduly favors one Charles M. Cassin, a practicing lawyer in the Superior Court of said county, and shows said Cassin great partiality and favoritism in cases in which said Cassin represents one of the litigants;

That affiant knows that said partiality and favoritism of said Judge Smith toward and for said Cassin is and has become so well known that it has created a general impression that to succeed in that court before said Judge Smith, it is necessary to retain said Cassin.

WM. M. AYDELOTTE.

Subscribed and sworn to, this 21st day of January, 1905, before me,

[SEAL]

HARRY BIAS,

Notary Public in and for the County of Santa Cruz, State of California.

#### AFFIDAVIT TO SPECIFICATION 1.

STATE OF CALIFORNIA, } ss.  
COUNTY OF SANTA CRUZ. }

John H. Leonard, being first duly sworn, upon oath, states as follows.

That he is the affiant herein and has resided in the County of Santa Cruz for about thirty-five years last past;

That affiant knows it is common rumor and common talk among the citizens of said county that Judge Lucas F. Smith unduly favors one Charles M. Cassin, a practicing lawyer in the Superior Court of said county, and shows said Cassin great partiality and favoritism in cases in which said Cassin represents one of the litigants;

That affiant knows that said partiality and favoritism of said Judge Smith toward and for said Cassin is and has become so well known that it has created a general impression that to succeed in that court before said Judge Smith, it is necessary to retain said Cassin.

JOHN H. LEONARD

Subscribed and sworn to, this 23rd day of January, 1905, before me,

[SEAL]

WM. M. AYDELOTTE,

Notary Public in and for the County of Santa Cruz, State of California.

#### AFFIDAVIT TO SPECIFICATION 1.

STATE OF CALIFORNIA, } ss.  
COUNTY OF SANTA CRUZ. }

M. T. Langley, being first duly sworn, upon oath states as follows:

That he is the affiant herein and has resided in the County of Santa Cruz for about eighteen years last past;

That affiant knows it is common rumor and common talk among the citizens of said county that Judge Lucas F. Smith unduly favors one Charles M. Cassin, a practicing lawyer in the Superior Court of said county, and shows said Cassin great partiality and favoritism in cases in which said Cassin represents one of the litigants;

That affiant knows that said partiality and favoritism of said Judge Smith toward and for said Cassin is and has become so well known that it has created a general impression that to succeed in that court before said Judge Smith, it is necessary to retain said Cassin.

M. T. LANGLEY.

Subscribed and sworn to, this 23d day of January, 1905, before me,

[SEAL]

WM. M. AYDELOTTE,

Notary Public in and for the County of Santa Cruz, State of California.

#### AFFIDAVIT TO SPECIFICATION 1.

STATE OF CALIFORNIA, } ss.  
COUNTY OF SANTA CRUZ. }

Julius Haesters, being first duly sworn, upon oath states as follows.

That he is the affiant herein and has resided in the County of Santa Cruz for about eighteen years last past;

That affiant knows it is common rumor and common talk among the citizens of said county that Judge Lucas F. Smith unduly favors one Charles M. Cassin, a practicing lawyer in the Superior Court of said county, and shows said Cassin great partiality and favoritism in cases in which said Cassin represents one of the litigants;

The affiant knows that said partiality and favoritism of said Judge Smith toward and for said Cassin is and has become so well known that it has created a general impression that to succeed in that court before said Judge Smith, it is necessary to retain said Cassin

JULIUS H. HAESTERS.

Subscribed and sworn to, this 23d day of January, 1905, before me,

[SEAL]

WM. M. AYDELOTTE,

Notary Public in and for the County of Santa Cruz, State of California.

#### AFFIDAVIT TO SPECIFICATION 1.

STATE OF CALIFORNIA, }  
COUNTY OF SANTA CRUZ. } ss.

W. M. Gardner, being first duly sworn, upon oath states as follows:

That he is the affiant herein and has resided in the County of Santa Cruz for about \_\_\_\_\_ years last past;

That affiant knows it is common rumor and common talk among the citizens of said county that Judge Lucas F. Smith unduly favors one Charles M. Cassin, a practicing lawyer in the Superior Court of said county, and shows said Cassin great partiality and favoritism in cases in which said Cassin represents one of the litigants;

That affiant knows that said partiality and favoritism of said Judge Smith toward and for said Cassin is and has become so well known that it has created a general impression that to succeed in that court before said Judge Smith, it is necessary to retain said Cassin

W. M. GARDNER

Subscribed and sworn to, this 23d day of January, 1905, before me,

[SEAL]

WM. M. AYDELOTTE,

Notary Public in and for the County of Santa Cruz, State of California.

#### AFFIDAVIT TO SPECIFICATION 1.

STATE OF CALIFORNIA, }  
COUNTY OF SANTA CRUZ. } ss.

William F. White, being first duly sworn, upon oath states as follows:

That he is the affiant herein and has resided in the County of Santa Cruz for about nineteen years last past;

That affiant knows it is common rumor and common talk among the citizens of said county that Judge Lucas F. Smith unduly favors one Charles M. Cassin, a practicing lawyer in the Superior Court of said county, and shows said Cassin great partiality and favoritism in cases in which said Cassin represents one of the litigants;

That affiant knows that said partiality and favoritism of said Judge Smith toward and for said Cassin is and has become so well known that it has created a general impression that to succeed in that court before Judge Smith, it is necessary to retain said Cassin.

WILLIAM F. WHITE.

Subscribed and sworn to, this 24th day of January, 1905, before me,

[SEAL]

WM. M. AYDELOTTE,

Notary Public in and for the County of Santa Cruz, State of California.

#### SPECIFICATION 2.

That on or about December 6, 1902, said Smith told Peter P. Hartmann, a litigant, one of the parties to a case which was tried before said Smith during September and October, 1902, but in which no decision had been rendered, that he should have employed Mr. Cassin, who was a friend of said judge, and that he, said Hartmann, was very unfortunate in having a different attorney to represent him; that he, the said Smith, would be more than human should he not let his personal prejudice guide his decision.

JOHN H. LEONARD.

Note: See affidavit marked 2 A.

STATE OF CALIFORNIA, }  
COUNTY OF SANTA CRUZ. } ss.

Peter P. Hartmann, contestant of the alleged last will of George Kohl, deceased, being first duly sworn, deposes and says: That he is the affiant herein; that affiant on or about December 6, 1902, visited the Hon. Lucas Flattery Smith, Judge of the Superior Court of the County of Santa Cruz, State of California, at the chambers of said judge, for the purpose of asking the said Hon. Lucas Flattery Smith how soon he could render his decision in the matter of the Kohl estate, which has been on trial before him during September 17, 18, and 19, and October 6, 7, and 8, of said year 1902, and asked said judge when he could render said decision; that said Hon. Lucas Flattery Smith answered in the following words:

"I am very busy at present, as there are quite a number of cases awaiting my decision. I think you are very unfortunate, Mr. Hartmann, for having that drunken lawyer of yours (meaning Geo. P. Burke) to represent you in this case. It was him who spread those lies about me during the last campaign. You should have had another lawyer—Mr. Cassin, for instance; he is a friend of mine."

That affiant replied: "You should not let your personal prejudice guide your decisions to the detriment of any party concerned in any case, but decide the matter before you solely upon the merits of the case involved."

That said Judge replied: "In such case I would be more than human; however, I will see what I can do for you. Good day, Mr. Hartmann."

PETER PAUL HARTMANN.

Subscribed and sworn to before me this 28th day of September, A. D. 1904.

[SEAL] W. M. GARDNER,

Notary Public Santa Cruz County, California.

#### SPECIFICATION 3.

That on or about the 19th day of April, 1904, during the trial of a case in which one Thomas Dakan was a defendant, which was tried before said Smith as judge of said court, and a jury, said Smith suffered said Cassin, who represented the plaintiff, to commit an unprovoked assault and battery upon the person of said Thomas Dakan, without punishment or reprimand, and punished said Dakan for defending himself against the assault of said Cassin.

JOHN H. LEONARD

#### SPECIFICATION 4

That during the month of February, 1901, after the trial and conviction, in the Superior Court of the County of Santa Cruz, of one Nathan Smith, who was convicted of assault with a deadly weapon, and by the jury recommended to the mercy of the court, and before the time set for passing sentence upon said Nathan Smith said Lucas Flattery Smith, as said judge, requested one George B. Fletcher, the attorney who represented said Nathan Smith, during his trial, to secure from the citizens of the City of Watsonville, in the County of Santa Cruz, a petition setting forth the good character of said Nathan Smith, and petitioning said Lucas Flattery Smith, as judge of said court to sentence said Nathan Smith to as light a sentence as the law would permit. Said petition, signed and verified by more than one hundred of the said citizens, was obtained and presented to said Lucas Flattery Smith, as said judge, before the day appointed for the passing of sentence upon said Nathan Smith. That on the day appointed for the passing of sentence on said Nathan Smith, said Lucas Flattery Smith, as judge of said court, stated that he had received said petition, and would act thereon, and he would sentence said Nathan Smith to the lightest punishment which the law would permit, and thereupon he sentenced said Nathan Smith to six months in the county jail.

JOHN H. LEONARD.

*See Petition in Cause No. 3598, People vs. Nathan Smith, filed February 15, 1901.*

#### SPECIFICATION 5.

That said Lucas Flattery Smith, as Judge of said Superior Court, arbitrarily, of his own motion, and without notice, struck from the files of the court the complaint in the case of Helen Younger, plaintiff, versus Charles Moore, et al., defendants. In said case said Smith was made a party defendant.

JOHN H. LEONARD

*Note See Younger vs. Superior Court, 136 Cal. 682*

#### SPECIFICATION 6

That said Lucas Flattery Smith, during the trial of Nicholas Sambuck versus the Southern Pacific Company, as judge of said court, before whom said action was being tried, called into his chambers one John H. Leonard, attorney for said Sambuck, in said action, and advised said Leonard to permit the doctors in the employ of said Southern Pacific Company to examine said Sambuck, client of said Leonard, and to have said Sambuck bend and squeal when said doctors touched him.

JOHN H. LEONARD.

*Note See affidavit marked 6 A.*

STATE OF CALIFORNIA, }  
COUNTY OF SANTA CRUZ, } ss.

John H. Leonard, being first duly sworn, deposes and says: That he is the affiant herein; that affiant was attorney for Nicholas Sambuck, and conducted the trial on the part of said Sambuck in the case of Sambuck vs. Southern Pacific Company, a corporation; that on or about the 13th day of March, A. D. 1900, and while said trial was being heard before Lucas Flattery Smith, as judge of the Superior Court of the County of Santa Cruz, State of California, and a jury, said Smith, invited this affiant into his chambers, adjoining the court-room of said court, and stated to this affiant, that affiant had a good damage suit, but had ruined it by not permitting the doctors in

the employ of the Southern Pacific Company to examine plaintiff, Nicholas Sambuck, and further stated to this affiant: "You ought to offer to let them examine him (meaning Sambuck), and when they touch him have him bend and squeal \* \* ; that is the way to try these kind of cases."

JOHN H. LEONARD.

Subscribed and sworn to before me this 24th day of January, A. D. 1905.

[SEAL] Wm. M. AYDELOTTE,  
Notary Public in and for the County of Santa Cruz, State of California.

#### SPECIFICATION 7.

That said Smith has been guilty of great oppression and tyranny and mal-administration in the affairs of the conduct of his office.

JOHN H. LEONARD.

*Illustrations. See Hartman vs. Smith, 140 Cal. 461, Trafton vs. Quinn, Cal., v. c 77 Pac. Rep. 164, copy certified copy judgment in Marquis vs. Gardner, attached.*

In the Superior Court of the State of California, in and for the County of Santa Cruz.

J. MARQUIS, Plaintiff, }  
vs. }  
H. E. GARDNER, Defendant. }

#### ORDER.

This cause came on regularly for hearing on the 29th day of November, 1904, on plaintiff's motion to dismiss the appeal from the Justice's Court of Santa Cruz Judicial Township, upon the ground "that no undertaking on appeal had been filed as required by Section 978 of the Code of Civil Procedure," George F. Stanley, Esq., appearing as counsel for plaintiff, and W. P. Netherton, Esq., for the defendant. Whereupon witnesses on the part of plaintiff and defendant were duly sworn and examined, and documentary evidence introduced by plaintiff, and the cause, after argument by respective counsel, was submitted to the court for consideration and decision; and after due deliberation thereon, the court finds: That a judgment was rendered and entered in the Justice's Court of Santa Cruz Judicial Township on October 12, 1904, for the sum of \$106.00, in favor of plaintiff herein; that on November 2, 1904, defendant herein served and filed in the said Justice's Court a notice of appeal to the Superior Court; that on November 2, 1904, said defendant deposited with Harry J. Bias, Esq., a Justice of the Peace of said Justice's Court, the sum of \$50.00 in gold coin; that on November 7, 1904, the transcript on appeal, together with \$50.00 in gold coin, were delivered to Harvey H. Miller, Esq., Clerk of this Court, by said Justice of the Peace, Harry J. Bias; that on November 23, 1904, plaintiff filed herein a notice of motion to dismiss the appeal; that thereafter, and more than forty days subsequent to the entry of said judgment in the Justice's Court, the defendant deposited with the Clerk of this Court the further sum of \$56.00, in lieu of an undertaking on appeal; that under the provisions of Sections 974 and 978 of the Code of Civil Procedure, the appeal herein from the said Justice's Court was not perfected, and this court has no jurisdiction to hear the case on its merits.

Wherefore, By reason of the law and the finding aforesaid, it is hereby ordered and adjudged that the appeal herein from the Justice's Court be and it is hereby dismissed, and the judgment of the lower court affirmed.

And it is further ordered that the sum of \$106.00, gold coin, deposited with H. H. Miller, Clerk of this Court, in lieu of an undertaking on appeal of this action, be paid by said Clerk to the plaintiff in satisfaction of the judgment appealed from.

LUCAS F. SMITH, Judge of the Superior Court

Dated and signed this 13th day of January, 1905

The foregoing judgment entered this 14th day of January, A. D. 1905.

ATTEST: H. H. MILLER, Clerk of said Court.

By HARRY E. MILLER, Deputy Clerk.

(Endorsed:) Filed January 13, 1905. H. H. Miller, Clerk.

#### SPECIFICATION 8.

That said Smith has openly expressed himself in open court in such manner as to show great disrespect for the Supreme Court of California, and calculated to bring said Supreme Court into disrepute.

JOHN H. LEONARD.

*See reporter's transcript in case of Hartman vs. Hihn.*

#### SPECIFICATION 9.

That on the 15th day of November, 1904, and after the conviction of one Louis Buelna of a statutory crime, in said court, before said Lucas Flattery Smith, and before the time appointed for the sentencing of said Louis Buelna, said Lucas Flattery Smith had a conversation with Frances Buelna, the mother of said Louis Buelna, in which said Lucas Flattery Smith, for the sole purpose of preventing said Louis Buelna from being in a position to appeal his case to the Supreme Court, informed said Frances Buelna

that he, said Lucas Flattery Smith, pitied her very much, and that he would do all in his power in favor of her son Louis Buelna, and told said Frances Buelna to inform her boy, the said Louis Buelna, that if he, the said Louis Buelna, did not ask or permit his attorneys to ask for a new trial of his case, he, the said Lucas Flattery Smith, would sentence him, the said Louis Buelna, very lightly.

JOHN H. LEONARD

Note See affidavit of Frances Buelna, marked 9a.

AFFIDAVIT 9 A.

STATE OF CALIFORNIA, }  
COUNTY OF SANTA CRUZ. } ss

Frances Buelna, being first duly sworn, deposes and says: That she is the affiant herein; that affiant is the mother of Louis Buelna, who was convicted of rape in the Superior Court of the County of Santa Cruz, State of California, on the 12th day of November, A. D. 1904; that during the trial of said Louis Buelna, affiant had several conversations with the Honorable Lucas Flattery Smith, Judge of said Superior Court, before whom the trial of said Louis Buelna was being heard, and that said judge in each of said conversations assured affiant that she had his deepest sympathy, and further assured her that he would be lenient with her son; that on the 15th day of November, A. D. 1904, and after the conclusion of the trial of said Louis Buelna, and before the time set for the sentencing of said Louis Buelna, affiant had a conversation with said Hon. Lucas Flattery Smith, at his chambers, in the court house in the City of Santa Cruz, in which said Hon. Lucas Flattery Smith made the following statement: "Mrs. Buelna, I pity you very much, and I promise you I will do all within my power for your boy; keep very quiet, don't say a word to any one, and tell your boy not to ask for a new trial, and I will sentence him very lightly"; that affiant, relying upon said promises of said judge, informed her said son, Louis Buelna, of the statements made by said Hon. Lucas Flattery Smith, and advised him, her said son, Louis Buelna, to not ask for a new trial, upon which advice, and by reason of the said promises of said Hon. Lucas Flattery Smith, said Louis Buelna, in open court, waived the right to move for a new trial, and agreed that sentence be passed upon him, whereupon said Hon. Lucas Flattery Smith, judge of said court, disregarding the promises made by him to affiant, sentenced said Louis Buelna, the son of this affiant, to ninety years in the State Prison at San Quentin.

FRANCES BUELNA.

Subscribed and sworn to this 27th day of December, 1904, before me,

[SEAL]

JAMES O. WANZER,

Notary Public in and for said County of Santa Cruz.

STATE OF CALIFORNIA, }  
COUNTY OF SANTA CRUZ. } ss.

Wm. M. Aydelotte, being first duly sworn, upon oath, states as follows:

That he is affiant herein. That on the ——— day of November, 1904, one Louis Buelna was convicted of a statutory crime, by a jury, in the Superior Court of said county; that Chas. C. Houck and Duncan McPherson, Jr., were the attorneys appointed by Lucas Flattery Smith, Judge, to defend said Buelna, that a substitution of attorneys, of which the following is a copy, was duly signed by the persons whose names appear thereon, and filed in said Superior Court.

In the Superior Court of the County of Santa Cruz, State of California.

The People of the State of California }  
vs. } Substitution of Attorneys.  
Louis Buelna. }

I, the undersigned defendant in the above entitled cause, do hereby substitute William M. Aydelotte as attorney for defendant herein, in the place and stead of Duncan McPherson, Jr., and Charles C. Houck, Esqs.

November 15, 1904.

LOUIS BUELNA, Defendant

We hereby consent to the above substitution this 15th day of November, 1904.

DUNCAN MCPHERSON, JR.  
CHAS. C. HOUCK.

I hereby accept the above substitution this 15th day of November, 1904.

WM. M. AYDELOTTE

(Endorsed:) Filed November 15, 1904. H. H. Miller, Clerk.

That upon obtaining said substitution, affiant immediately notified the District Attorney and said Judge Smith, and secured a continuance from Friday, November 18, 1904, until the following Monday, November 21, 1904, so as to enable affiant to duly prepare for making a motion for a new trial for said Buelna before sentence was pronounced.

That affiant went to San Francisco, California, on Wednesday, November 16, 1904, and did not return until Monday, November 21, 1904;

That from and after said 15th day of November, 1904, affiant was the only duly authorized attorney of record for said Buelna;

That on Friday morning, November 18, 1904, without notice or knowledge of affiant and during the absence of affiant, said Lucas Flattery Smith, judge, without right and

justice, and in violation of the common principles of law, justice, morals, and ethics which should govern the conduct of an upright and impartial judge, sentenced said Buelna to ninety years in the State Prison;

That, in consultation with said Houck, McPherson, and affiant, said Buelna stated, after being fully advised by said Houck, McPherson, and affiant, that he had everything to gain and nothing to lose by a new trial, that he desired affiant to properly move for a new trial so that an appeal might be properly taken to the Supreme Court;

That said Buelna was fully advised by said Houck, McPherson, and affiant, that the treatment he had received at the hands of said Smith was outrageous, that the record contained many reversible errors, and that without doubt the Supreme Court would reverse the case and grant said Buelna a new trial;

That affiant did not see said Buelna after November 15, 1904;

That on Monday, November 21, 1904, affiant called at the chambers of said Smith and the following conversation, in substance and effect, took place:

Smith: "Good morning, Mr. Aydelotte. Your man Buelna went back on you and concluded not to ask for a new trial and asked that sentence be pronounced."

Aydelotte: "Good morning, Judge. I am not so sure that he went back on me, but am constrained to believe that some evil influence has been at work."

Smith: "Oh, no. He asked to be sentenced."

Aydelotte: "And was deprived of his counsel's advice and assistance. However, since affairs have taken that course I will have nothing further to do with the case unless I am called on again."

Smith: "Well, Mr. Aydelotte, that is a nasty case, and you could not afford to have anything to do with it." (This with great emphasis.)

Aydelotte: "I don't care how nasty it is, Judge. I would never be dishonest and cowardly enough to throw down a man whose case I accepted."

Smith: "I understand he was taken away this morning."

Aydelotte: "Yes, before I could consult with him. Good day, Judge."

Smith: "Good day."

That, upon the above and foregoing facts, and upon reading the affidavit of Frances Buelna, and upon much more which affiant has a right to suspect, affiant verily believes that said Judge Smith used his influence wilfully and maliciously, utterly disregarding every principle of justice, to prevent said Buelna from obtaining a new trial or an appeal in his case.

WM. M. AYDELOTTE.

Subscribed and sworn to January 25, 1905, before me,

[SEAL]

D. B. RICHARDS,

Notary Public, in and for the City and County of San Francisco.

#### SPECIFICATION 10.

That said Lucas Flattery Smith has been guilty of oppression and tyranny in his office, incorrectly and oppressively and without just cause imprisoning one P. E. Zabala and one J. J. Wyatt upon feigned, fictitious, and false charges of contempt of his said court.

JOHN H. LEONARD.

*Note: See attached copy of decision of Supreme Court of California, discharging the above named Zabala and Wyatt on habeas corpus, marked 10 A.*

(10 A.—Crim. No. 1207. In Bank. December 5, 1904. In Chambers of the Chief Justice.)

Ex parte P. E. Zabala and J. J. Wyatt on habeas corpus

Application for a writ of habeas corpus prayed to be directed against H. V. Trafton, Sheriff of Santa Cruz County. For petitioners, C. F. Lacey.

The petitioners were in the custody of the sheriff, under an order adjudging them guilty of a contempt of court. It is conceded that the return to the writ does not sustain the jurisdiction of the court to make the order. The petitioners are discharged from custody.

BEATTY, C. J.

(10 A.—Copy Decision of Supreme Court.)

(Surf, November 12, 1904.)

#### A RELENTING MOOD.

The "Surf's" attention has been called to a statement in the alleged morning paper anent the case of attorneys Wyatt and Zabala. It says: "Judge Smith, being in a somewhat relenting mood, told the sheriff to release them, although the proceedings were not quite regular."

Judge Smith commenced to "relent," as expected, when he heard the matter had been taken to the Supreme Court. The attorneys put up cash to secure their release from custody.

Judge Smith is always in a "relenting" mood on fines. This disposition dates back to the time he was fined \$25 for contempt of court, as an attorney, for an assault upon the late Edgar Spalsbury, which remains unsatisfied on the records.

## AN OUTRAGE AGAINST WOMANHOOD AND COMMON DECENCY

Against the plea of the attorneys on both sides of the case, Judge Smith has refused to close the doors of the court room during the trial of the Buelna rape case.

The prosecutrix, a woman who has suffered to the limit possible for her sex, was compelled to repeat her testimony before a court room crowded full of masculine curiosity mongers, whose possible favor was regarded by the court as more important than the dictates of manly chivalry or the demands of common decency

## COURTS AND CONSTITUTIONS.

One L. F. Smith, Judge of the Superior Court, in the alleged morning paper, says: "The Supreme Court, in construing the Constitution, holds that it is an error for the Superior Court to exclude the public in any criminal trial."

Once upon a time another rape case was tried in this court when there was an able, independent, highminded judge on the bench. One L. F. Smith was attorney for the defendant. The judge ordered the case heard behind closed doors, although the details of the case were wholesome in comparison with the one now on trial.

L. F. Smith's client was convicted and sent to prison.

Why did not L. F. Smith, attorney, secure a new trial for his client, on the error of the judge in excluding the public from the court room?

## CONTEMPT OF COURT

## TWO PROMINENT ATTORNEYS OF SALINAS SUFFERING FROM THE DISFAVOR OF THE SUPERIOR COURT.

At the arraignment of Buelna, the rape fiend, J. J. Wyatt and P. Zabala, attorneys of Salinas, appeared for the defense, but yesterday when the case was called for trial they were not present.

Judge Smith ordered a citation issued for their appearance. When they came into court this morning the judge ordered them to assist in the defense of the prisoner. They declined to do so on the ground that they were not members of the Santa Cruz county bar, and could not be compelled to defend the prisoner without compensation.

Whereupon the court fined them \$50 each for contempt of court and remanded them to the custody of the sheriff until paid.

The beleaguered lawyers wired a friend in Salinas of their position, and this afternoon Hon. C. F. Lacey of that city left for San Francisco to bring the matter before the Supreme Court on a writ of habeas corpus.

The opinion about the court house is that when the judge learns that the matter is going before the Supreme Court he will remit the fine and discharge the attorneys, who are now in durance vile.

Messrs Zabala and Wyatt are among the most prominent members of the bar in Monterey County, and the affair has created quite a stir in Salinas.

## SPECIFICATION 11.

That said Lucas Flattery Smith, through ignorance, incompetence, favoritism, partiality, willful disregard of facts, and permitting attorneys and litigants privately, in chambers and out, to freely discuss causes before decision thereon, has wrongfully and incorrectly decided a great percentage of the cases tried before him, as is evidenced by the fact that about fifty per cent of the civil cases appealed to the Supreme Court from his judgment, and about seventy-five per cent of the criminal cases appealed to the Supreme Court from the decisions of said Lucas Flattery Smith, have been reversed by the Supreme Court, at great expense to litigants and to the people of the State of California.

JOHN H. LEONARD.

## REVEALED BY THE RECORDS.

## SLUMP IN THE STANDING OF THE SUPERIOR COURT OF SANTA CRUZ COUNTY IN SIX YEARS OF SMITH.

## Logan and McCann's record for 17 years—

Criminal cases reversed .....	1
Criminal cases affirmed .....	6
Criminal cases dismissed .....	2
Criminal cases modified .....	0
Appealed in 17 years .....	9
Civil cases reversed .....	19
Civil cases affirmed .....	38
Civil cases modified .....	2
Civil cases dismissed .....	9
Appealed in 17 years .....	68

Total number both civil and criminal reversed.....	20
Total number both civil and criminal affirmed.....	44
Total number both civil and criminal modified.....	2
Total number both civil and criminal dismissed.....	11
Total number both civil and criminal pending.....	0
<hr/>	
Total number both civil and criminal appealed in 17 years.....	77
<hr/>	
Judge Smith's record for 5½ years—	
Criminal cases appeals reversed.....	6
Criminal cases habeas corpus reversed.....	2
Criminal cases habeas corpus affirmed.....	1
Criminal cases appeals reversed.....	1
Criminal cases appeals pending.....	1
<hr/>	
Criminal cases appealed in 5½ years.....	11
<hr/>	
Civil cases reversed.....	5
Civil cases modified.....	1
Civil cases affirmed.....	11
Civil cases dismissed.....	6
Civil cases pending in Supreme Court.....	24
<hr/>	
Civil cases appealed to Supreme Court in 5½ years.....	47
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Total number both civil and criminal reversed.....	13
Total number both civil and criminal modified.....	1
Total number both civil and criminal affirmed.....	12
Total number both civil and criminal dismissed.....	6
Total number both civil and criminal pending.....	25
<hr/>	
Total number both civil and criminal appealed in 5½ years.....	57

Judges Logan and McCann had 77 appeals in 17 years and Judge Smith has had 57 in 5½ years. Logan and McCann had 1 criminal case reversed and 6 affirmed; Smith had 1 affirmed and 6 reversed. Logan and McCann had an average of one in three cases reversed (the average all over the United States), and Smith had one in two, or 13 cases out of 26 reversed.

There were 252 cases tried by Judge Smith during the 5½ years he has been on the bench, in which there was a contest, and which might have been taken to the Supreme Court, provided the litigants had money to do so, and, provided further, Smith did not "doctor" the record; 14 contested cases were removed to other counties, and 89 cases are yet undisposed of. All others were either appeals from the justices' courts—which are not appealable to a higher court—or dismissed by the parties, or no contest filed.

#### SPECIFICATION 12.

That said Lucas Flattery Smith has been guilty of conduct unbecoming an upright and impartial judge. Under this specification are included all the charges contained in the specifications herein numbered, from one to eleven, inclusive, and also the following:

##### I.

Denying motion of Louis Buelna for continuance when his counsel failed to appear, and Charles C. Houck and Duncan McPherson, Esqs., were appointed by said Smith to defend said Buelna, not giving the newly appointed counsel, who were both young lawyers, any time to prepare the defense. Buelna was sentenced for ninety years

##### II.

Denying the motion of Louis Buelna to have the public excluded from the trial. It was shown that public sentiment was greatly aroused over the case. (See editorial printed in Santa Cruz "Surf.")

##### III.

Denying motion of M. T. Langley in case of Bloom vs Langley, for a new trial where the statement on motion for new trial, signed and certified to be correct by said Smith, shows on its face that the verdict of the jury was contrary to the evidence and in direct violation of the instructions of the court. In this case, which was won by Mr. Langley in the justice's court and appealed to the Superior Court, Mr. Cassin was employed as counsel for Mr. Bloom when the case was tried in said Superior Court.

##### IV.

In giving, on all manner of occasions, both in court and out, expressions, gestures, smiles of recognition, deferential acquiescence, encouragement by look, word, and deed, signs of extreme friendliness, to and toward the warm personal friends of said Smith



v.

Making it known by look, act, word, and deed, both in court and out, on all possible occasions, that a person who opposed the warm personal friends of said Smith is *persona non grata* with the said Superior Court and with said Judge Smith.

JOHN H. LEONARD

## PANDERING TO THE POPULACE

Beneath the cupola of the court house in Santa Cruz no scene has ever been enacted as revolting to public decency, as debasing to public morals, as humiliating to all right-minded persons, as the trial of the rape case now in progress in a chamber filled by a prurient crowd of men, women, and youth.

The rudimentary instincts of chivalry that well up in the heart of the savage would make him scorn to impose upon a female of his kind the embarrassment and humiliation that the court imposed yesterday on the prosecutrix in this case.

A judge in Arizona or Idaho would blush at the suggestion of unnecessarily purveying indecencies before the public.

The alleged morning paper to-day says: "Judge Smith, in an interview Thursday evening, repudiates the insinuations made against his character 'by an obscure local sheet,' and goes on to say, 'The reason why I did not exclude spectators from the court room Thursday during the trial of Louis Buelna was because the State Constitution states explicitly that all criminal cases must be tried publicly. The Supreme Court, in construing the Constitution, holds that it is an error for the Superior Court to exclude the public in any criminal trial,' etc., etc."

If the local court is as ignorant as it claims to be, the matter would be pitiful as well as repulsive. What the Supreme Court does say, and which Judge Smith knows—or ought to know—is this:

"Criminal Law—Constitutional Construction—Excluding Persons from Court Room—Public Trial. The provision of the Constitution, Article I, Section 13, which guarantees to every person accused of a crime the right to a public trial is not violated by an order of court excluding all persons from the court room except the judge, jurors, witnesses, and persons connected with the case, during the trial of a criminal charge. The word public in that clause of the Constitution is used in opposition to secret."

"*Id.*—Presumption—Assent. In the absence of any showing as to what took place when the court made an order, the appellate court will presume, in support of the action of the court below, that the defendant assented to the order."

In the present case, the defendant attorney not only consented, but solicited that the doors be closed.

We cannot find in the dictionary a word to express the sense of shame and outrage which right-minded people feel at the added indignities heaped upon this suffering girl by the court.

Aside from this aspect of the matter, only contempt and disgust can be felt for one in high position who would thus deliberately pander to the vulgar curiosity of the crowd.

## VOICE OF THE PEOPLE.

A COURT-ROOM SCENE WHICH WAS NO CREDIT TO SANTA CRUZ NOR THE COURT.

(Surf, November 12, 1904)

Editor "Surf": Your words in the last issue of your paper on "Pandering to the Populace," in the trial of this heinous rape case, are certainly worth the consideration of the good-thinking people of Santa Cruz. I dropped in the court room one morning during the trial to study the situation. Before the hour came for opening court a crowd of men, especially young men, who would not be attracted by a public library or art gallery, were waiting outside as impetuously as a buzzard for carrion. It chilled me to see the character of the gang that filled up the court room. I couldn't count three representative citizens present at that time. There were drunks, those who are ever feverish to fan the fires of moral pollution, a lot of hangers-on, and some young boys, who ought to be compelled to be in school. It does seem to me that in this day of enlightenment, if a trial of this nature must be open, the officers should close the doors of the court room against certain classes. It is very evident, in this case, that the better citizens don't desire a public trial, for they are noticeable by their absence. If the trial must be public, let the officers debar the classes mentioned. The pressing need of the hour is a purer regard for woman as mother, wife, and maiden.

Yours for a purer public sentiment,

CITIZEN

## THE LAW AND THE COURT

We have no desire to prolong comment concerning an affair now past, but in view of the defense (?) set forth in the Sentinel on Sunday morning by some friend of the Court, presumably the judge himself, in attempted justification of his action in admitting the indiscriminate public, including young girls and boys, as listeners in the trial of the Buelna rape case, we invited a legal opinion in the matter.

Any citizen can do the same and secure like information.

Our informant says: Judge Smith gives an absolutely false construction to the case of *People vs. Hartman*, 103 Cal. 242, which is relied upon to sustain his action. He states the law correctly, but not in point. You will find there these words:

"The appellant was convicted of an assault with the intent to commit rape, and now presents this appeal from the judgment of conviction.

"When the information had been read to the jury and the defendant's plea stated, on motion of the District Attorney, and against the objection of the defendant, the Court made an order excluding from the court room during the trial of the case all persons except the officers of the court and the defendant. This was a novel procedure, and has no justification in the law of modern times."

Bear in mind, please, against the objection of the defendant, who under our constitution is guaranteed a public trial if he wants it.

And then the Supreme Court goes on to say that the lower court had no right to do this over the objection of the defendant, who had "a right to a public trial."

In the Buelna case the defendant Buelna asked that the spectators be excluded.

Judge Smith knows this. Anybody knows it who was in the court room—and dare Judge Smith, or any one else, say that if Judge Smith had granted Buelna's request to exclude spectators that Buelna could be granted a new trial on that ground, after he had thus waived his constitutional right to public trial?

The Constitution says, Article I, Section 13: "In criminal prosecutions, in any court whatever, the party accused shall have the right to a speedy and public trial."

Judge Cooley says: "The requirement of a public trial is for the benefit of the accused," \* \* \* and the requirement is fairly observed if, without partiality or favoritism, a reasonable proportion of the public is suffered to attend, notwithstanding that those persons whose presence could be of no service to the accused, and who would only be drawn hither by a purient curiosity, and excluded altogether."

This quotation is embodied in full in the very case Judge Smith relies on, to wit: 103 Cal. 244, and is also found quoted in full in the case of People vs Swafford, 65 Cal. 244, relied upon by the "Surf," and which was not overruled by the case in 103 Cal. 242, as related in the "Sentinel."

In the case of People vs. Tarbox, 155 Cal. 57, the Supreme Court says, in deciding a case where the defendant requested a private examination before the committing magistrate:

"There can be no question that a defendant has the 'right' to a public examination before the committing magistrate, but under the provisions of the Penal Code above quoted he may waive that right whenever he deems it to his interest to do so."

In view of the law as it stands, why does Judge Smith try to bamboozle, deceive, and hoodwink the public by declaring that the judge had to deny Buelna's request because the Constitution of our State "provides that a person accused of a crime must be granted a 'public trial'?"

The Constitution provides no such thing, and Judge Smith knows it, or ought to know it.

Judge Smith knows, or ought to know, that a defendant in a criminal case may waive his constitutional right to a public trial, and that if he so waives his right he cannot go back on it and ask for a new trial because his request for an order excluding spectators was granted.

If all here said is not true, why did Judge Smith agree that when the prosecuting witness testified he would exclude spectators from the court room—which he did not do?

There is but one right answer to these questions—an answer which any reader can make for himself.

#### COURTS AND THEIR PURPOSE.

To listen to some persons talk about the rights of the public and the duties of a judge, one would suppose that courts were conducted to afford entertainment for the idle populace, and that the secondary function was to convict and punish criminals.

Criminal courts were instituted to protect the innocent.

In early days in California as any of the pioneers can testify, there was no lack of punishment for criminals. The horse thief and the murderer, alike, both swung speedily into eternity. It was not the aid of law and the courts that was required to convict the criminal, but with a higher civilization they were instituted to protect the innocent, for lynch law as administered often fails to discriminate between the innocent and the guilty. The "right" to a public trial to-day is not the right of the public to attend the trial, but it is the right of the prisoner to the protection of public sentiment, if he feels that he has been falsely accused.

This right is one that a guilty man is usually willing to waive, for the exploitation of his crime before the crowd is a part of the penalty which he desires to escape.

That was true in the case which is now causing so much comment in Santa Cruz.

The attorneys for the prisoner, in his behalf, requested that spectators be excluded. Freedom from the gaze of curiosity, and from the wrath of the indignant was part of the protection to which he was entitled by law.

Another phase of the matter is the protection due—not legally, but on the higher ground of chivalry—to the prosecuting witness.

In a large section of this country the crime of rape is punishable by burning at the stake, without recourse to judge or jury. The excuse offered for this summary proceeding is that the people of the South will not permit their womankind to suffer the humiliation of becoming witnesses in cases of this character. That is practically the only defense that is put up for the application of lynch law.

It may be taken for granted that there will never be another rape case tried in the Santa Cruz courts under the present judgeship. Should the crime occur, the victim will

either suffer in silence or her friends will take the administration of punishment into their own hands.

The mental torture and humiliation inflicted upon the victim in this case by the court to gratify the coarse curiosity of a crowd was greater than the physical outrage from which she suffered.

Furthermore, the great crime of the court was in turning loose upon the public, through the minds of the curious and the thoughtless, a mass of impure suggestions, which, like poison, percolates through the community and permeates susceptible minds for years.

The Judge of the Superior Court is not always strenuous about the open door.

Divorce cases in this county are heard in privacy, between trains, and after dark, and at "any old time." Divorces are granted "while you wait," and sometimes before the parties in interest are aware of it—leading, in one instance, at least, to a very embarrassing situation.

It is to be regretted that the secretive influences at work in other instances could not have been applied for the protection of a friendless girl and the defense of the public morals.

#### RESOLUTIONS.

Mr. Cleveland introduced the following resolutions:

(For the appointment of a committee on investigation of charges against Lucas Flattery Smith.)

WHEREAS, John H. Leonard, of the County of Santa Cruz, State of California, has presented to the Assembly of said State his memorial charging that Lucas Flattery Smith, Judge of the Superior Court of California, in and for said County of Santa Cruz, has been guilty of misdemeanors in office; and

WHEREAS, said memorial contains specific charges supported by affidavits of a number of the citizens of Santa Cruz, and by decisions of the Supreme Court of California, and by the records of said Superior Court, and requests this honorable body to investigate said charges; and

WHEREAS, If said charges stated in said memorial be found to be true, that said judge should be dealt with according to law, and if found to be untrue, that the judicial character of said judge should be vindicated and said Superior Court be relieved from all suspicion; and

WHEREAS, It appears from said memorial and the charges therein made, and the affidavits of the citizens of said County of Santa Cruz, and the records therein referred to, that there is probable cause to believe that said Lucas Flattery Smith has been guilty of misdemeanors in office, willful misconduct and partiality, and favoritism and conduct unbecoming an upright judge; now, therefore, be it

*Resolved*, That a committee of five members of this Assembly be appointed by the Speaker thereof to inquire into the conduct of said Lucas Flattery Smith, Judge as aforesaid of the Superior Court of the State of California, in and for the County of Santa Cruz, and to report to this House whether the said Lucas Flattery Smith has so acted in his judicial capacity or otherwise as to require the exercise of the constitutional power of this Assembly to remove him by impeachment or otherwise, and, be it further

*Resolved*, That for the purposes of this investigation the said committee and such sub-committee as the said committee may appoint are hereby authorized and empowered to send for persons and papers, to administer oaths, to take testimony, and to employ such clerical help and other assistance as may be necessary, and the said committee or sub-committee, while so employed, shall have full power to enforce the attendance of witnesses with a sergeant-at-arms, who shall serve the process of said committee and sub-committee, and shall execute its orders, and shall attend the sittings thereof, as ordered and directed thereby; and, be it further

*Resolved*, That the expenses of such investigation shall be paid out of the Contingent Fund of the Assembly.

Resolution read.

#### RESOLUTION MADE SPECIAL ORDER.

Mr. Cleveland moved that the resolution be printed in the Journal, and placed under the head of Special Orders for to-morrow (Tuesday) morning.

Motion carried, and such was the order.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, February 3, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 125—An Act to amend Section 2955 of an Act entitled "An

Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

Also: Senate Bill No. 353--An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by adding a new section thereto, to be numbered 7½, relating to the release of prisoners confined in State prisons and the restoration of them to citizenship, either at the time of, or after, release.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary

Senate Bill No. 125 read first time, and referred to Committee on Judiciary.

Senate Bill No. 353 read first time, and referred to Committee on State Prisons and Reformatory Institutions.

#### INTRODUCTION AND REFERENCE OF BILLS.

Bills were introduced and referred as follows:

By Mr. Creighton: Assembly Bill No. 840--An Act to amend an Act entitled "An Act to establish a uniform system of county government," by amending Section 179 thereof.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 841--An Act to amend the Political Code of the State of California, by amending Section 3766 thereof, relating to the publication of delinquent tax list.

Read first time, and referred to Committee on Judiciary.

By Mr. Waste: Assembly Bill No. 842--An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the powers of boards of supervisors.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Drew: Assembly Bill No. 843--An Act to amend Sections 3, 7 and 10 of an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 844--An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session.

Read first time.

#### BILL ORDERED ON FILE.

Mr. Drew moved that Assembly Bill No. 844 be placed on the file under heading of Special Orders, without reference to a committee.

Motion carried, and such was the order.

#### INTRODUCTION AND REFERENCE OF BILLS--(RESUMED).

By Mr. Drew: Assembly Bill No. 845--An Act to amend an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," relating to the appointment and term of office of the members of said board.

Read first time, and referred to Committee on Judiciary.

By Mr. McNamara: Assembly Bill No. 846--An Act to repeal Section 1143 of the Penal Code, relating to fees of jurors in criminal cases.

Read first time, and referred to Committee on Judiciary.

By Mr. Lumley: Assembly Bill No. 847—An Act to pay the claim of E. D. McCabe against the State of California, and to appropriate money therefor.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 848—An Act to amend Section 57 of an Act entitled "An Act to establish a uniform system of county and township governments, approved April 1, 1897, by amending certain sections thereof, respecting certain other sections, and adding certain sections thereto," approved March 23, 1901.

Read first time, and referred to Committee on County and Township Governments.

Also. Assembly Bill No. 849—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments, approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto,' approved March 23, 1901, by amending Section 22 thereof, relating to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices."

Read first time, and referred to Committee on Judiciary.

By Mr. Busick, Assembly Bill No. 850—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery and wagons, buggies, vehicles and other articles, providing for the collection thereof, and making the violation of this act a misdemeanor.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 851—An Act to amend Section 3366 of the Political Code, relating to the imposition and collection of license taxes by counties, incorporated cities and towns.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 852—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903.

Read first time, and referred to Committee on County and Township Governments

By Mr. Moore: Assembly Bill No. 853—An Act to prevent bulls, studs, jacks, bucks, or boars from running at large, and to prescribe the duties, fees, and charges of the person who impounds or takes up any of said animals in connection therewith.

Read first time, and referred to Committee on Judiciary.

By Mr. Coyle: Assembly Bill No. 854—An Act to appropriate \$2,000 to erect a monument on the summit of Mount Shasta, Siskiyou County, California, and providing for the payment of such appropriation.

Read first time, and referred to Committee on Roads and Highways.

By Mr. Beckett: Assembly Bill No. 855—An Act to amend Section 213 of the Penal Code, and to add a new section thereto, to be numbered 214, relating to the crime of robbery, and punishment therefor.

Read first time, and referred to Committee on Judiciary.

By Mr. Espey: Assembly Bill No. 856—An Act to amend Sections 338, 339, 340, and 341 of the Penal Code, and to add two new sections thereto, to be known and designated as Sections 345 and 345a, all relating to pawnbrokers.

Read first time, and referred to Committee on Judiciary.

By Mr. Cooper: Assembly Bill No. 857—An Act making an appropriation to pay the claim of Messrs. Daugherty & Lacey, for legal services rendered at the request of the Attorney-General in the prosecution of Ed. Morton, for highway robbery.

Read first time, and referred to Committee on Claims.

#### RESOLUTION.

Mr. Drew offered the following resolution:

(To certify to Controller names of absentees.)

*Resolved*, That hereafter when it shall appear from a call of the roll at any regular session of the Assembly that no quorum is present and that certain members are absent without leave, the Clerk of the Assembly is hereby authorized to certify a copy of the roll call to the State Controller, and all persons so found absent without leave shall be debarred from receiving their per diem during such absence.

Resolution read.

#### RESOLUTION LAID ON TABLE.

Mr. Drew moved that the resolution be adopted without reference to a committee.

Mr. Atkinson moved to lay the resolution on the table and called for a division.

The Chair declared the motion to lay on the table carried by a vote of 22 ayes to 20 noes.

#### CONCURRENT RESOLUTION WITHDRAWN FROM COMMITTEE.

Mr. Houser moved that Assembly Concurrent Resolution No. 9 be recalled, by the consent of the Committee on Municipal Corporations, from that committee, and that the resolution be read and placed on its adoption.

Motion carried, and concurrent resolution restored to desk.

#### ASSEMBLY CONCURRENT RESOLUTION No. 9.

Approving six certain amendments to the Charter of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein for that purpose on the 5th day of December, 1904.

WHEREAS, The City of Los Angeles, in the County of Los Angeles, State of California, contains a population of over one hundred thousand inhabitants, and has been ever since the year 1889, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of Section 8, of Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of October, 1888, and approved by the Legislature of the State of California, on the 31st day of January, 1889, (Statutes of 1889, p. 455); and

WHEREAS, The city council of said City of Los Angeles, did by Ordinance No. 9949 (New Series), adopted by said council on the 3d day of October, 1904, and approved by the mayor of said city on the 3d day of October, 1904, and pursuant to Section 8 of Article XI of the Constitution of the State of California, duly propose to the qualified electors of said City of Los Angeles certain amendments to the charter of said city, to be submitted to said qualified electors at a general municipal election to be held in said city on the 5th day of December, 1904, which said amendments were and are in the words and figures as follows, to wit:

That there be added to the charter an article to be known as Article XIV, containing sections numbered 143 to 149 inclusive, and to read as follows:

#### ARTICLE XIV.

##### DEPARTMENT OF PUBLIC WORKS.

Section 143. There is hereby created a department of said city, to be known as the "Department of Public Works," which shall be under the management and control of a board of three commissioners, to be known as "The Board of Public Works."

(a) Said commissioners shall be appointed by the mayor, subject to confirmation by a majority of the council. All such appointments shall be so made that not more than two members of the board shall, at any one time, belong to the same political party. Each of said commissioners shall receive an annual salary of \$3,600, payable in equal monthly installments, and shall give a bond to the city in the sum of \$10,000, conditioned for the faithful discharge of the duties of his office.

(b) The term of office of members of the board of public works shall be four years. The term of office of the three members first appointed hereunder shall commence on the first Monday in January, 1906, and said three members shall so classify themselves by lot that one shall go out of office at the end of two years, one at the end of three years, and one at the end of four years thereafter. If any vacancy occurs, the mayor shall fill the same by appointment for the unexpired term.

(c) The commissioners shall organize by electing one of their members president, who shall hold his office for one year and until his successor is elected, unless his membership on the board sooner expires.

(d) The board shall maintain an office and prescribe office hours for the convenience of the public. It shall hold regular stated meetings at least once in each week. The commissioners shall devote all their time during official business hours to the duties of their office.

(e) The board shall appoint a secretary, not a member of the board, who shall receive an annual salary of \$1,800, payable in equal monthly installments. He shall keep a record of all its transactions, specifying therein the names of the commissioners present at all the meetings, and giving the ayes and noes upon all votes. He shall post and publish all orders, resolutions, and notices, which the board shall order to be posted or published, and shall perform such other duties as are herein or may be, by order of the board, imposed upon him.

(f) The three members of the board of public works and the secretary thereof shall be officers of the municipality in addition to the other officers thereof provided for herein.

(g) The board of public works shall appoint an inspector of public works, who shall perform such duties as the board may prescribe. The person holding the office of street superintendent at the time of the first organization of the board shall be entitled to take and hold, and shall be appointed by said board to, the office of inspector of public works for a term ending on the first Monday in January, 1907. The person so appointed shall during such term receive a salary at the rate of \$3,000 per annum, payable in equal monthly installments. The successors in office of the inspector of public works first appointed as herein provided, shall be appointed from the members of the board of public works and shall serve without extra compensation. On the first Monday in January, 1907, or upon the prior occurrence of a vacancy in the office of inspector of public works, the board shall appoint one of their number, other than the president, inspector of public works, who shall hold such office for one year and until his successor is appointed, unless his membership on the board sooner expires.

(h) The board of public works shall appoint and employ a civil engineer of not less than five years, professional experience, who shall be designated the city engineer. He shall receive a salary of \$3,000 per annum, and shall hold office at the pleasure of the board, *provided, however*, that the person holding the office of city engineer at the time of the first organization of the board shall be entitled to take and hold, and shall be appointed by said board to, the office of city engineer provided for herein, for a term ending on the first Monday in January, 1907. The city engineer herein provided for shall be the successor in office of the city engineer. He shall perform all the civil engineering and surveying necessary in the prosecution of public work done under the direction or supervision of the board. He shall make such certificates and reports upon the progress of such work, and shall make such surveys, inspections, and estimates, and perform such other surveying or engineering work, as may be required by said board or by the city council. He shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law, or by ordinance, upon the city engineer. He shall devote his entire time to the duties of his office and shall receive no compensation in addition to his salary.

(i) The board of public works shall, subject to such civil service regulations as are now or may hereafter be in force, appoint and employ and for good cause remove, such superintendents, inspectors, clerks and employes as the city council shall, by ordinance from time to time, prescribe, and the board shall establish all necessary rules and regulations for the exercise of the powers conferred in this article, for the government of the department of public works, and for the regulation and conduct of its officers and employes, and may require of any or all of such officers and employes, except laborers, adequate bonds for the faithful performance of their respective duties.

Section 144. The board shall, from and after the first organization thereof, be the successor in office of the street superintendent and of the superintendent of buildings, and shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law upon said officials, respectively, and the board shall perform such other duties as are herein or may be, by ordinance, imposed upon it.

Section 145. (a) The board of public works shall have and exercise all the powers and duties that are now or may hereafter be conferred or imposed by law upon the city council relating to:

1. The advertising for, and inviting of proposals or bids for doing any work ordered by the city council to be done in or upon any streets, avenues, lanes, alleys, courts or

places, or in the construction of any sewer or drain, ordered by the city council in or over the right of way granted or acquired for such purpose

2 The examining, considering, and declaring of such proposals or bids.

3 The awarding, letting and reletting of contracts for doing any of said work so ordered, the giving notice of such award, the rejection of proposals or bids for doing such work, and the granting of extensions of time for the completion thereof by the contractor therefor

4. The approval and the fixing of the amount of bonds required to be given by contractors prior to, or at the time of executing contracts for such work, and the fixing of the time within which such work shall be commenced and completed.

The board shall also have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon the mayor relating to the approval of the award of contracts for any of the work mentioned in this section.

The board of public works shall also have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon any commission provided for by law to assess the benefits, damages and costs incident to a proposed change of grade of any public street, alley, lane or court.

(b) The president of the board of public works shall have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon the mayor relating to the approval and fixing of the amount of bonds required to be given by contractors prior to, or at the time of, executing contracts for such work.

(c) The secretary of the board of public works shall have and exercise all the powers and duties that are now or may be hereafter conferred or imposed by law upon the city clerk or the clerk of the city council relating to:

1. The receipt, care and custody of proposals or bids for doing any of the work mentioned in this section

2. The care and custody of all checks and bonds accompanying such proposals or bids.

Section 146. The board of public works shall have charge, superintendence and control, under such ordinances as may from time to time be adopted by the city council:

1. Of all public ways, streets, avenues, boulevards, lanes, alleys, places and courts, now open or which may hereafter be opened in the City of Los Angeles; of the manner of their use and occupation; of all work and improvements done in, on, over or under the same, and of all excavations made in or under the same

2. Of the design, construction, maintenance and use of all sewers, drains and storm drains of the city, and of all connections therewith.

3. Of the cleaning, sprinkling, maintenance, repair and lighting of all public ways, streets, avenues, boulevards, lanes, alleys, places and courts; the lighting of all public parks, and the lighting, heating and ventilating of all public buildings belonging to the city.

4. Of the design, construction, alteration, repair, maintenance and care of all public works and improvements, and of all public buildings belonging to the city

5. Of the disposal of garbage, sewage, and street refuse.

6. Of all public utilities that are now or may hereafter be owned, controlled or operated by the city, other than water works

Section 147. The board of public works shall have charge of the enforcement of all ordinances relating to the construction, alteration, repair, demolition, or removal of buildings and structures in the city; and to the arrangement, alteration and repair, use and operation of all heating, plumbing, lighting, ventilating and electrical and mechanical appliances therein

Section 148. All contracts for the performance or furnishing of labor, services, materials, or supplies required for the execution of any work or service of which the board of public works has charge, superintendence or control, except public work or improvement the cost and expenses of which are to be paid by assessment upon property in proportion to frontage or benefits, shall be let and entered into in behalf of the city by the board of public works in the following manner. Every such contract shall first be authorized by resolution passed by a vote of two thirds of the members of the whole council. The board shall, except in cases of urgent necessity, as hereinafter provided, within five days after the passage of the resolution authorizing such contract, cause a notice to be posted conspicuously in its office and published once in a newspaper of general circulation printed and published in the City of Los Angeles, inviting sealed bids for the performance of the work or service or the furnishing of the materials or supplies contemplated. Said notice shall require the bids to be filed with the board at or before a certain hour of a day not less than five days subsequent to the date of the posting and advertising of said notice, and said notice shall contain a general description of the work or service to be done and of the materials or supplies to be furnished, the time within which the work or delivery is to be commenced and when to be completed, and the amount of the bond to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the board for full details and description of said work, service, materials or supplies.

Said notice shall require each bid to be accompanied by a check certified by a responsible bank, payable to the order of the president of the board, for an amount not less than five per cent of the aggregate sum of the bid, or by a satisfactory bond for the said amount and so payable, as a guarantee that the bidder will enter into the proposed contract if the same is awarded to him, and the form and manner of making bids may, in all other respects, be prescribed in said notice, and no bid shall be considered unless the same is accompanied by said check or bond and is made in the prescribed form and



manner. On the day and at the hour specified in the notice inviting bids the board shall meet and in open session examine and publicly declare the bids received, and shall thereupon, or at such other time as the board may then fix, award the contract to the lowest regular responsible bidder, or shall reject all bids. The board may reject any and all bids and shall reject the bid of any party who has been delinquent or unfaithful in the performance of any former contract with the city, and shall reject all bids other than that of the lowest regular responsible bidder. Upon rejecting any bids the board shall return to the proper parties the checks accompanying the rejected bids. The check accompanying the accepted bid shall be held by the secretary of the board until the contract for performing the work or service or furnishing the materials or supplies proposed to be done or furnished has been entered into. If the successful bidder fails to enter into the contract, or to execute the bond required for the faithful performance thereof, within ten days after the same is awarded to him, then the certified check accompanying his bid shall be presented for payment and collected, and the amount thereof paid into the general funds of the city. Every contract entered into by the board shall first be approved as to form by the city attorney, and shall contain detailed specifications and plans of the work or service to be done, the manner in which it is to be performed, and the quantity and kind of materials or supplies to be used or furnished or shall refer to such specifications and plans on file in the office of the board. Said contract shall be signed on behalf of the city by the president or by two of the members of the board and by the other contracting party. The contractor shall enter into and deliver to the secretary of the board a bond, in the sum named in the notice inviting bids conditioned for the faithful performance of the contract and executed by the contractor and by a responsible surety company or by two or more sufficient sureties approved by the board.

When any repairs, alterations, work or improvement shall be deemed of urgent necessity by the board a contract for the performance or furnishing of the labor, materials or supplies required therefor may be made by the board in behalf of the city, in writing or otherwise, without advertising for or inviting bids, *provided*, that if the contract for the furnishing of the labor, materials or supplies so required involves an expenditure of more than \$500 the resolution of the council authorizing the same shall, before it takes effect, be approved by the mayor.

Section 149. All instruments, warrants, records, certificates, notices, or other documents required to be signed or executed by the board of public works shall be signed on order of the board by the president or by two members thereof.

That section forty-eight of the charter be amended to read as follows.

Section 48. In addition to other duties imposed upon him by this charter or by ordinance of the council, the city engineer shall:

1. Make all surveys, inspections, and estimates required by the council  
2. He shall examine all public works done under contract, and report thereon to the city council.

3. He shall do no work for and take no fee or professional recompense from any individual or corporation other than the city during his term of office; *provided, however*, that on application of any person owning or interested in real property in said city for a survey or plat of such property, the city council may direct such work to be done by the city engineer; and the fee for such work shall be fixed by him in accordance with current rates for like services, and shall in all cases be paid into the city treasury.

4. He shall be the custodian of and responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the city pertaining to his office and the work thereof; all of which he shall keep in proper order and condition with full index thereof, and shall turn over the same to his successor.

5. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him, or under his direction or control during his term of office, shall be the property of the city. He shall devote his entire time to the duties of his office.

Upon the first appointment of a city engineer by the board of public works, organized under this charter, the term of the city engineer then holding office shall thereupon cease and determine and the powers and duties of the city engineer shall be as prescribed elsewhere in this charter.

That a new section be added to the charter, to be known as section fifty a, and to read as follows:

Section 50a. Upon the organization of a board of public works under this charter, it shall be the successor in office of the superintendent of buildings and the term of the superintendent of buildings then holding office shall thereupon cease and determine and the powers and duties imposed upon the superintendent of buildings by this charter shall thereafter be exercised and performed by the board of public works.

That a new section be added to the charter to be known as section fifty-two a, and to read as follows:

Section 52a. Upon the organization of a board of public works under this charter, it shall be the successor in office of the street superintendent and the term of the street superintendent then holding office shall thereupon cease and determine, and the powers and duties imposed upon the street superintendent by this charter shall thereafter be exercised and performed by the board of public works.

That section five of the charter be amended to read as follows:

Section 5. All elective officers except those elected at the general municipal election to be held on the first Tuesday in December, 1906, shall hold their offices for a term of

two years, commencing on the first Monday in January next succeeding their election.

That section one hundred and ninety-five of the charter be amended to read as follows:

Section 195. General municipal elections shall be held in said city on the first Tuesday in December, 1906, on the first Tuesday in December, 1909, and on the first Tuesday in December every two years thereafter, at which shall be elected.

A Mayor.

A City Clerk.

A City Attorney.

A City Treasurer.

A City Auditor.

A City Tax and License Collector.

A City Assessor, and seven members of the board of education.

And by the electors of each ward, one member of the city council.

That section one hundred and ninety-six of the charter be amended to read as follows:

Section 196. The officers elected at a general municipal election shall, after they have qualified as provided in this charter, enter upon the discharge of the duties of the offices to which they have been elected on the first Monday in January of the year succeeding their election and, except in the case of the officers elected at the general municipal election to be held on the first Tuesday in December, 1906, shall serve for two years and until their successors have been elected and qualified.

The officers elected at the general municipal election to be held on the first Tuesday in December, 1906, shall serve for three years and until their successors shall have been elected and qualified.

In the case of a special election to fill a vacancy the person elected shall, after qualifying, as herein provided, enter at once upon the discharge of the duties of the office to which he has been elected, and shall serve for the remainder of the term, and until his successor shall have been elected and qualified.

That section one hundred and ninety-seven be amended to read as follows:

Section 197. In the event of a vacancy in the city council, a special election for the purpose of filling the same shall be ordered and held without delay. In the event of a vacancy in any other elective office the council shall fill such vacancy for the unexpired term.

That section two hundred and three of said charter be amended to read as follows:

Section 203. No person shall be eligible to any municipal office under this charter who at the time of his election or appointment is not a qualified elector of this city, and to be eligible to the office of member of the council, the person elected must also have been a resident of the ward from which he is elected for at least two years next preceding his election; and in case any member of the council shall remove from the ward which he represents, his office shall immediately become vacant and shall be filled as directed in this charter; *provided, however,* that in case the boundaries of any ward are changed, no member of the council whose residence is thereby included within a different ward from that from which he was elected shall lose his office by reason of such change.

That section two hundred and four of the charter be amended to read as follows:

Section 204. The qualifications of an elector at any election held in pursuance of this charter shall be the same as those prescribed by the laws of this State for an elector at a general State election, in force at the time of such election; *provided,* that when any such municipal election is held after the completion of the register for any general State election, all persons who are on the last such register completed, and also all persons who have registered since the completion thereof, and before the closing of registration for such municipal election, shall be entitled to vote at such municipal election. Registration and transfers of registration for any such municipal election shall cease for the same period before the holding thereof as is or may be provided in the case of general State elections.

It shall be the duty of the county clerk of the County of Los Angeles to keep his office open for registration, for at least sixty days prior to the closing of registration for such municipal election, and to register all qualified electors of said city who may apply for such registration during that time.

That section two hundred and five of the charter be amended to read as follows:

Section 205. The registers used at any election held in pursuance of this charter shall be the registers used at the last preceding general State election in the precincts in which such municipal election is held, together with supplemental registers showing all additional registrations, transfers, and changes, since the closing of registration for such general State election. It shall be the duty of the county clerk of the County of Los Angeles to furnish such registers with proper indices thereto, to the city clerk of said city at least five days before the holding of such municipal election.

That Article XX of the charter be amended to read as follows:

## ARTICLE XX

### CONTRACTS.

Section 207. The City of Los Angeles shall not be and is not bound by any contract (except such a contract as is now or may be hereafter authorized by this charter to be made in behalf of the city by a board or officer of the city) unless the city council shall have first caused notice to be published in a daily newspaper, printed and published in

the City of Los Angeles, inviting proposals to perform the same, and thereafter shall have let said contract to the lowest responsible bidder furnishing security for its performance, satisfactory to the city council.

*Provided*, that any such contract shall be made in writing, the draft thereof approved by the city council and the same ordered to be, and be signed on behalf of the city by the mayor, or some other person authorized thereto by resolution; and *provided, further*, that the approval, as to form, of such contract by the city attorney, as required by Section 49 of this charter, shall be endorsed on the draft thereof before the council shall have power to approve the same; but the council may by resolution authorize any officer, committee, or agent of the city to bind the city for the payment of a sum of money not exceeding \$500 without a contract in writing, and without any previous publication of notice inviting proposals.

That section two hundred and thirty-four of the charter be amended to read as follows:

Section 234. All applicants for office, places or employments in said classified civil service, shall be subject to examination, which shall be public, competitive and free to all citizens of the United States, with specified limitations as to residence, age, sex, health, habits, and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and, when appropriate, shall include, or exclusively consist of, tests of physical qualifications, health, and manual skill. No question in any examination shall relate to political or religious opinions or affiliations. The commission shall control all examinations, and may, when an examination is to take place, obtain the assistance of a suitable person or number of persons to aid it in preparing for and conducting such examinations.

That section two hundred and thirty-five be amended to read as follows:

Section 235. Notice of time, place, and general scope of every examination shall be given by the commission by publication for two weeks preceding such examination in the official paper, and such notice shall also be posted by said commission in a conspicuous place at the city hall, and in its office, two weeks before such examination. Such further notice of examination shall be given as it may prescribe. *Provided* that for registration in the class of unskilled laborers medical or physical examinations may be made or held from day to day as applicants present themselves, and without previous notice.

That section two hundred and thirty-six of the charter be amended to read as follows:

Section 236. From the examinations made by the commission it shall prepare a register, in each grade or class of position in the classified civil service, other than that of unskilled laborers employed by the day, of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of said commission, and who are otherwise eligible, and such persons shall take rank upon the register as candidates in order of their relative excellence as determined by their examinations without reference to priority of the date of examination.

The commission shall also keep a register upon which shall be entered, in the order of their application, the names of all who apply for employment in the class of unskilled laborers, and who, after such medical or physical examination as the board may prescribe, are found to be capable of performing in a satisfactory manner the duties of the occupations sought. In case any registered applicant in said class of unskilled laborers shall be employed and subsequently laid off or dismissed through lack of work, or through no fault of his own, that fact shall be forthwith certified to the board of civil service commissioners by the head of the department in which such laborer was employed, and he shall be restored to his original place upon the register.

That section two hundred and thirty-eight be amended to read as follows:

Section 238. The head of a department in which a position in the class of unskilled laborers employed by the day is to be filled shall notify said commission of that fact, and said commission shall thereupon certify to such officer or board the name and address of the applicant standing first in order on the register of unskilled laborers, and the applicant thus certified shall thereupon be employed by such officer or board. The head of a department in which a position, classified under this article, except a position in the class of unskilled laborers, is to be filled, shall notify said commission of that fact, and said commission shall certify to such officer the name and address of one or more candidates, not exceeding three, standing highest on the register for the class or grade to which said position belongs. In making such certification, sex shall be disregarded, except when some statute, the rules of said commission, or the appointing powers specify sex. Said appointing officer or department shall notify said commission of each position to be filled separately, and shall fill such place from the names certified to him or it by said commission therefor. The candidate thus appointed shall be employed on probation for a period to be fixed by said rules, not exceeding six months. Each candidate, unless he shall be sooner appointed or otherwise lawfully cease to be a candidate, shall be certified for appointment in the grade or class for which he is eligible not less than three times, and no candidate shall lose his place on the register by certification or rejection, except that said commission may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation, the head of the department or office in which the candidate is employed, may discharge him upon assigning in writing the

reasons therefor to said commission. If he is not thus discharged during the period of probation, his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department, or any officer or board may, under such regulations as the commission may by its rules prescribe, make temporary appointments in the classified civil service, to remain in force not exceeding sixty days, and only until regular appointment, under the provisions of this article, can be made.

That section two hundred and thirty-nine be amended to read as follows:

Section 239 The provisions of this article shall apply to the following departments of the city, to wit:

The department of the city clerk,  
The department of electricity,  
The fire department.

The treasurer's department,

The tax collector's department,

The police department,

The auditor's department,

The assessor's department,

The health department,

The department of building,

The department of public works,

The waterworks department,

The public library,

The park department,

The city engineer's department,

The street department,

All departments of public utilities,

All other employes of the city;

*Provided*, that the following shall be exempt therefrom, to wit:

All officers elected by the people,

All members of the different boards and commissions,

The mayor's clerk.

The chief of police and his secretary,

The chief deputy of the treasurer,

The chief deputy and cashier of the tax collector,

The chief deputy of the city engineer,

The chief deputy of the auditor,

The city superintendent of schools and his deputies and teachers,

The assistants and stenographers of the city attorney,

The city prosecutor and the assistant city prosecutor,

The librarian,

The superintendent of parks,

The secretary of the park commission,

The secretary of the police commission,

The superintendent of buildings,

The humane officer,

The chief engineer of the fire department,

The superintendent, water overseer, auditor, and cashier of the waterworks department.

All physicians appointed on or by the board of health,

All officers of election,

The police surgeon.

That sections two hundred and forty and two hundred and forty-one be repealed

That section two hundred and forty-two be amended to read as follows:

Section 242 No officer or employe in the classified civil service of the city, other than an unskilled laborer employed by the day, shall be removed or discharged except for cause upon written charges, and after an opportunity to be heard in his own defense. Such charges shall be publicly investigated by the board of police commissioners in the case of an officer or employe in the police department; by the board of fire commissioners in the case of an officer or employe in the fire department; and by the board of civil service commissioners in all other cases. If the board conducting such investigation shall find that sufficient cause is shown therefor, it shall order that such officer or employe be removed or discharged, such finding and decision shall be final, and except in the case of an officer or employe in the police or fire department, shall be certified to and be forthwith enforced by the appointing board or officer.

Nothing in this article shall limit the power of any appointing board or officer to suspend a subordinate for a reasonable period, not exceeding thirty days.

That a new article be added to the charter, to be known as Article XXIV, to read as follows:

#### ARTICLE XXIV.

Section 255. Whenever it shall be provided by law that any of the duties now performed or hereafter to be performed by any officer or officers of the City of Los Angeles may be performed by any officer or officers of the County of Los Angeles, the City of Los Angeles may, by ordinance ratified by vote of the qualified electors of the city as hereinafter prescribed, provide that the duties of such city officer or officers, or any of

such duties as are now permitted by law to be performed by such county officer or officers, may be performed by such county officer or officers of the County of Los Angeles at the times and in the manner and to the extent provided for by law. In case by such ordinance all the duties of an officer of the city are devolved upon an officer of the county, then upon the taking effect of such ordinance such city officer shall cease to exist while such ordinance remains in force, but shall be revived by the repeal of such ordinance; and if by such ordinance only a part of the duties of an officer are so devolved, then the remaining duties thereof shall be performed by such officer as may be designated for that purpose by such ordinance, and the office shall cease to exist while such ordinance remains in effect, but shall be revived by the repeal of such ordinance. As to all duties so performed by any county officer, he shall be ex-officio an officer of the City of Los Angeles. All provisions of this charter in conflict herewith or with the provisions of such law, or with such ordinance, shall be suspended during the time that such ordinance remains in force and effect.

Section 256. No ordinance passed pursuant to the last preceding section shall take effect until it shall have been submitted for ratification by the voters of the city at a general municipal or special election and ratified by a majority of all votes cast on the question of such ratification. No such ordinance shall be repealed or amended until the repealing or amending ordinance shall have been submitted for ratification by the voters of such city at a general municipal or special election and ratified by a majority of all votes cast on the question of such ratification.

That subdivision (7) of Section 2 of the charter be amended to read as follows:

(7) To provide for supplying the city and its inhabitants with water and gas, or either, or with other means of heat, illumination or power; and to acquire or construct and to lease or operate, and to regulate the construction or operation of conduits or of railroads or other means of transit or transportation, and of plants and equipments for the production or transmission of gas, electricity, heat, refrigeration or power, in any of their forms, by pipes, wires or other means; and to incur a bonded indebtedness for any of such purposes, *provided*, the question of the issue of bonds therefor shall first be submitted to the qualified electors of the city at a special or general election, and that three fifths of the votes cast on the question of said issue of bonds shall have been cast in favor thereof.

That Section 2 of the charter be amended by adding a subdivision to be numbered (25) and to read as follows:

(25) No franchise, right or privilege in, on, through, across, under or over any street, avenue, alley, bridge, viaduct or other public place, and no other franchise whatever granted by the city to any corporation, association or individual, shall be granted except by an ordinance passed by vote of two thirds ( $\frac{2}{3}$ ) of the whole council, nor for a longer period than twenty-one years. Such grant and any contract in pursuance thereof shall provide that at the option of the city, declared not more than three (3) years nor less than six months before the termination of such grant, the plant and property, if any, belonging to or used by the grantee, or his or its successors in interest, in the streets, avenues and other public places shall at the termination of said grant, upon the payment of a fair valuation thereof, be and become the property of the city; but the grantee shall be entitled to no payment because of any valuation derived from the franchise. *Provided, however*, that such option shall not be exercised unless at the time of exercising the same the city shall be authorized and empowered to acquire and operate such plant and property. Every grant shall specify the mode of determining any valuation therein provided for and the time and mode of payment, and shall make adequate provision by way of forfeiture of the grant or otherwise to secure efficiency of public service at reasonable rates and the maintenance of the property in good order throughout the term of the grant.

WHEREAS, Said proposed amendments were, and each of them was, published for 20 days in a daily newspaper printed and published in said city, and of general circulation therein, to wit, the "Los Angeles Daily Times," said publication ending on the 23d day of October, 1904; and

WHEREAS, Thereafter the city council of said city did, by an ordinance known as Ordinance No. 10,177 (New Series), which was duly adopted on the 21st day of November, 1904, order the holding of a general municipal election in said City of Los Angeles on the 5th day of December, 1904, (at least 40 days after the publication of said proposed amendments for 20 days in said daily newspaper of general circulation in said City of Los Angeles, to wit, "The Los Angeles Daily Times," and did provide in said ordinance for the submission of said proposed amendments to the said charter to the qualified electors of said city for their ratification at said general municipal election, which said ordinance was approved by the mayor of said city on the 22d day of November, 1904, and was published for at least ten days prior to the time appointed for the holding of said election in "The Los Angeles Daily Times," a daily newspaper printed and published in said city; and

WHEREAS, At said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each and all of said proposed amendments to said charter; and

WHEREAS, The city council of said City of Los Angeles, at a special meeting thereof held within 10 days after said election, duly canvassed the returns of said election, and duly found, determined, and declared that a majority of such qualified electors, voting thereon, had voted for and ratified each and all of the said proposed amendments to said charter; and

WHEREAS, The said proposed amendments so ratified have been duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment, in accordance with Section 8 of Article Eleven of the Constitution of the State of California;

NOW THEREFORE, BE IT

*Resolved by the Assembly of the State of California, the Senate concurring* (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein), That the said amendments to the said charter of said City of Los Angeles, hereinbefore set forth as presented, and submitted to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved as a whole for and as amendments to the said charter of said City of Los Angeles.

We, the undersigned, Owen McAleer, Mayor of the City of Los Angeles, State of California, and H. J. Lelande City Clerk of said city, do hereby certify as follows, to wit:

That the City of Los Angeles, in the County of Los Angeles, State of California, contains a population of over one hundred thousand inhabitants and has been ever since the year 1889, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of Section 8, of Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of October, 1888, and approved by the Legislature of the State of California on the 31st day of January, 1889 (Statutes of 1889, p. 455)

That the city council of said City of Los Angeles, did by Ordinance No 9949 (New Series) adopted by said council on the 3d day of October, 1904, and approved by the mayor of said city on the 3d day of October, 1904, and pursuant to Section 8, of Article XI, of the Constitution of the State of California, duly propose to the qualified electors of said City of Los Angeles certain amendments to the charter of said city, to be submitted to said qualified electors at a general municipal election to be held in said city on the 5th day of December, 1904, which said amendments were and are in the words and figures as follows, to wit:

That there be added to the charter an article to be known as Article XIV, containing sections numbered 143 to 149, inclusive, and to read as follows

#### ARTICLE XIV.

##### DEPARTMENT OF PUBLIC WORKS

Section 143 There is hereby created a department of said city to be known as the "Department of Public Works," which shall be under the management and control of a board of three commissioners, to be known as "The Board of Public Works."

(a) Said commissioners shall be appointed by the mayor, subject to confirmation by a majority of the council. All such appointments shall be so made that not more than two members of the board shall, at any one time, belong to the same political party. Each of said commissioners shall receive an annual salary of \$3,600 payable in equal monthly installments, and shall give a bond to the city in the sum of \$10,000, conditioned for the faithful discharge of the duties of his office

(b) The term of office of members of the board of public works shall be four years. The term of office of the three members first appointed hereunder shall commence on the first Monday in January, 1906, and said three members shall so classify themselves by lot that one shall go out of office at the end of two years, one at the end of three years, and one at the end of four years thereafter. If any vacancy occurs, the mayor shall fill the same by appointment for the unexpired term

(c) The commissioners shall organize by electing one of their members president, who shall hold his office for one year and until his successor is elected, unless his membership on the board sooner expires

(d) The board shall maintain an office and prescribe office hours for the convenience of the public. It shall hold regular stated meetings at least once in each week. The commissioners shall devote all their time during official business hours to the duties of their office.

(e) The board shall appoint a secretary, not a member of the board, who shall receive an annual salary of \$1,800, payable in equal monthly installments. He shall keep a record of all its transactions, specifying therein the names of the commissioners present at all the meetings, and giving the ayes and noes upon all votes. He shall post and publish all orders, resolutions, and notices which the board shall order to be posted or published, and shall perform such other duties as are herein or may be, by order of the board, imposed upon him.

(f) The three members of the board of public works and the secretary thereof shall be officers of the municipality in addition to the other officers thereof provided for herein.

(g) The board of public works shall appoint an inspector of public works, who shall perform such duties as the board may prescribe. The person holding the office of street superintendent at the time of the first organization of the board shall be entitled to take and hold, and shall be appointed by said board to, the office of inspector of public works for a term ending on the first Monday in January, 1907. The person so appointed shall during such term receive a salary at the rate of \$3,000 per annum, payable in equal monthly installments. The successor in office of the inspector of public works first appointed as herein provided shall be appointed from the members of the board of

public works and shall serve without extra compensation. On the first Monday in January, 1907, or upon the prior occurrence of a vacancy in the office of inspector of public works, the board shall appoint one of their number, other than the president, inspector of public works, who shall hold such office for one year and until his successor is appointed, unless his membership on the board sooner expires.

(h) The board of public works shall appoint and employ a civil engineer of not less than five years' professional experience, who shall be designated the city engineer. He shall receive a salary of \$3,000 per annum, and shall hold office at the pleasure of the board; *provided, however*, that the person holding the office of city engineer at the time of the first organization of the board shall be entitled to take and hold, and shall be appointed by said board to, the office of city engineer provided for herein, for a term ending on the first Monday in January, 1907. The city engineer herein provided for shall be the successor in office of the city engineer. He shall perform all the civil engineering and surveying necessary in the prosecution of public work done under the direction or supervision of the board. He shall make such certificates and reports upon the progress of such work, and shall make such surveys, inspections and estimates, and perform such other surveying or engineering work as may be required by said board or by the city council. He shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law, or by ordinance, upon the city engineer. He shall devote his entire time to the duties of his office and shall receive no compensation in addition to his salary.

(i) The board of public works shall, subject to such civil service regulations as are now or may hereafter be in force, appoint and employ, and for good cause remove, such superintendents, inspectors, clerks, and employes as the city council shall, by ordinance from time to time, prescribe, and the board shall establish all necessary rules and regulations for the exercise of the powers conferred in this article, for the government of the department of public works, and for the regulation and conduct of its officers and employes and may require of any or all of such officers and employes, except laborers, adequate bonds for the faithful performance of their respective duties.

Section 144. The board shall, from and after the first organization thereof be the successor in office of the street superintendent and of the superintendent of buildings, and shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law upon said officials, respectively, and the board shall perform such other duties as are herein or may be by ordinance, imposed upon it.

Section 145. (a) The board of public works shall have and exercise all the powers and duties that are now or may hereafter be conferred or imposed by law upon the city council relating to:

1. The advertising for, and inviting of proposals or bids for doing any work ordered by the city council to be done in or upon any streets, avenues, lanes, alleys, courts, or places, or in the construction of any sewer or drain ordered by the city council in or over the right of way granted or acquired for such purpose;

2. The examining, considering, and declaring of such proposals or bids;

3. The awarding, letting, and reletting of contracts for doing any of said work so ordered, the giving notice of such award, the rejection of proposals or bids for doing such work, and the granting of extensions of time for the completion thereof by the contractor therefor.

4. The approval and the fixing of the amount of bonds required to be given by contractors prior to or at the time of executing contracts for such work, and the fixing of the time within which such work shall be commenced and completed.

The board shall also have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon the mayor relating to the approval of the award of contracts for any of the work mentioned in this section.

The board of public works shall also have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon any commission provided for by law to assess the benefits, damages and costs incident to a proposed change of grade of any public street, alley, lane or court.

(b) The president of the board of public works shall have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon the mayor relating to the approval and fixing of the amount of bonds required to be given by contractors prior to, or at the time of, executing contracts for such work.

(c) The secretary of the board of public works shall have and exercise all the powers and duties that are now or may be hereafter conferred or imposed by law upon the city clerk or the clerk of the city council relating to:

1. The receipt, care and custody of proposals or bids for doing any of the work mentioned in this section.

2. The care and custody of all checks and bonds accompanying such proposals or bids.

Section 146. The board of public works shall have charge, superintendence and control, under such ordinances as may from time to time be adopted by the city council:

1. Of all public ways, streets, avenues, boulevards, lanes, alleys, places, and courts, now open or which may hereafter be opened in the City of Los Angeles; of the manner of their use and occupation; of all work and improvements done in, on, over or under the same, and of all excavations made in or under the same.

2. Of the design, construction, maintenance and use of all sewers, drains, and storm drains of the city, and of all connections therewith.

3. Of the cleaning, sprinkling, maintenance, repair, and lighting of all public ways, streets, avenues, boulevards, lanes, alleys, places, and courts; the lighting of all public

parks, and the lighting, heating, and ventilating of all public buildings belonging to the city.

4. Of the design, construction, alteration, repair, maintenance and care of all public works and improvements, and of all public buildings belonging to the city.

5. Of the disposal of garbage, sewage, and street refuse.

6. Of all public utilities that are now or may hereafter be owned, controlled or operated by the city, other than water works.

Section 147. The board of public works shall have charge of the enforcement of all ordinances relating to the construction, alteration, repair, demolition, or removal of buildings and structures in the city; and to the arrangement, alteration and repair, use and operation of all heating, plumbing, lighting, ventilating and electrical and mechanical appliances therein.

Section 148. All contracts for the performance or furnishing of labor, services, materials, or supplies required for the execution of any work or service of which the board of public works has charge, superintendence or control, except public work or improvement the cost and expenses of which are to be paid by assessment upon property in proportion to frontage or benefits, shall be let and entered into in behalf of the city by the board of public works in the following manner: Every such contract shall first be authorized by resolution passed by a vote of two-thirds of the members of the whole council. The board shall, except in cases of urgent necessity, as hereinafter provided, within five days after the passage of the resolution authorizing such contract, cause a notice to be posted conspicuously in its office and published once in a newspaper of general circulation printed and published in the City of Los Angeles, inviting sealed bids for the performance of the work or service or the furnishing of the materials or supplies contemplated. Such notice shall require the bids to be filed with the board at or before a certain hour of a day not less than five days subsequent to the date of the posting and advertising of said notice, and said notice shall contain a general description of the work or service to be done and of the materials or supplies to be furnished, the time within which the work or delivery is to be commenced and when to be completed, and the amount of the bond to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the board for full details and description of said work, service, materials or supplies.

Said notice shall require each bid to be accompanied by a check certified by a responsible bank, payable to the order of the president of the board, for an amount not less than five per cent of the aggregate sum of the bid, or by a satisfactory bond for the said amount and so payable, as a guarantee that the bidder will enter into the proposed contract if the same is awarded to him, and the form and manner of making bids may, in all other respects, be prescribed in said notice, and no bid shall be considered unless the same is accompanied by said check or bond and is made in the prescribed form and manner. On the day and at the hour specified in the notice inviting bids the board shall meet and in open session examine and publicly declare the bids received, and shall thereupon, or at such other time as the board may then fix, award the contract to the lowest regular responsible bidder, or shall reject all bids. The board may reject any and all bids and shall reject the bid of any party who has been delinquent or unfaithful in the performance of any former contract with the city, and shall reject all bids other than that of the lowest regular responsible bidder. Upon rejecting any bids the board shall return to the proper parties the checks accompanying the rejected bids. The check accompanying the accepted bid shall be held by the secretary of the board until the contract for performing the work or service or furnishing the materials or supplies proposed to be done or furnished has been entered into. If the successful bidder fails to enter into the contract, or to execute the bond required for the faithful performance thereof, within ten days after the same is awarded to him, the certified check accompanying his bid shall be presented for payment and collected, and the amount paid into the general funds of the city. Every contract entered into by the board shall first be approved as to form by the city attorney, and shall contain detailed specifications and plans of the work or service to be done, the manner in which it is to be performed, and the quantity and kind of materials or supplies to be used or furnished, or shall refer to such specifications and plans on file in the office of the board. Said contract shall be signed on behalf of the city by the president or by two of the members of the board and by the other contracting party. The contractor shall enter into and deliver to the secretary of the board a bond, in the sum named in the notice inviting bids, conditioned for the faithful performance of the contract and executed by the contractor and by a responsible surety company or by two or more sufficient sureties approved by the board.

When any repairs, alterations, work or improvement shall be deemed of urgent necessity by the board a contract for the performance or furnishing of the labor, materials or supplies required therefor may be made by the board in behalf of the city, in writing or otherwise without advertising for or inviting bids, provided that if the contract for the furnishing of the labor, materials or supplies so required involves an expenditure of more than \$500 the resolution of the council authorizing the same shall before it takes effect be approved by the mayor.

Section 149. All instruments, warrants, records, certificates, notices, or other documents required to be signed or executed by the board of public works shall be signed on order of the board by the president or by two members thereof.

That section forty-eight of the charter be amended to read as follows:

Section 48. In addition to other duties imposed upon him by this charter or by ordinance of the council, the city engineer shall:



1. Make all surveys, inspections, and estimates required by the council.

2. He shall examine all public works done under contract, and report thereon to the city council.

3. He shall do no work for and take no fee or professional recompense from any individual or corporation other than the city during his term of office; *provided, however*, that on application of any person owning or interested in real property in said city for a survey or plat of such property, the city council may direct such work to be done by the city engineer; and the fee for such work shall be fixed by him in accordance with current rates for like services, and shall in all cases be paid into the city treasury.

4. He shall be the custodian of and responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the city pertaining to his office and the work thereof; all of which he shall keep in proper order and condition with full index thereof, and shall turn over the same to his successor.

5. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him, or under his direction or control during his term of office, shall be the property of the city. He shall devote his entire time to the duties of his office.

Upon the first appointment of a city engineer by the board of public works, organized under this charter, the term of the city engineer then holding office shall thereupon cease and determine and the powers and duties of the city engineer shall be as prescribed elsewhere in this charter.

That a new section be added to the charter, to be known as section fifty *a*, and to read as follows:

Section 50*a*. Upon the organization of a board of public works under this charter, it shall be the successor in office of the superintendent of buildings and the term of the superintendent of buildings then holding office shall thereupon cease and determine and the powers and duties imposed upon the superintendent of buildings by this charter shall thereafter be exercised and performed by the board of public works.

That a new section be added to the charter to be known as section fifty-two *a*, and to read as follows:

Section 52*a*. Upon the organization of a board of public works under this charter, it shall be the successor in office of the street superintendent and the term of the street superintendent then holding office shall thereupon cease and determine, and the powers and duties imposed upon the street superintendent by this charter shall thereafter be exercised and performed by the board of public works.

That section five of the charter be amended to read as follows:

Section 5. All elective officers except those elected at the general municipal election to be held on the first Tuesday in December, 1906, shall hold their offices for a term of two years, commencing on the first Monday in January next succeeding their election.

That section one hundred and ninety-five of the charter be amended to read as follows:

Section 195. General municipal elections shall be held in said city on the first Tuesday in December, 1906, on the first Tuesday in December, 1909, and on the first Tuesday in December every two years thereafter, at which shall be elected:

A Mayor.

A City Clerk.

A City Attorney.

A City Treasurer.

A City Auditor.

A City Tax and License Collector.

A City Assessor, and seven members of the board of education.

And by the electors of each ward, one member of the city council.

That section one hundred and ninety-six of the charter be amended to read as follows:

Section 196. The officers elected at a general municipal election shall after they have qualified as provided in this charter, enter upon the discharge of the duties of the offices to which they have been elected on the first Monday in January of the year succeeding their election and, except in the case of the officers elected at the general municipal election to be held on the first Tuesday in December, 1906, shall serve for two years and until their successors have been elected and qualified.

The officers elected at the general municipal election to be held on the first Tuesday in December, 1906, shall serve for three years and until their successors shall have been elected and qualified.

In the case of a special election to fill a vacancy the person elected shall, after qualifying, as herein provided, enter at once upon the discharge of the duties of the office to which he has been elected, and shall serve for the remainder of the term, and until his successor shall have been elected and qualified.

That section one hundred and ninety-seven be amended to read as follows:

Section 197. In the event of a vacancy in the city council, a special election for the purpose of filling the same shall be ordered and held without delay. In the event of a vacancy in any other elective office the council shall fill such vacancy for the unexpired term.

That section two hundred and three of said charter be amended to read as follows:

Section 203. No person shall be eligible to any municipal office under this charter who at the time of his election or appointment is not a qualified elector of this city, and to be eligible to the office of member of the council the person elected must also have been a resident of the ward from which he is elected for at least two years next preceding his election, and in case any member of the council shall remove from the ward which

he represents, his office shall immediately become vacant and shall be filled as directed in this charter; *provided, however*, that in case the boundaries of any ward are changed, no member of the council whose residence is thereby included within a different ward from that from which he was elected shall lose his office by reason of such change.

That section two hundred and four of the charter be amended to read as follows:

Section 204. The qualifications of an elector at any election held in pursuance of this charter shall be the same as those prescribed by the laws of this State for an elector at a general State election, in force at the time of such election; *provided*, that when any such municipal election is held after the completion of the register for any general State election, all persons who are on the last such register completed, and also all persons who have registered since the completion thereof, and before the closing of registration for such municipal election, shall be entitled to vote at such municipal election. Registration and transfers of registration for any such municipal election shall cease for the same period before the holding thereof as is or may be provided in the case of general State elections.

It shall be the duty of the county clerk of the county of Los Angeles, to keep his office open for registration, for at least sixty days prior to the closing of registration for such municipal election, and to register all qualified electors of said city who may apply for such registration during that time.

That section two hundred and five of the charter be amended to read as follows:

Section 205. The registers used at any election held in pursuance of this charter shall be the registers used at the last preceding general State election in the precincts in which such municipal election is held, together with supplemental registers showing all additional registrations, transfers, and changes, since the closing of registration for such general State election. It shall be the duty of the county clerk of the county of Los Angeles, to furnish such registers with proper indices thereto, to the city clerk of said city at least five days before the holding of such election.

That Article XX of the charter be amended to read as follows:

## ARTICLE XX.

### CONTRACTS.

Section 207. The city of Los Angeles shall not be and is not bound by any contract (except such a contract as is now or may be hereafter authorized by this charter to be made in behalf of the city by a board or officer of the city) unless the city council shall have first caused notice to be published in a daily newspaper, printed and published in the city of Los Angeles, inviting proposals to perform the same, and thereafter shall have let said contract to the lowest responsible bidder furnishing security for its performance, satisfactory to the city council.

*Provided*, that any such contract shall be made in writing, the draft thereof approved by the city council and the same ordered to be, and be signed on behalf of the city by the mayor, or some other person authorized thereto by resolution, and *provided, further*, that the approval, as to form, of such contract by the city attorney, as required by section 49 of this charter, shall be endorsed on the draft thereof before the council shall have power to approve the same; but the council may by resolution authorize any officer, committee, or agent of the city to bind the city for the payment of a sum of money not exceeding \$500 00 without a contract in writing, and without any previous publication of notice inviting proposals.

That section two hundred and thirty-four of the charter be amended to read as follows:

Section 234. All applicants for office, places, or employment in said classified civil service, shall be subject to examination, which shall be public, competitive, and free to all citizens of the United States, with specified limitations as to residence, age, sex, health, habits, and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and, when appropriate, shall include, or exclusively consist of, tests of physical qualifications, health, and manual skill. No question in any examination shall relate to political or religious opinions or affiliations. The commission shall control all examinations, and may, whenever an examination is to take place, obtain the assistance of a suitable person or number of persons to aid it in preparing for and conducting such examinations.

That section two hundred and thirty-five be amended to read as follows:

Section 235. Notice of time, place, and general scope of every examination shall be given by the commission by publication for two weeks preceding such examination in the official paper, and such notice shall also be posted by said commission in a conspicuous place at the city hall, and in its office, two weeks before such examination. Such further notice of examination shall be given as it may prescribe. *Provided*, that for registration in the class of unskilled laborers medical or physical examinations may be made or held from day to day as applicants present themselves, and without previous notice.

That section two hundred and thirty-six of the charter be amended to read as follows:

Section 236. From the examinations made by the commission it shall prepare a register, in each grade or class of position in the classified civil service, other than that of unskilled laborers employed by the day, of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of said commission, and who are otherwise eligible, and such persons shall take

rank upon the register as candidates in order of their relative excellence as determined by their examinations without reference to priority of the date of examination.

The commission shall also keep a register upon which shall be entered, in the order of their application, the names of all who apply for employment in the class of unskilled laborers, and who, after such medical or physical examination as the board may prescribe, are found to be capable of performing in a satisfactory manner the duties of the occupations sought. In case any registered applicant in said class of unskilled laborers shall be employed and subsequently laid off or dismissed through lack of work, or through no fault of his own, that fact shall be forthwith certified to the board of civil service commissioners by the head of the department in which such laborer was employed, and he shall be restored to his original place upon the register.

That section two hundred and thirty-eight be amended to read as follows :

Section 238 The head of a department in which a position in the class of unskilled laborers employed by the day is to be filled shall notify said commission of that fact, and said commission shall thereupon certify to such officer or board the name and address of the applicant standing first in order on the register of unskilled laborers, and the applicant thus certified shall thereupon be employed by such officer or board.

The head of a department in which a position, classified under this article, except a position in the class of unskilled laborers, is to be filled, shall notify said commission of that fact, and said commission shall certify to such officer the name and address of one or more candidates, not exceeding three, standing highest on the register for the class or grade to which said position belongs. In making such certification, sex shall be disregarded, except when some statute, the rules of said commission, or the appointing power specify sex. Said appointing officer or department shall notify said commission of each position to be filled separately, and shall fill such place from the names certified to him or it by said commission therefor. The candidate thus appointed shall be employed on probation for a period to be fixed by said rules, not exceeding six months. Each candidate, unless he shall be sooner appointed, or otherwise lawfully cease to be a candidate, shall be certified for appointment in the grade or class for which he is eligible not less than three times, and no candidate shall lose his place on the register by certification or rejection, except that said commission may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation, the head of the department or office in which the candidate is employed, may discharge him upon assigning in writing the reasons therefor to said commission. If he is not thus discharged during the period of probation, his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department, or any officer or board may, under such regulations as the commission may by its rules prescribe, make temporary appointments in the classified civil service, to remain in force not exceeding sixty days, and only until regular appointment, under the provisions of this article, can be made.

That section two hundred and thirty-nine be amended to read as follows:

Section 239 The provisions of this article shall apply to the following departments of the city, to wit:

- The department of the city clerk,
- The department of electricity,
- The fire department,
- The treasurer's department,
- The tax collectors department,
- The police department,
- The auditor's department,
- The assessor's department,
- The health department,
- The department of building,
- The department of public works,
- The waterworks department,
- The public library,
- The park department,
- The city engineer's department,
- The street department,
- All departments of public utilities,
- All other employes of the city,

Provided, that the following shall be exempt therefrom, to wit:

- All officers elected by the people,
- All members of the different boards and commissions,
- The mayor's clerk,
- The chief of police and his secretary,
- The chief deputy of the treasurer,
- The chief deputy and cashier of the tax collector,
- The chief deputy of the city engineer,
- The chief deputy of the auditor,
- The city superintendent of schools and his deputies and teachers,
- The assistants and stenographers of the city attorney,
- The city prosecutor and the assistant city prosecutor,
- The librarian,
- The superintendent of parks,

The secretary of the park commission,  
 The secretary of the police commission,  
 The superintendent of buildings,  
 The humane officer,  
 The chief engineer of the fire department,  
 The superintendent, water overseer, auditor, and cashier of the waterworks department,

All physicians appointed on or by the board of health,  
 All officers of election,  
 The police surgeon.

That sections two hundred and forty and two hundred and forty-one be repealed

That section two hundred and forty-two be amended to read as follows

Section 242. No officer or employé in the classified civil service of the city, other than an unskilled laborer employed by the day, shall be removed or discharged except for cause upon written charges, and after an opportunity to be heard in his own defense. Such charges shall be publicly investigated by the board of police commissioners in the case of an officer or employé in the police department; by the board of fire commissioners in the case of an officer or employé in the fire department; and by the board of civil service commissioners in all other cases. If the board conducting such investigation shall find that sufficient cause is shown therefor, it shall order that such officer or employé be removed or discharged, such finding and decision shall be final, and except in the case of an officer or employé in the police or fire department, shall be certified to and be forthwith enforced by the appointing board or officer.

. Nothing in this article shall limit the power of any appointing board or officer to suspend a subordinate for a reasonable period, not exceeding thirty days.

That a new article be added to the charter, to be known as Article XXIV, to read as follows:

#### ARTICLE XXIV.

Section 255. Whenever it shall be provided by law that any of the duties now performed or hereafter to be performed by any officer or officers of the City of Los Angeles may be performed by any officer or officers of the County of Los Angeles, the City of Los Angeles, may, by ordinance ratified by vote of the qualified electors of the city as hereinafter prescribed, provide that the duties of such city officer or officers, or any of such duties as are now permitted by law to be performed by such county officer or officers, may be performed by such county officer or officers, of the County of Los Angeles, at the times and in the manner and to the extent provided for by law. In case by such ordinance all the duties of an officer of the city are devolved upon an officer of the county, then upon the taking effect of such ordinance such city office shall cease to exist while such ordinance remains in force, but shall be revived by the repeal of such ordinance; and if by such ordinance only a part of the duties of an officer are so devolved, then the remaining duties thereof shall be performed by such officer as may be designated for that purpose by such ordinance, and the office shall cease to exist while such ordinance remains in effect, but shall be revived by the repeal of such ordinance. As to all duties so performed by any county officer, he shall be ex-officio an officer of the City of Los Angeles. All provisions of this charter in conflict herewith or with the provisions of such law, or with such ordinance, shall be suspended during the time that such ordinance remains in force and effect.

Section 256. No ordinance passed pursuant to the last preceding section shall take effect until it shall have been submitted for ratification by the voters of the city at a general municipal or special election and ratified by a majority of all votes cast on the question of such ratification. No such ordinance shall be repealed or amended until the repealing or amending ordinance shall have been submitted for ratification by the voters of such city at a general municipal or special election and ratified by a majority of all votes cast on the question of such ratification.

That subdivision (7) of Section 2 of the charter be amended to read as follows:

(7) To provide for supplying the city and its inhabitants with water and gas, or either, or with other means of heat, illumination or power; and to acquire or construct and to lease or operate, and to regulate the construction or operation of conduits or of railroads or other means of transit or transportation, and of plants and equipments for the production or transmission of gas, electricity, heat, refrigeration or power, in any of their forms, by pipes, wires or other means; and to incur a bonded indebtedness for any of such purposes, provided the question of the issue of bonds therefor shall first be submitted to the qualified electors of the city at a special or general election, and that three fifths of the votes cast on the question of said issue of bonds shall have been cast in favor thereof.

That Section 2 of the charter be amended by adding a subdivision to be numbered (25), and to read as follows:

(25) No franchise, right or privilege in, on, through, across, under or over any street, avenue, alley, bridge, viaduct or other public place, and no other franchise whatever granted by the city to any corporation, association or individual, shall be granted except by an ordinance passed by vote of two thirds ( $\frac{2}{3}$ ) of the whole council, nor for a longer period than twenty-one years. Such grant and any contract in pursuance thereof shall provide that at the option of the city, declared not more than three (3) years nor less than six months before the termination of such grant, the plant and property, if any, belonging to or used by the grantee, or his or its successors in interest, in the streets,

avenues and other public places shall, at the termination of said grant, upon the payment of a fair valuation thereof, be and become the property of the city; but the grantee shall be entitled to no payment because of any valuation derived from the franchise. *Provided, however,* that such option shall not be exercised unless at the time of exercising the same the city shall be authorized and empowered to acquire and operate such plant and property. Every grant shall specify the mode of determining any valuation therein provided for and the time and mode of payment, and shall make adequate provision by way of forfeiture of the grant or otherwise to secure efficiency of public service at reasonable rates and the maintenance of the property in good order throughout the term of the grant.

That said proposed amendments were, and each of them was, published for 20 days in a daily newspaper, printed and published in said city, and of general circulation therein, to wit: "The Los Angeles Daily Times," said publication ending on the 23d day of October, 1904.

That thereafter the city council of said city, did, by an ordinance known as Ordinance No. 10177 (New Series), which was duly adopted on the 21st day of November, 1904, order the holding of a general municipal election in said City of Los Angeles on the 5th day of December, 1904 (at least 40 days after the publication of said proposed amendments for 20 days in said daily newspaper of general circulation in said City of Los Angeles, to wit, "The Los Angeles Daily Times"), and did provide in said ordinance for the submission of said proposed amendments to the said charter to the qualified electors of said city for their ratification at said general municipal election, which said ordinance was approved by the mayor of said city on the 22d day of November, 1904, and was published for at least 10 days prior to the time appointed for the holding of said election in "The Los Angeles Daily Times," a daily newspaper printed and published in said city.

That at said election, a majority of the qualified electors voting thereon, voted in favor of the ratification of and did ratify each and all of said proposed amendments to said charter.

That the city council of said City of Los Angeles, at a special meeting thereof held within ten days after said election, duly canvassed the returns of said election, and duly found, determined, and declared that a majority of such qualified electors, voting thereon, had voted for and ratified each and all of the said proposed amendments to said charter.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed the corporate seal of the City of Los Angeles, this eleventh day or January, 1905.

[SEAL]

OWEN MCALEER, Mayor.  
H. J. LELANDE, City Clerk.

Amendments to the Charter of the City of Los Angeles and Assembly Concurrent Resolution No. 9 read.

#### ADOPTION OF CONCURRENT RESOLUTION.

The roll was called, and Assembly Concurrent Resolution No. 9 adopted by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Gans, Goodrich, Hartman, Hawkins, Houser, Johnson, Johnstone, Jury, Lucey, Lumley, Marwell, McCartney, McNamara, Mindham, Moore, Perkins, Pyle, Slaven, Thompson, Treadwell, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—43.  
NOES—None.

Assembly Concurrent Resolution No. 9 ordered transmitted to the Senate.

#### REPORTS BY COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The following reports from the Committee on Engrossment and Enrollment were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reengrossed:

Assembly Bill No. 298—An Act to amend Chapter I of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, by adding a new section thereto, to be numbered Section 9, relating to the powers and duties of city clerks and city recorders respecting the registration of deaths and the issuance and registration of burial and disinterment permits.

Assembly Bill No. 365—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a State reform school for juvenile offenders, and to make an appropriation therefor,' approved March 11, 1889, by amending the title of said Act and by amending Sections 1, 4, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by adding three new sections thereto, to be numbered, respectively, Sections 16a, 16b, and 16c, relating to a change in the name of the institution, and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State school located and established under the aforesaid Act and now maintained by the State of California at Whittier, in the County of Los Angeles therein," approved March 23, 1893, and adding certain sections thereto.

Also: Correctly engrossed:

Assembly Bill No. 360—An Act regulating the grading of prisoners in the State prison at San Quentin, in the State Prison at Folsom, and the Preston School of Industry at Ione.

DEVLIN, Chairman.

Assembly Bills Nos. 298 and 365 ordered on file for passage.

Assembly Bill No. 360 ordered restored to third-reading file

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 325—An Act to amend Sections 2, 3, 5, 7, 10, 11, 12, and 13, and to repeal Section 14, of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Assembly Bill No. 617—An Act to repeal an Act entitled "An Act to provide for the appointment of a deputy Supreme Court reporter, and to regulate his compensation," approved February 26, 1881.

DEVLIN, Chairman.

Assembly Bills Nos. 325 and 617 ordered on third-reading file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reengrossed:

Assembly Bill No. 155—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Assembly Bill No. 366—An Act to repeal an Act entitled "An Act relating to commitments to the State School at Whittier and the Preston School of Industry, fixing the authority to examine and commit to such schools with the superior judges of the counties, and fixing the responsibilities for which commitments are made to the State for the maintenance of the persons committed therefrom, providing for the manner of payment therefor and fixing the responsibility of parents to the counties for which their children are committed," approved March 26, 1895.

Assembly Bill No. 385—An Act to repeal Sections 431 and 448 of the Civil Code, and to add thereto a new section, to be numbered 452, all relating to life, health, and accident insurance corporations.

DEVLIN, Chairman.

Assembly Bills Nos. 155, 366 and 386 ordered on third-reading file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly re-engrossed:

Assembly Bill No. 387—An Act to add a Chapter IV to Title II of Part IV of Division I of the Civil Code, relating to mutual benefit and life associations.

Assembly Bill No. 264—An Act to repeal Section 58, and to amend Sections 60, 63, 79½ and 84 of the Civil Code, all relating to marriage.

DEVLIN, Chairman.

Assembly Bills Nos. 387 and 264 ordered on file for passage.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1905.

DEVLIN, Chairman.

The above last reported bills were ordered on third-reading file.

## ASSEMBLY CONCURRENT RESOLUTION—(OUT OF ORDER).

The following concurrent resolution was offered, out of order:

By Mr. Goodrich:

(For celebration of Lincoln's Birthday.)

## ASSEMBLY CONCURRENT RESOLUTION No. 14

*Resolved by the Assembly, the Senate concurring,* That the hour between eleven and twelve o'clock A. M. Saturday, February 11, 1905, be devoted to exercises in memory of Abraham Lincoln, to the end that his life may be honored and that the Legislature may derive the advantage and pleasure of recalling some of the events of a great period of American history; and be it

*Further resolved,* That a joint Senate and Assembly committee, to consist of three Assemblymen, be appointed by the Speaker of the Assembly, and two Senators, be appointed by the President of the Senate, have charge of such exercises.

Concurrent resolution read.

Mr. Goodrich moved the adoption of the resolution.

Concurrent resolution adopted, and on motion of Mr. Goodrich ordered to print, with "rush order," and to Senate.

## SPECIAL ORDERS.

Assembly Bill No. 617—An Act to amend an Act entitled "An Act to provide for the appointment of a deputy Supreme Court reporter, and to regulate his compensation," approved February 26, 1881.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Espey, Estudillo, Gaus, Goodrich, Hartman, Hawkins, Houser, Johnson, Johnstone, Jury, Lucey, Lumley, Manwell, McCartney, McNamara, Mindham, Moore, Perkins, Pyle, Rolley, Slaven, Thompson, Treadwell, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

## UNFINISHED BUSINESS.

Assembly Bill No. 46—An Act to amend an Act entitled "An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Passed on file.

Assembly Bill No. 48—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Passed on file.

Assembly Bill No. 49—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Passed on file.

Assembly Bill No. 187—An Act to amend an Act entitled "An Act relating to estrays, providing for taking up and giving a lien on them for



all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force, relating to estrays," approved March 23, 1901, by amending the second section thereof.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, Johnson, Johnstone, Jury, Lucey, Lumley, Manwell, McCartney, McNamara, Mindham, Moore, Perkins, Pyle, Rolley, Slaven, Thompson, Treadwell, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—46

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### SPECIAL FILE.

Assembly Bill No. 555 (Substitute for Assembly Bill No. 116)—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavits of registration.

Passed on file.

#### THIRD-READING FILE.

Assembly Bill No. 56—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justices' courts and justices.

Passed on file.

Assembly Bill No. 298—An Act to amend Chapter I of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, by adding a new section thereto, to be numbered Section 9, relating to the powers and duties of city recorders and city clerks, respecting the registration of deaths and the issuance and registration of burial and disinterment permits.

Passed on file.

Assembly Bill No. 301—An Act to amend Subdivision 20, of Section 25, of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to health officers and health regulations, and the powers of boards of supervisors in connection therewith.

Passed on file.

Assembly Bill No. 323—An Act to amend an Act entitled "An Act to establish a system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131a, relating to the powers and duties of the county recorder respecting the registration of marriages, births, and deaths.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Drew, Espey, Estudillo, Goodrich, Hartman, Hawkins, Johnson, Johnstone, Jury, Lucey, Lumley, Manwell, McCartney, McNamara, Mindham, Moore, Perkins, Pyle, Rolley, Slaven, Thompson, Treadwell, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—44

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

## SUBSTITUTION OF SENATE BILL ON FILE.

Mr. Dorsey moved that Senate Bill No. 82—An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violations hereof—be substituted on file in place of Assembly Bill No. 269, both bills being identical.

Motion carried.

Assembly Bill No. 269 withdrawn and ordered stricken from the file.

## THIRD-READING FILE—(RESUMED).

Assembly Bill No. 189—An Act to further perpetuate the markings of the Government survey.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Creighton, Cullen, Dorsey, Drew, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, Johnson, Johnstone, King, Lucey, Lumley, Manwell, McCartney, McNamara, Mindham, Moore, Perkins, Pyle, Rolley, Slaven, Thompson, Treadwell, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—46.

NOES—Mr. Cooper—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 365—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a State reform school for juvenile offenders, and to make an appropriation therefor,' approved March 11, 1889, by amending the title to said Act, and by amending Sections 1, 4, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by adding three new sections thereto, to be numbered, respectively, Sections 16a, 16b, and 16c, relating to a change in the name of the institution, and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State school located and established under the aforesaid Act and now maintained by the State of California at Whittier, in the County of Los Angeles therein," approved March 23, 1893.

Passed on file.

Assembly Bill No. 366—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and the Preston School of Industry, fixing the authority to examine and commit to such schools with the superior judges of counties, and fixing the responsibilities for which commitments are made to the State for the maintenance of the persons committed therefrom, providing for the manner of payment therefor, and fixing the responsibility of parents to the counties from which their children are committed," approved March 26, 1895.

Passed on file.

Assembly Bill No. 360—An Act regulating the grading of prisoners in the State Prison at San Quentin, in the State Prison at Folsom, and the Preston School of Industry at Ione.

Passed on file.

Assembly Bill No. 364—An Act giving to superior judges the right to impose indeterminate sentences, and prescribing the method of imposing the same.

Passed on file.

Mr. Treadwell moved to take up Assembly Bill No. 89 (No. 28 on file).

Motion carried.

Assembly Bill No. 89—An Act to amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time therefor.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Estudillo, Gans, Goodrich, Hartman, Hawkins, Johnson, Johnstone, Jury, Lucey, Manwell, McCartney, McNamara, Mindham, Moore, Perkins, Pyle, Rolley, Slaven, Thompson, Treadwell, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 541—An Act fixing the salaries of three assistant reporters of the decisions of the Supreme Court and District Courts of Appeal.

Passed on file.

Mr. McCartney moved that Assembly Bill No. 30 (No. 38 on the file) be now taken up in place of Assembly Bill No. 212 (No. 30 on the file).

Motion carried.

Assembly Bill No. 30—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissioners having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895, which became a law March 4, 1899.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, Johnson, Johnstone, Jury, Lucey, Manwell, McCartney, McNamara, Mindham, Moore, Perkins, Pyle, Rolley, Slaven, Thompson, Treadwell, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—45.

NOES—Mr. Espey—1.

Title read and approved.

Bill ordered transmitted to the Senate.

#### PRIVILEGE OF THE FLOOR.

On motion of Mr. Anthony, the privileges of the floor were extended to the Hon. J. M. Hanley, an ex-member of the Assembly.

## THIRD-READING FILE—(RESUMED).

Assembly Bill No. 176—An Act to amend Section 3788 of the Political Code of the State of California, relating to redemption of lands from tax sales.

Passed on file.

Assembly Bill No. 193—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

Passed on file.

Assembly Bill No. 44—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 94 of said Civil Code, relating to extreme cruelty as a cause of action for divorce.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Espey, Estudillo, Gans, Goodrich, Hawkins, Houser, Johnson, Johnstone, Jury, Lucey, Lumley, Maxwell, McCartney, McNamara, Mindham, Moore, Perkins, Pyle, Rolley, Slaven, Thompson, Treadwell, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—45  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 457—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expense of actions, alimony, and actions for maintenance and support.

Passed on file.

Assembly Bill No. 72—An Act to amend Section 595 of the Civil Code, relating to the amount of real estate which may be held by certain corporations.

Passed on file.

Assembly Bill No. 251—An Act to add a new section, to be numbered and designated as Section 321b, to an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to regulating the giving and use of proxies to vote corporate stock at any meeting of the stockholders of any corporation organized under the laws of this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Espey, Estudillo, Gans, Goodrich, Hawkins, Houser, Johnson, Johnstone, Jury, Lucey, McCartney, McNamara, Mindham, Moore, Perkins, Pyle, Rolley, Slaven, Thompson, Treadwell, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—43.  
NOES—None.

Title read and approved.

Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Passed on file.

Assembly Bill No. 155—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Passed on file.

Assembly Bill No. 410—An Act to amend Section 2653 of the Political Code, relating to highways.

Bill read third time, and passed on file.

Assembly Bill No. 443—An Act to provide for the location and acquirement of mining claims on salt marsh and tide lands owned by the State of California.

Passed on file.

Assembly Bill No. 185—An Act to provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects.

Passed on file.

Assembly Bill No. 439—An Act to provide for the disposition of the funds which may hereafter be collected by the State of California from the United States in payment of the claims arising out of the War of the Rebellion.

Passed on file.

Assembly Bill No. 353—An Act to amend Section 6 of an Act entitled "An Act to provide for compiling, electrotyping, printing, binding, copyrighting, and distributing a State series of school textbooks, and appropriating money therefor," approved March 15, 1887.

Passed on file.

Assembly Bill No. 171—An Act to amend Section 1617 of the Political Code, relating to boards of school trustees and city boards of education.

Passed on file.

Assembly Bill No. 172—An Act to amend Section 1634 of the Political Code, relating to school census marshal.

Passed on file.

Assembly Bill No. 207—An Act entitled "An Act to amend Section 1772 of the Political Code of the State of California," relating to certificates upon examination.

Passed on file.

Assembly Bill No. 272—An Act entitled "An Act to amend Section 1670 of the Political Code of the State of California," relating to the establishment of high schools.

Passed on file.

Assembly Bill No. 173—An Act confirming the organization of school districts.

Passed on file.

Assembly Bill No. 77—An Act entitled "An Act to amend Section 443 of the Political Code of the State of California," relating to the State School Fund.

Passed on file.

Assembly Bill No. 447—An Act to amend Section 443 of the Political Code of the State of California, relating to the amount of money to be raised for each census child by State tax.

Passed on file.

Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all courts of this State.

Passed on file.

Assembly Bill No. 249—An Act to amend Section 1621 of the Political Code, relating to boards of school trustees and city boards of education.

Passed on file.

Assembly Bill No. 194—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts.

Passed on file.

Assembly Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

Passed on file.

Assembly Bill No. 532—An Act protecting the claims of those who may furnish materials or labor for the working or developing of mining properties under powers which are obtained by bond or a trust deed.

Passed on file.

Assembly Bill No. 125—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of State and county school funds.

Passed on file.

Assembly Bill No. 273—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 3788½, relating to the time within which deeds must be executed for property sold for delinquent taxes to purchasers other than the State of California.

Passed on file.

#### BILL REFERRED TO SELECT COMMITTEE.

Mr. Dorsey moved that Assembly Bill No. 349—An Act to create and maintain a public highway between the counties of Los Angeles and Kern—be referred to a select committee, consisting of the Committee on Judiciary, for further consideration and amendment.

Motion carried.

#### RECESS.

At twelve o'clock and ten minutes P. M., on motion of Mr. Atkinson, a recess was declared until two o'clock and thirty minutes P. M., this day.

#### REASSEMBLED.

The Assembly reconvened at two o'clock and thirty minutes P. M.  
Speaker Hon. Frank C. Prescott in the chair.

#### BILL TAKEN UP OUT OF ORDER.

Mr. Waste moved that Assembly Bill No. 360 (No. 26 on the file) be now taken up for the purpose of amendment by a select committee.

Motion carried.

Assembly Bill No. 360—An Act regulating the grading of prisoners in the State Prison at San Quentin, in the State Prison at Folsom, and the Preston School of Industry at Ione.

Bill read third time on a previous day.

Mr. Waste moved that a select committee of one be appointed to amend Assembly Bill No. 360, as follows:

By striking out of line 18, Section 1, page 2, of printed bill, the letter "A," and inserting in lieu thereof the letter "B."

Motion carried.

Mr. Waste was appointed such select committee.

## REPORT OF SELECT COMMITTEE OF ONE

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1905

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 360—An Act regulating the grading of prisoners in the State Prison at San Quentin, in the State prison at Folsom, and the Preston School of Industry at Ione—and do now report the same back and recommend that the same do pass as amended.

WASTE, Committee.

Report of select committee adopted.

Assembly Bill No. 360 ordered to reengrossment, reprint, and on file for passage.

## THIRD-READING FILE—(RESUMED).

Assembly Bill No. 585—An Act to amend Section 1898 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the disposition of moneys received by the State on a sale of lands acquired by the State at tax sales.

Passed on file.

Assembly Bill No. 453—An Act to appropriate \$20,000 for the improvement of Big Basin Park.

Passed on file.

Assembly Bill No. 218—An Act to amend Section 2690 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings on approval of viewer's report in the matter of public highways

Passed on file.

Assembly Bill No. 10—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Passed on file.

Assembly Bill No. 258—An Act to amend Section 731 of the Code of Civil Procedure of California, relating to the abatement of private and public nuisances.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, Jarvis, John, Johnson, Johnstone, Lucey, Lumley, McCartney, McNamara, Mindham, Moore, Perkins, Pyle, Rolley, Slaven, Thompson, Treadwell, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 437—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Passed on file.

Senate Bill No. 53—An Act to amend Section 3457 of the Political Code of California, relating to the nature and legal life of warrants of reclamation districts in the State of California.

Passed on file.

Senate Bill No. 146—An Act regulating the hours of service on regular duty of members of the fire department of cities of the first class and cities and counties.

Passed on file.

Senate Bill No. 38—An Act amending Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Drew, Duryea, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, Jarvis, John, Johnson, Johnstone, Lumley, Manwell, McCartney, McNamara, Mindham, Moore, Perkins, Pyle, Rolley, Slaven, Thompson, Treadwell, Vogel, Waste, Whiting, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 218—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

Passed on file.

Senate Bill No. 94—An Act to provide for the payment of the claim of John F. Forward, County Recorder of San Diego County, for recording tax deeds to the State of California, and making appropriation therefor.

Passed on file.

Senate Bill No. 18 (Substitute for Assembly Bill No. 179)—An Act to amend Section 813 of an Act entitled "An Act to provide for organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fire departments of cities of fifth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, Jarvis, Johnson, Johnstone, Lucey, McCartney, McNamara, Mindham, Moore, Perkins, Pyle, Slaven, Thompson, Treadwell, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—44.

NOES—Messrs. Creighton, and Lumley—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 77—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Mendocino State Hospital for the Insane.

Passed on file.

Senate Bill No. 114—An Act entitled "An Act to amend the Civil Code of the State of California," relating to the amount of real estate which may be held by corporations whose object is not pecuniary profit.

Passed on file.

Senate Bill No. 186 (Substitute for Assembly Bill No. 245)—An Act making an appropriation to pay the claim of R. B. Young for materials, labor, and insurance premiums paid in the construction and erection of the Whittier State School.

Passed on file.

Senate Bill No. 143—An Act to amend Section 850 of the Code of Civil Procedure, relating to notice of trial or hearing thereof in justices' courts.

Bill read second time, and ordered on third-reading special Senate file.



Senate Bill No. 462 (Substitute for Assembly Bill No. 615)—An Act to provide for the acquisition of the Old Mission at Sonoma, of Fort Ross property, of the landing place at Monterey of Junipero Serra, and the Old Theatre property at Monterey, and providing for the preservation, maintenance, protection, and improvement of said properties.

Bill read second time, and ordered on third-reading special Senate file.

#### LEAVE OF ABSENCE.

Mr. Atkinson requested leave of absence—which was granted for the day—to Mr. Jones of San Francisco, on account of sickness in his family.

#### RESOLUTION—(OUT OF ORDER).

Mr. McCartney was granted leave to offer (out of order) the following resolution:

(To report on the status of the files.)

WHEREAS, Several newspapers of this State have published from time to time statements to the effect that this House is negligent concerning its business, general public duties, and the welfare of the people, and that this House is far behind with its business as compared with other sessions as to the amount of business transacted at this date of the session, and in view of such statements and publications, currently reported; it is

Resolved, That the Committee on Rules and Regulations be, and said committee is, hereby directed to report to this House, on the next legislative day, the exact condition and progress of the business of this House as compared with the Senate and other sessions of the Legislature.

Resolution read and adopted.

#### EXCUSED FOR TWO HOURS.

Mr. Cleveland, at his request, was excused for two hours during the afternoon.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 590—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1365 thereof, relating to the persons who shall be entitled to administer estates of deceased persons, and the order in which such persons shall be so entitled.

Passed on file.

Assembly Bill No. 522—An Act creating the office of Public Defender, fixing his duties and compensation, and providing him with a contingent fund with which to properly carry out the duties thereof.

Passed on file.

Assembly Bill No. 576—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Goodrich, Hawkins, Houser, Jarvis, John, Johnson, Johnstone, Lucey, Lumley, Maxwell, McCartney, McNamara, Mindham, Moore, Perkins, Pyle, Rolley, Slaven, Thompson, Treadwell, Vogel, Waste, Whiting, and Mr. Speaker—45.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

## SPECIAL ORDER.

At three o'clock P. M. the Speaker called up Senate Bill No. 82, which had been made a special order for this hour.

Senate Bill No. 82—An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Burke, Busick, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Goodrich, Hawkins, Houser, Jarvis, John, Johnson, Lucey, Lumley, McCartney, McNamara, Mindham, Moore, Perkins, Pyle, Rolley, Slaven, Thompson, Treadwell, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—43.

NOES—Mr. Chandler—1.

Title read and approved.

Bill ordered transmitted to the Senate.

## THIRD-READING FILE—(RESUMED).

Assembly Bill No. 446—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 2955 of said Code, in regard to chattel mortgages, designating what property may be mortgaged.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Burke, Chandler, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Goodrich, Hawkins, Houser, Jarvis, John, Johnson, Lucey, Lumley, Manwell, McCartney, McNamara, Mindham, Moore, Perkins, Pyle, Rolley, Slaven, Thompson, Treadwell, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

## NOTICE OF MOTION TO RECONSIDER.

Mr. Walsh gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 251 was passed this day.

## THIRD-READING FILE—(RESUMED).

Assembly Bill No. 330—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 680, making it a misdemeanor for any person, or corporation, to negligently permit, suffer, or cause barb-wire to lie unrolled or loose upon the ground.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Hawkins, Jarvis, John, Johnson, Lucey, Lumley, Manwell, McCartney, McNamara, Moore, Perkins, Pyle, Rolley, Slaven, Thompson, Treadwell, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—42.

NOES—Messrs. Goodrich and Houser—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 34—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, by amending Section 3 of said Act, and an Act amendatory thereof, approved March 27, 1895.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burke, Busick, Cooper, Coyle, Cullen, Duryea, Espey, Gans, Goodrich, Jarvis, John, Johnson, Lucey, Lumley, Manwell, McGowan, McNamara, Mindham, Perkins, Pyle, Rolley, Slaven, Treadwell, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—36

NOES—Messrs. Burge, Chandler, Cleveland, Creighton, Dorsey, Drew, Estudillo, Hawkins, Johnstone, McCartney, Moore, and Thompson—12.

#### NOTICE OF MOTION TO RECONSIDER.

Mr. McCartney gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 34 was this day refused passage.

Assembly Bill No. 93—An Act making an appropriation to pay the judgment of J. R. Hanify against the State of California for damage sustained by the breakage of Fremont-Street Wharf in the City and County of San Francisco.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, Jarvis, John, Johnson, Johnstone, Lucey, Lumley, Manwell, McCartney, McNamara, Mindham, Moore, Perkins, Pyle, Rolley, Slaven, Thompson, Treadwell, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—48

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 462—An Act to amend Sections 1917 and 1920 of the Civil Code, relating to legal interest.

Passed on file.

Assembly Bill No. 350—An Act to prevent the payment of municipal officers out of the funds of the county

Passed on file.

Assembly Bill No. 401—An Act to amend Section 6 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, Jarvis, John, Johnson, Johnstone, Lumley, Manwell, McCartney, Mindham, Moore, Perkins, Pyle, Rolley, Slaven, Thompson, Treadwell, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—44.

NOES—Messrs. Beckett, Burge, Lucey, and McNamara—4.

Title read.

## TITLE AMENDED.

Mr. Drew moved to amend the title of Assembly Bill No. 401, as follows:

Add at the end of title the following: "approved March 27, 1895."

Amendment adopted.

Assembly Bill No. 401 ordered to reengrossment, reprint, and on file for approval of title, as amended.

## RECESS.

At four o'clock and seven minutes P. M., on motion of Mr. Atkinson, a recess was declared until seven o'clock and thirty minutes P. M. this day.

## EVENING SESSION.

The Assembly reconvened at seven o'clock and thirty minutes P. M. Speaker pro tem. Hon. T. E. Atkinson in the chair.

## SENATE MESSAGES.

Mr. McCartney moved to take up Senate messages.  
Motion carried.

## SENATE CHAMBER, SACRAMENTO, February 6, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 215—An Act to repeal Section 8 of the Civil Code, and to amend Section 9 thereof, both relating to holidays.

Also: Senate Bill No. 308—An Act to amend Section No. 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution.

Also: Senate Bill No. 309—An Act to amend Section 3517 of the Political Code in reference to redemption of property sold to the State for delinquent taxes.

Also: Senate Bill No. 406—An Act providing for the appointment, by the County Superintendent of Schools, in counties so desiring, of a supervisor of nature study.

Also: Adopted Assembly Joint Resolution No. 6—Relating to statehood of Arizona and New Mexico

Also: Passed Senate Bill No. 270—An Act to amend Sections 2, 3, 5, 7, 10, and 13, to repeal Section 16, to renumber Section 17 so as to read Section 16, of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State Home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897

Also: Senate Bill No. 459—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties, and providing for their compensation.

Also: Amended, and passed as amended, Assembly Bill No. 54—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justices' courts

Also: Amended, and passed as amended, Assembly Bill No. 55—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

And adopted: Senate Joint Resolution No. 6—Relative to the furnishing of rifles for the Sons of Veterans.

Also: Passed Assembly Bill No. 227—An Act to amend Section 1 of an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors and, marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, relating to the burial of soldiers who served in the war with Spain and in the Philippine insurrection.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 215 and 227 and Assembly Joint Resolution No. 6 were ordered to enrollment.

Senate Joint Resolution No. 6 referred to Committee on Military Affairs.

Senate Bills Nos. 308, 309 and 406 read first time, and referred to Committee on Judiciary.

Senate Bill No. 270 read first time, and referred to Committee on Commissions and Public Expenditures.

Senate Bill No. 459 read first time, and referred to Committee on Commerce and Navigation.

#### CONSIDERATION OF SENATE AMENDMENTS POSTPONED.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 54?"

On page 1, Section 1, line 8, add after the word "court" and before the word "whether" the following: "that is maintained, and the salaries of the officers thereof paid by the city."

On motion, the further consideration of Senate amendment to bill was postponed for one day.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 55?"

On page 1, Section 1, line 11, after the word "court" add the following: "that is maintained, and the salaries of the officers thereof, paid by the city."

On motion, the further consideration of Senate amendment to bill was postponed for one day.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

##### ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1905.

MR. SPEAKER: Your Committee on Public Buildings and Grounds visited the State Normal School at San Diego, California, January 25, 1905.

We found the school under good management (Professor Samuel T. Black being in charge), and in a prosperous condition. The attendance at present being about 387 pupils. To improve the grounds according to plans prepared by Parson & Cook, landscape gardeners, of New York, it will be necessary to expend in the year 1905 the sum of \$4,000, and the year 1906, \$2,000, and to make the necessary connection with the city sewer system, according to the city engineer's estimate, it will take \$900, and to build walks and curbing, which are actually necessary and required by the city ordinance, it will take over \$3,000. We believe these improvements are absolutely necessary, and should be provided for without delay. The building is in good repair, being one of the handsomest and most practical buildings from an architectural point of view in the State, costing \$104,000, and the campus, of seventeen and a fraction of acres, was donated by the people of San Diego, and is now valued at about \$50,000. The location is most beautiful and healthful, and we consider it an ideal place for an educational institution as the climate of San Diego is so equable and the moral surroundings are good.

Respectfully submitted.

BARNES, Chairman.  
DORSEY.  
ROLLEY.  
ARNERICH.  
BRANSTETTER.

BRANSTETTER,  
McNAMARA,  
ARNERICH,  
Special sub-committee.  
COOPER  
VOGEL  
SLAVEN.  
McNAMARA.  
LUCY  
MINDHAM.

Also:

MR. SPEAKER: Your Committee on Public Buildings and Grounds visited the State Normal School at Los Angeles, and make the following report:

We visited the school and made a thorough investigation. The superintendent very kindly showed us all over the school and showed us all the buildings, and explained in every way the needs of the school.

The school is situated in the resident district of Los Angeles. The superintendent contends that the location is undesirable, for the reason that the grounds are, and

always have been, a highway for a large number of people, mostly transient, who live in the vicinity, and the annoyance occasioned by this circumstance is very great. In the daytime they cannot close their grounds, and to do so at night would incur an expense of several thousand dollars. A watchman is employed at night, but he claims this is not sufficient protection. He claims the gardens have been destroyed repeatedly, and experiments in connection with nature study, elementary science, and agriculture destroyed. He says improper characters, drunken loafers and tramps, have to be driven away often, and no year passes without the occurrence of cases of violence. He claims the grounds are not large enough, there being only about four and a half acres enclosed by boundaries. He claims more space is needed for playgrounds for the children and for an athletic field for normal students.

The buildings of the school are situated upon a spur of the high bluff to the north, and all approaches, except that on the north, are very steep, and require the use of flights of stairs. Taking as a point from which to measure, the corner of Fifth and Olive streets, which is one block distant from the main entrance to the grounds, and marks pretty freely the general elevation of the city, the main entrance to the grounds is 34 feet above that point. The buildings of the school are not in the best of condition, and repairs are needed on almost all of the buildings. Instead of one building constructed upon a plan designed to make future additions possible, there are three buildings, each constructed after its own plan of immediate needs, but all joined together to give the semblance of one building. The building is, therefore, without any unity of design, a fact which is productive of great inconvenience. The first addition to the building used was its east wall, the west wall of the original structure; the latter wall was thus made to carry a weight two or three times that for which it was intended. Large archways were cut in this wall to extend the corridors of the old into the new; the result has been a serious settling of the partition wall for a considerable distance on both sides of the arches. Whether or not the condition is a serious one, is not certain; but it produces a very unsightly effect, and naturally leads to anxiety.

The building is not arranged properly for school purposes; a great many of the rooms are very dark. This was caused by additions being built to the building. The building is also very improperly heated—most of the rooms being heated by stoves, and that is a very unsatisfactory way. The gymnasium has two stoves, but because of its size, the height of the unsealed roof, and the general loose structure, it can not properly be heated by stoves, and on that account at times the gymnasium can not be used. The building is very poorly ventilated. The architects who planned the building made no provision for ventilation in the original building. A ventilation by open grates, as planned for the second addition, has not proved practical. Some attention should be paid to the ventilation of the building.

The superintendent estimated the land upon which the school now stands could be sold for from \$150,000 to \$175,000. That would be a sufficient sum, according to his estimation, to build a new, modern sanitary and commodious building or buildings. We investigated very thoroughly and tried to arrive at the valuation of the land, from all the sources that we could, and as near as we could find out, the land is worth between \$200,000 and \$250,000. We do not think it would be advisable to offer the property for a less sum than \$200,000.

BARNES, Chairman.  
ROLLEY.  
SLAVEN.  
LUCEY.  
MINDHAM.  
VOGEL.

COOPER.  
ARNERICH  
BRANSTETTER  
DORSEY.  
McNAMARA.

Also:

MR. SPEAKER: Your Committee on Public Buildings and Grounds thoroughly examined the California Polytechnic School at San Luis Obispo, in San Luis Obispo County, and were treated with the greatest courtesy by the officials in charge of said institution.

There are 281 acres owned by the institution. Within this area are 1 school house, 1 dormitory, 1 blacksmith shop 1 stable, 1 poultry house, and 1 cow barn, the latter in course of construction by the students.

In front of the school house it is proposed by the officials in charge to lay out and plant a garden consisting entirely of plants and flowers native to California.

One hundred and fifty of the 281 acres is arable land, and the greater part of it is at the present time under cultivation. The other half is hilly pasture land, capable of supporting the dairy.

It is worthy of note that the land belonging to the school has proven a good investment, inasmuch as it was purchased for \$7,910, and is now valued at \$17,000.

As a matter of information to the members of the Assembly it may be stated that the California Polytechnic School was opened for its first term October 1, 1903. At that date the buildings were barely finished and the classes labored under many disadvantages for several months. These conditions in a great measure kept down the attendance during the first year. Notwithstanding all this the first year's work closed on June 23, 1904, with very satisfactory results. The opening of the second year showed a considerable increase in attendance.

The total enrollment for the first year was 20, and represented the following counties: San Luis Obispo, 7; Monterey, 1; Santa Barbara, 3; El Dorado, 1; Santa Clara, 1; San Diego, 1; Orange, 1; Tulare, 1; and Ventura, 1. The enrollment for the year 1904-05 on

November 1, 1905, reached the number of 52, of whom 40 are boys and 12 are girls, which is more than double the first year's enrollment. Fifteen of last year's students have enrolled for the second year. The students are from various sections of the State, and represent the following counties: San Luis Obispo, 23; Santa Barbara, 8; Orange, 3; Riverside, 1; Ventura, 1; Kern, 2; Los Angeles, 2; Santa Clara, 2; Tulare, 4; El Dorado, 1; San Francisco, 2; Alameda, 1; Sacramento, 1; Fresno, 1.

The students are divided as to course of study, as follows: Agriculture, 20; mechanics, 13; domestic science, 12; unassigned, 7. The last number are taking the regular first year work, and will later decide upon their final course of study. It is a notable fact that the large majority of the students have entered with the expectation of completing the regular course of study.

The committee found all the classes diligently at work when it visited the school. The boys who composed the class in carpentry were having a practical lesson in the work of erecting a barn which is to remain a permanent fixture on the grounds. In following out this method of instruction the trustees of the school are duplicating the plans in vogue at the State Agricultural Colleges in Iowa, Kansas, and Minnesota, where many of the minor buildings of those institutions were constructed solely by student labor. In speaking of this matter the first biennial report of the board of trustees of the school says:

"It has been the desire, and indeed it is a worthy one, that students should do as much as possible of the actual construction of the smaller buildings used by the school. In this matter the student is instructed in practical construction and the school is expected to have its buildings erected more economically. During the first school year the students constructed a poultry house, 12 by 20 feet, with double yards, 20 by 150 feet. The material for completing the building and yards cost a trifle over \$100. The forging shop was partly constructed by the students. All of the framing of the building, including the trusses for the roof, was done by the students as class instruction. All of the work done by them in this way has been most creditable."

A class in forging was found at work and the class of 12 girls in domestic science was at work in the sewing-room under the direction of a competent instructor, Miss Howell, lately from the Throop Polytechnic, at Pasadena.

The school is in an undeveloped condition, but its present classes are doing excellent work, and the institution is rapidly gaining in popularity and usefulness. It supplies a kind of education which appeals to those desiring to fully equip themselves for the practical affairs of life. It is designed to produce expert mechanics, carpenters and farmers, and equip young ladies with all the education in domestic art which will make them intelligent and noble homemakers.

The board of trustees and the instructors have received many requests from various sections of the State from young men who seek instruction in electrical construction, and an appropriation is asked for to construct and equip a building for this purpose. The request seems just and if anything the amount asked for is too small.

One of the strongest features of the school is the class in domestic science and the faculty has received applications for instruction in that line which justify them in the belief that with proper accommodations, a class of fully one hundred girls can be secured. The school is asking for an appropriation of \$15,000 for the construction of a domestic science hall. The biennial report of the trustees in reference to the matter says:

"The growth of our school in its second year has shown that the pressing need of the institution is for a larger building to accommodate the necessary increase that there must be in laboratories, drawing rooms, and recitation-rooms. For two years past the thought has been that the next building which we should need would be one devoted to the study of domestic science and for a girls' home."

The school is in need of money to develop a water supply. There is every indication that a bountiful supply can be procured with a moderate expenditure.

In asking for appropriations the board of trustees has cut down the estimate made to the Controller and they state that the appropriations asked for are absolutely essential and as low as they can be placed for the proper care and development of the school.

We found all buildings in excellent condition and that there is an abundant evidence that the students are carefully taught and that the institution is a most excellent one, and very deserving of your consideration and further support.

BARNES, Chairman.  
DORSEY.  
ROLLEY.  
ARNERICH.  
BRANSTETTER.  
COOPER.

VOGEL.  
SLAVEN.  
MCNAMARA.  
LUCY.  
MINDHAM.

Also:

MR. SPEAKER: Your Committee on Public Buildings and Grounds make the following report of the condition of the State Normal School at San José, Cal.:

*Grounds.*—The grounds consist of over twenty acres. At present three men are employed as gardeners. The head gardener receives \$50 per month and the two assistants \$45 each. The wages (although small) paid these men takes practically all the appropriation for grounds. In our judgment a further appropriation should be made for this purpose.

*Buildings.*—The main normal school building is in good condition. The training school building should be repainted.

*Needs of the School.*—The present library facilities are entirely inadequate and more room is absolutely necessary. The attendance in the school has largely increased during the past three years, and more class-rooms are needed. The president of the school suggests that a library and gymnasium building combined will give more rooms and will be a practical solution of the problem.

*Gymnasium.*—A well-equipped gymnasium is now considered an absolute necessity in every normal school. The San José State Normal School was established in 1862 and has never had a gymnasium or proper facilities for the development of athletics.

*Library.*—The present library will accommodate not more than 100 students. At times during the day there are at least 250 or 300 who desire to use it. The books are not properly housed and there should be sufficient library room for at least 300 students.

BARNES, Chairman.	SLAVEN.
DORSEY.	ARNERICH.
ROLLEY.	McNAMARA.
BRANSTETTER.	LUCEY.
COOPER.	MINDHAM.
VOGEL.	

Also:

MR SPEAKER: Your Committee on Public Buildings and Grounds make the following report of Woman's Relief Corps Home Association.

(1) One large room for servants, to be built on in the rear of the building and finished below, in order to enlarge the basement, at an estimated cost complete, of .....	\$800 00
(2) Painting the whole building, inside and outside, together with the two tanks, windmill, etc., which will have to be done within two years .....	800 00
(3) Repairs and additions to barns, chicken houses, and fences .....	300 00
(4) New pump and piping in the well .....	300 00
(5) Sewerage conduits .....	100 00
(6) Incidentals, for four years .....	200 00
Total .....	\$2,500 00

Nothing is asked for in the way of maintenance, as enough was allowed two years ago to reach—with the aid that the various relief corps throughout the State give to the home—until the next session of the Legislature, two years from now. As you can readily appreciate, the \$12.50 per month for each inmate does not nearly equal the expense of caring for the home family.

A gasoline engine with house and appliances for the same, has been purchased within the past two years from funds donated by the corps, as the State appropriation for repairs and improvements, made four years ago, had been exhausted, the same having been cut down from the original estimate.

It is not the intention, two years from now, to ask for anything for repairs and improvements, if the above amount is allowed, which it certainly ought to be, but at that time, of course, a bill will be introduced for maintenance. In this way the amounts are not running together, which has been thought to be a much better plan.

Judge Henry C. Dibble, George Stone, A. W. Barrett and Messrs. Hawley and McGinley of San José are members of the Advisory Board and are all anxious to have the bill passed.

This detailed report is made by P. J. Arnerich, who was appointed as a sub-committee of one to make such report.

BARNES, Chairman.	VOGEL.
DORSEY.	SLAVEN.
ROLLEY.	McNAMARA.
ARNERICH.	LUCEY.
BRANSTETTER.	MINDHAM.
COOPER.	

Also:

MR SPEAKER: Your Committee on Public Buildings and Grounds arrived at the Lick Observatory about 7 o'clock in the evening of January 28, 1905, and was immediately taken in charge by Prof. W. W. Campbell, Director of the Observatory. The Professor and his assistants were untiring in their efforts to give us full information concerning the Observatory. The committee remained over night and made a close inspection of the institution. Several improvements should be made, and considering the fact that the State has been to very little expense in keeping up this wonderful institution, we recommend that such appropriations be made as will carry out the ideas expressed in this report.

*Electric Plant.*—The Observatory is very far behind the times in the matter of a suitable electric plant and this constitutes by far the most pressing need of the institution. The plans for the institution were made in the late seventies and carried out in the early eighties, before it was known what electricity would do, or that it would become a necessity, and an electric plant was not included in the installation. Partly to remedy this default, the Edison Electric Company presented a 3-horsepower electric plant to



the Observatory in 1892. It included a steam engine, a 1-kilowatt generator and a storage battery of small capacity. This has been used every clear night in the scientific work, currents sometimes being drawn off in small quantities at a dozen different points in the observing domes. Not only have the scientific requirements greatly overgrown the capacity of this plant (equal to only fifteen lamps of 16-candlepower each), but the work of the Observatory is suffering both in quality and quantity. It is proposed to install a plant, which shall not only meet the strictly scientific needs but that the buildings may be lighted by electricity instead of coal oil and that the heavy mechanical work may be done by electric power instead of by the variety of uneconomical methods now employed. The principal purposes of the proposed electric plant are as follows:

(a) To supply current required all night long, every clear night, in the scientific work now in progress, and to permit the development of other lines which we cannot now pursue. By way of illustration—the quantity of current at present available to maintain the spectroscopes at constant temperature is so small that, on those nights when the temperature falls rapidly, the work must stop for a few hours, and the enforced idleness of the expensive telescope is uneconomical.

(b) To illuminate all the Observatory buildings, including the residences of the astronomers, by electric light (current used in residences to be paid for, at cost price, by the occupants). Everything is now illuminated by kerosene lamps. This system is unsatisfactory, for many reasons. The work demanded to haul the oil from San José, fill the lamps, and keep them in order, is a serious task. More important still is the element of danger from fire. Fire risks are unusually great, not only on account of the general use of lamps and matches, but of the proximity of the buildings to each other, and of the frequent high winds. The buildings are not fire-proofed in any way. The subject is on my mind literally from week to week, and precautions are taken to minimize the danger, but the greatest source of danger should be removed by substituting electric illumination. The main building alone uses thirty-eight oil lamps. This building and contents, including the great telescope, is valued at not less than \$350,000. No insurance is carried.

(c) To supply power for moving the great domes, winding the heavy driving clocks of the telescopes, pumping water, etc.

The steel dome of the Crossley Reflector, presented to the Observatory in 1893, is 40 feet in diameter, weighs 15 tons, and is rotated by hand. The telescope itself is propelled by a clock whose driving weight of 750 pounds is wound up 8 feet every 25 minutes, by hand. These two pieces of work are exceedingly laborious, and should be done with electric motors. The strength of the observers should go into their scientific work and not into this heavy manual labor.

The 75-foot steel dome covering the great telescope is operated by a triple hydraulic engine. This system is not satisfactory; the speed of the dome is very slow, the engine is complex and requires constant attention, and every four or five years demands a general overhauling. Electric motor power would save the observer's time every night, and be more economical in operation and maintenance. The 350-pound driving weight of the great telescope, which must be wound up 18 feet every two hours, should also be operated by an electric motor.

The water for domestic and photographic purposes is supplied by a spring. The pump which lifts the water from the spring catchment reservoir to the distributing and storage reservoir 400 feet higher is operated by steam generated with wood fuel. This plant has been in use a long time and in a few years will have to be replaced. The engineer's services are constantly required, when the steam pump is running, to feed the boiler and fire. This pump should be operated by a motor, with current supplied from the central station, the power would cost less, and the engineer would need to spend only a few minutes a day at the pump.

The spring referred to above is of sufficient capacity to meet the needs of the institution in years of normal rainfall, but in years of small rainfall, the supply is inadequate. We are informed by Professor Campbell that on two occasions in recent years, each lasting for several months, the supply was totally inadequate; they worked on short allowance, reduced to the lowest limit and some of the astronomical work (photography) ceased. Additional water supply should be developed, and there is a simple way to do this. The small spring at present used is north of and 400 feet below the distributing reservoir on the summit. There is a very large spring, flowing several times as much water, south of and 680 feet below the reservoir. The leading pump manufacturers in San Francisco guarantee that an automatic pump placed 200 feet below the spring will lift one seventh of the total flow up to the reservoir, the other six sevenths going to operate the pump. This would more than double the water supply, at a cost of only \$1,200 for the pump, pump-house, pipe and labor, which item is included in the estimate given below. The pump would operate and lubricate itself, and require only occasional attention.

Another system of water-works, which supplies hydraulic power for moving the great dome and its rising floor, is operated by windmills. This system is satisfactory as to the moving floor, except in the fall months when there is little wind. During these months the supply in the high reservoir (130 feet higher than the Observatory buildings) is short. The result is that, nearly every fall, the great telescope is practically useless for a few weeks; and, what is more serious, when the reservoir is empty, the Observatory is without adequate fire protection. The regents in order that this situation should not arise again, have purchased an auxiliary pump ready to be installed for lifting water to the reservoir when the wind fails. This pump should be run by electricity. If this is not available, it must be installed for steam.

The machine tools in the instrument-making shop are now driven by a very small gasoline engine, which also drives the 1-kilowatt generator.

At least a dozen primary batteries for doing special small pieces of work are now maintained at various points in the buildings.

It is the unanimous opinion of this committee that the heterogeneous and uneconomical systems of power and lighting should be replaced by a simple and central electric plant, operated by a gasoline engine. This form of engine requires no engineer, one does not have to get up steam, and the fuel consumed is regulated automatically by the work done. The instrument-maker would start it, oil it and stop it.

The officers of the General Electric Company have visited the Observatory to examine into the requirements, and have prepared plans for the plant to meet them, making no charge for the expert services of their engineers, nor for their traveling expenses. The General Electric Company further generously offers to provide their portion of the installation at the *factory cost price* plus the transportation charges. The storage battery and switchboard required is offered to the Observatory by another company at dealers' rates. The gasoline engine is offered at 33 $\frac{1}{4}$ % below retail price. The pumps, water pipe and all other items (except labor) are quoted at favorable rates. The brick required for the small engine room and in foundations, and the wooden catchment reservoirs for the new spring, are already on the ground. On the above favorable terms the estimated cost of the complete plant is as follows:

17-horsepower gasoline engine, complete; 12-kilowatt generator, 220 to 320 volts, 134 storage battery cells, type 11E, complete; switchboard complete, with meters, etc.; 12 motors complete, with meters, etc.; two pumps, with connections; 2,000 feet heavy No. 2 water-pipe, valves, etc.; red-wood poles, cross-arms, insulators, etc.; copper wire, switches, sockets, lamps, etc.; plain lamp fixtures in buildings, adapting domes and clocks to electric power, cement and materials for engine house and piers; railway freight to San José; stage freight to the summit; labor of installation	
Total.....	\$9,712 11
Unexpected expenses, 3%.....	291 36
	<hr/> \$10,003 47

These figures cannot be reduced at all without crippling the plant. The proposed plant would cost a commercial firm much more than this sum.

**Photographic Laboratory.**—The necessity for a photographic laboratory, in combination with fire-proof vaults for storing their invaluable photographs, is apparent. Preliminary plans for a building were drawn in 1895 by Director Holden, and the idea was carefully considered, and approved, by Director Keeler. The present dark-rooms are distributed in various buildings, convenient in a certain sense, but they are a source of danger from fire. The Observatory buildings are not fire-proof, the subject apparently not having received attention from the constructors. The dark-room used in connection with the great telescope is in a dangerous location in the main building, and great care must be taken in its use; another dark-room is in the basement of the very valuable Meridian Circle House, a third is in a separate wooden building which becomes unbearably hot in the summer weather; and so on. There is likewise no space available for enlarging and making other copies of photographs. Apparatus for this purpose is sometimes set up temporarily in the great dome, again it is in the Meridian Circle House and quite frequently it is in the main corridor of the Observatory. The original negatives of astronomical subjects are of great value. A few of the most valuable ones are in the safe in connection with the director's office, and others are in various rooms.

It is highly desirable that all photographic requirements should be met by means of a separate photographic building containing suitable dark rooms, enlarging and copying rooms, and a fire-proof storage vault of considerable size.

A minimum appropriation of \$10,000 would provide the lumber, iron, labor, etc., in addition to such labor as the observatory workmen could supply, using brick now in the kiln at the institution.

**Water System.**—The drinking-water system, obtaining its supply from a spring, is of sufficient capacity in ordinary years, but in years of small rainfall the supply is inadequate. The residents of the mountain, as well as the photographic dark-rooms, etc., are then put on short allowance. On two occasions during the past five years the shortage has become embarrassing. There is another and larger spring about three fourths of a mile to the east of the present spring and some 250 feet lower. The use of both springs (in dry years only) would even more than meet present requirements. It is desirable that in the near future the necessary reservoirs, pumps and pipe systems be provided.

**Residence Space.**—More residence space is urgently demanded. The large brick dwelling house is fully occupied. Its unusually peculiar construction adapts it to the use of individuals, but not to family requirements. The director occupies a separate house of size just sufficient to meet the daily needs of his family. The inevitable demands upon him for entertainment of visitors make a small addition to his house necessary.

Two or more separate residences will be required in the near future. Mrs. Hearst gave money for one residence in 1903. One or two-room additions are greatly needed to some of the workmen's cottages.

The building and equipment of this institution has been of no expense to the State of California. The following are the donations made to this institution:

James Lick's bequest was for amount of.....	\$700,000 00
Value of land donated for reservation.....	10,340 00
(Observatory completed and began work, June 1, 1888.)	
Gifts from outside sources, from June 1, 1888, to December, 1900....	48,593 94
Gifts from outside sources, from December, 1900, to January, 1905	59,660 00

The director and all his assistants are deeply interested in their work, and too much cannot be said of the efficiency of the faculty of this institution. As regards the appropriation of \$10,000 for the building of an electric plant, we recommend a most favorable consideration of same, feeling as we do that it is an absolute necessity.

We also recommend an appropriation of \$10,000 00 by the Legislature for the purpose of building a photographic laboratory in combination with fire-proof vaults, according to the ideas hereinbefore set forth.

The other needed improvements mentioned in this report, consisting of additions to residences and reservoirs, pumps and piping for water system, we recommend to the favorable consideration of the next Legislature.

Respectfully submitted.

DORSEY, Special Sub-Committee.

BARNES, Chairman.	COOPER.
DORSEY.	VOGEL.
ROLLEY.	SLAVEN.
ARNERICH.	MCMAMARA.
BRANSTETTER.	LUCEY.
MINDHAM.	

#### PRIVILEGES OF THE FLOOR.

On motion of Mr. John, the privileges of the floor were extended to Hon. J. W. P. Laird, an ex-member of the Assembly.

#### INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

Mr. Beckett was granted leave to introduce a bill out of order.

By Mr. Beckett: Assembly Bill No. 858—An Act to create a commission to examine, take into consideration, arrange for, and devise plans for the removal of the annual State Fair of the State Agricultural Society to San Francisco, and within fifty miles thereof, and making an appropriation therefor.

Read first time, and referred to Committee on Agriculture.

#### SECOND-READING FILE.

Assembly Bill No. 327—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, relating to advertising estrays and the costs and expenses of redeeming them.

Passed on file.

Assembly Bill No. 208—An Act entitled "An Act to amend Section 1861 of the Political Code of the State of California," relating to the use of the State School Fund.

Passed on file.

Assembly Bill No. 154—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of trustees of cities of the fifth class.

Passed on file.

Assembly Bill No. 204—An Act to amend Section 636 of the Political Code, relating to the registration of life insurance policies and deposit of security with insurance commissioner thereof.

Passed on file.

Assembly Bill No. 351—An Act to amend Section 637 of the Penal Code of the State of California, relating to the taking and killing of meadow larks and wild birds other than game birds.

Passed on file.

Assembly Bill No. 274—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 172, relating to conveyances of real property by married men, and limiting the time in which to commence actions for the recovery of community property by wives.

Passed on file.

Assembly Bill No. 371—An Act to amend the Penal Code of California by adding a new section, to be numbered 345, relating to the manufacture, sale, or giving away of baneful or injurious food adulterants.

Passed on file.

Assembly Bill No. 631—An Act to amend an Act entitled "An Act to promote the horticultural interest of the State by providing county boards of horticulture," and repealing the Act entitled "An Act to protect and promote the horticultural interest of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891, approved March 31, 1897, relating to the destruction of the Russian thistle, or salt wort.

Passed on file.

Assembly Bill No. 696—An Act to amend an Act entitled "An Act to provide for the marking, branding, or labeling the boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions," approved March 20, 1903, by amending Sections 1 and 2 thereof.

Passed on file.

Assembly Bill No. 376—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1873, by amending Section 1624, prescribing what contracts must be in writing.

Passed on file.

Assembly Bill No. 819 (Committee Substitute for Assembly Bills Nos. 231, 455, 570)—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628a, 628b, 628c, 628d, and 632a, all relating to the protection and preservation of fish.

Passed on file.

#### ADJOURNMENT.

At seven o'clock and thirty-seven minutes P. M., on motion of Mr. John, the Speaker pro tem., Hon. T. E. Atkinson, declared the Assembly adjourned until to-morrow, Tuesday, February 7, 1905, at ten o'clock A. M.

## IN ASSEMBLY.

## ASSEMBLY CHAMBER,

Tuesday, February 7, 1905. }

The Assembly met at ten o'clock A. M., pursuant to adjournment.

Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Creighton, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Houser, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, Lucey, Lynch, Manwell, McCartney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—54.

Quorum present.

## LEAVE OF ABSENCE.

Mr. Hartman asked for and was granted leave of absence for one hour.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal of Monday, February 6, 1905, on motion of Mr. Bates, its further reading was dispensed with.

## READING AND APPROVAL OF JOURNALS.

The Journals of Thursday, February 2, Friday, February 3, Saturday, February 4, and Sunday, February 5, 1905, were read, corrected, and approved.

## PETITION.

Mr. Creighton presented the following petition from the Shasta County Medical Society, which was ordered printed in the Journal:

REDDING, CAL., February 3, 1905.

*To the Honorable Senate and Assembly of the State of California, in Legislature assembled*  
At a meeting of the Shasta County Medical Society held in Redding, Cal., January 25, 1905, the following resolutions were unanimously adopted:

*Resolved*, That the Shasta County Medical Society is emphatically and unalterably opposed to Assembly Bill No. 267, repealing parts of the present medical law, which we regard as entirely satisfactory and almost ideally perfect, whose validity has recently been sustained by the highest courts of the State, and which protects the profession and the public alike from the charlatan and the quack, and excludes from practice the uneducated graduates from mercenary and disreputable medical colleges; and substituting provisions which we regard as unfair and unjust, and a virtual repeal of the present eminently satisfactory law.

*Resolved*, That our representatives be hereby instructed and urged to use every possible endeavor to defeat the passage of said bill, together with all similar attempts to alter, amend, or repeal the existing statute.

R. F. WALLACE, Secretary.

## REPORTS OF STANDING COMMITTEES.

Reports from standing committees were submitted and read, as follows:

## ON UNIVERSITIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1905.

MR. SPEAKER: Your Committee on Universities, to whom was referred Assembly Bill No. 623—An Act to appropriate \$25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such

appropriation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WASTE, Chairman

Assembly Bill No. 623 ordered on second-reading file.

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 589—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to change the site thereof, to provide better facilities, and to construct new and more commodious buildings for said school, and to furnish and equip the same, and for this purpose to authorize and empower the said board of trustees to sell and convey the lands and buildings of said school and to use the proceeds therefrom for the construction of said new buildings, and to purchase furniture and equip the same—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 538—An Act to authorize and empower the board of trustees of the State Normal School at Los Angeles to purchase lands in the City of Los Angeles for a new site for said school, and provide plans, drawings, and specifications for a new normal school building or buildings and improvements to be located thereon, and making an appropriation of \$60,000 with which to purchase and improve said new site, procure said plans and specifications, and defray other expenses necessary to carry out the provisions of this Act.

Also: Assembly Bill No. 730—An Act to appropriate \$9,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles, California; to make necessary repairs and improvements in the building of said normal school.

Also: Assembly Bill No. 731—An Act to appropriate \$50,000 for the repair of the buildings of the State Normal School at Los Angeles, California, including the construction and installation of a steam heating plant and boiler house for heating said buildings, and authorizing the board of trustees of said school to make and construct said plant and boiler house.

Also: Assembly Bill No. 738—An Act providing for the obtaining of plans and specifications for public buildings and structures, regulating competitions among architects in relation to the same, and the submission of proposals for the erection of such buildings and structures, and repealing an Act entitled "An Act to regulate the erection of public buildings and structures," approved April 1, 1872, and an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876.

Have had the same under consideration, and respectfully report the same back, without recommendation.

BARNES, Chairman.

Assembly Bills Nos. 589, 588, 730, 731, and 788 ordered on second-reading file.

ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1905.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 125—An Act to amend Section 1460 of the Civil Code of the State of California, relative to the time of commencing work on water appropriations, and providing that in certain cases the time for commencing work may be extended—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that same do not pass.

ESTUDILLO, Chairman.

Assembly Bill No. 125 ordered on second-reading file.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1905.

MR. SPEAKER: Your Committee on Education, to whom was re-referred Assembly Bill No. 297—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of Public Instruction—have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

SLAVEN, Chairman.

Assembly Bill No. 297 ordered on second-reading file.

## ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905.

MR. SPEAKER Your Committee on Judiciary, having had under consideration Assembly Bill No 558—An Act fixing a bounty on coyote scalps—reports the same back, with the recommendation that it do not pass, by a majority vote.

Also: Assembly Bill No. 236—An Act to amend Section 792 of the Political Code of the State of California, relating to notaries public—reports the same back, with six amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 238—An Act to amend Section 1188 of the Civil Code of the State of California, relating to certificates of acknowledgments, and providing when such amendment shall take effect—reports the same back, with three amendments, and with the recommendation that it do pass as amended.

Also: Senate Bill No. 104—An Act to amend Sections 1 and 7 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891—reports the same back, with three amendments, and with the recommendation that it do not pass, by a majority vote.

Also: Assembly Bill No. 679—An Act fixing the rates of interest and charges on loans upon chattel mortgages on certain personal property, and prescribing penalties for the violation of the Act—reports the same back, with seven amendments, and with the recommendation that it do pass as amended, by a majority vote.

Also: Assembly Bill No. 653—An Act to provide for one additional Judge of the Superior Court of the County of San Joaquin, State of California, for the manner of his appointment, and for his compensation—reports the same back, with four amendments, and with the recommendation that it do pass as amended, by a majority vote.

Also: Assembly Bill No. 640—An Act to amend Sections 1444, and 1449 of the Code of Civil Procedure, relating to the appraisement of estates, and providing for the appointment of an official appraiser in each county in the State—reports the same back, with the recommendation that it do not pass.

Also: Assembly Bill No. 645—An Act to amend Section 737 of the Political Code, relating to salaries of superior court judges—reports the same back, without recommendation.

Also: Assembly Bill No. 599—An Act to amend an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this state," approved March 28, 1895, by amending Section 2 of said Act, establishing the fees to be charged by county clerks for issuing citizenship papers and providing no fees for filing candidate's affidavit—reports the same back, with one amendment, and with the recommendation that it do pass as amended, by a majority vote.

Also: Assembly Bill No. 635—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 736 of said Act, relative to the salary of Justices of the Supreme Court—reports the same back, with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 110—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 338 thereof, relating to the time of commencing actions other than for the recovery of real property—reports the same back, with one amendment, and with the recommendation that it do pass, by a majority vote, as amended.

Also: Assembly Bill No. 825—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property—reports the same back, with the recommendation that it do not pass.

Also: Assembly Bill No. 344—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 339 thereof, relating to the time of commencing actions other than for the recovery of real property—reports the same back, with the recommendation that it do pass, by a majority vote.

Also: Assembly Bill No. 535—An Act to amend Sections 3897 and 3898 of the Political Code of the State of California, relating to the sale by the State of property sold to the State for taxes—reports the same back, with three amendments, and with the recommendation that it do pass as amended.

DURYEA, Chairman.

Assembly Bills Nos. 558, 236, 238, 104, 679, 653, 640, 645, 599, 635, 110, 825, 344, and 535 ordered on second-reading file.

## ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Senate Bill No. 149—An Act to amend Section 1 of an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State, who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, relating to the burial of soldiers who served in the war with Spain and in the Philippine

insurrection—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GANS, Chairman.

Senate Bill No. 149 ordered on second-reading special Senate file.

#### BILLS CALLED UP FOR CONCURRENCE IN SENATE AMENDMENTS.

Mr. Burke moved to take up Assembly Bills Nos. 54 and 55 for the purpose of considering Senate amendments to the bills.

Motion carried.

Assembly Bill No. 54—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justice courts.

#### SENATE AMENDMENT.

On page 1, Section 1, line 8, add after the word "court" and before the word "whether" the following: "that is maintained, and the salaries of the officers thereof paid by the city."

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 54?"

The roll was called, and the Assembly concurred in the Senate amendment by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Houser, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, Lucey, Manwell, McCartney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—61.

NOES—None.

Bill ordered to enrollment.

Assembly Bill No. 55—An Act to amend Section 1578 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

#### SENATE AMENDMENT.

On page 1, Section 1, line 11, after the word "court" add the following: "that is maintained, and the salaries of the officers thereof, paid by the city."

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 55?"

The roll was called, and the Assembly concurred in the Senate amendment by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Houser, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, Lucey, Lumley, Manwell, McCartney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—54.

NOES—None.

Bill ordered to enrollment.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was read:

SENATE CHAMBER, SACRAMENTO, February 6, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 260—An Act to authorize the appointment of an interpreter



of the Spanish language, in criminal proceedings, in counties, and cities and counties of 170,000 inhabitants and over.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 260 read first time, and referred to Committee on Judiciary.

#### INTRODUCTION AND REFERENCE OF BILLS.

Bills were introduced and referred, as follows:

By Mr. Olmsted: Assembly Bill No. 859—An Act to permit the Board of State Prison Directors, the Board of Managers of the Preston School of Industry, and the Board of Trustees of the Whittier State School to employ the inmates of the State prisons, the Preston School of Industry, and the State School at Whittier in the manufacture of such articles, or at such labor, as can be utilized for the benefit of the public institutions owned or managed and controlled by the State, or any of the political divisions thereof.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

\*Also: Assembly Bill No. 860—An Act providing for the exchange of commodities between the public institutions owned, or managed and controlled by the State, or the political divisions thereof.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 861—An Act to permit of the compensation of prisoners in any of the State prisons, or of the Preston School of Industry.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Committee on Public Buildings and Grounds: Assembly Bill No. 862—An Act making an appropriation of \$10,000 for the purpose of building a photograph laboratory in combination with a fire-proof vault, for the purpose of storing the large and crowding collection of astronomical photographs and plates at the Lick Observatory, etc.

Read first time, and referred to Committee on Ways and Means.

By Mr. Moore: Assembly Bill No. 863—An Act to form impounding districts outside of incorporated cities, to prevent animals from running at large, and prescribing the duties, fees, and charges of the pound-keeper in connection therewith.

Read first time, and referred to Committee on Judiciary.

By Mr. Cooper: Assembly Bill No. 864—An Act to amend Section 459 of the Penal Code of the State of California, relating to the crime of burglary.

Read first time, and referred to Committee on Judiciary.

By Committee on Revenue and Taxation: Assembly Bill No. 865—An Act to prohibit the sale of spirits, liquors, or wines without a State license, to provide for the issuance of such a license, and for the violation of the provisions of this Act, and prescribing the duties of certain officers in connection therewith.

Read first time, and ordered on file.

By Mr. Goodrich: Assembly Bill No. 866—An Act to appropriate the sum of \$1,000 for the purpose of erecting a monument to permanently designate the place where the treaty of Cahuenga was effected between Colonel John C. Fremont and General Andres Pico, on the 13th day of

January, 1846, and to provide for the appointment of a commission to superintend the erection of said monument, and to prescribe their duties.

Read first time, and referred to Committee on Ways and Means.

By Mr. Drew (by request): Assembly Bill No. 867—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of curable cases of tuberculosis, and making an appropriation therefor.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Waste: Assembly Bill No. 868—An Act to add a new section to the Civil Code, numbered 636a, relating to voluntary withdrawals of stockholders, members, or investors from land and building corporations (also called building and loan associations).

Read first time, and referred to Committee on Building and Loan Associations

Also: Assembly Bill No. 869—An Act to prohibit unauthorized performances and representations of certain dramatic or musical compositions.

Read first time, and referred to Committee on Judiciary.

By Mr. Anthony: Assembly Bill No. 870—An Act amending the Political Code of the State of California by adding thereto a new section, to be numbered 3418, relating to the public lands of this State.

Read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 871—An Act in relation to the State school lands of this State, amending and revising Sections 3546, 3547, 3548, 3549, 3550, and 3551; repealing Sections 3552, 3553, 3554, 3555, and 3556 of the Political Code, and repealing an Act approved March 7, 1881 (Statutes of 1881, page 65), entitled "An Act entitled 'An Act to enable purchasers of State lands to redeem the same, where their titles have been or may hereafter be foreclosed for non-payment of interest.'"

Read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 872—An Act amending the Political Code of the State of California by adding thereto a new section, to be numbered 3571½, relating to the public lands of this State.

Read first time, and referred to Committee on Public Lands and Forestry.

By Mr. Prescott: Assembly Bill No. 873—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, by amending Section 167, relating to counties of the tenth class, and providing for certain increases of salaries and deputies.

Read first time, and referred to Committee on County and Township Governments, with rush order to printer.

#### RESOLUTIONS.

Mr. Atkinson offered the following resolution, which was read:

(To refer to Committee on Commissions and Public Expenditures to make certain inquiries.)

WHEREAS, The Los Angeles "Express," in its issue of Saturday, February 4, 1905, under a scare-head reading—

"THIRD VISIT TO WHITTIER.

"ANOTHER LEGISLATIVE COMMITTEE ON A JUNKETING EXPEDITION."

Says: "To-day the Assembly Committee on Charities and Corrections went down to Whittier to inspect that institution. This is the third legislative committee that has

come down during the present session, and every member has appeared to enjoy himself immensely. Unfortunately for the statesmen, they do not stay long enough in Los Angeles to become accustomed to the kind of water they get with their meals at the Angelus grill, where they dine. This fact has in a measure discomposed the members and served to delay the really important business that brought them hither.

"What this important business is the legislators refuse to say, even if they know. It is said, outside the charmed circle, that the legislators are assuming the power of meddling in the appointment of a new superintendent of the Whittier school. This will be resented by the Board of Trustees. One thing that is apparent is that these committees do not agree harmoniously with the State Board of Charities and Corrections, and it is reported that members of the Board even refused to go into conference with a legislative committee because the statesmen had but a hazy notion of why they had come to the southland except for a good time." And

WHEREAS, The State Board of Charities and Corrections is a creature of this Legislature, instituted at the expense of the taxpayers of this State for the purpose of enlightening this Legislature upon the conditions of the public service and institutions; and

WHEREAS, The insulting statement above quoted indicates that the members of said Board are forgetting not only the consideration due this Legislature, but their duty; be it, therefore,

*Resolved*, That this matter and this resolution be referred to the Committee on Commissions and Public Expenditures, with instructions to investigate and bring into this Assembly a bill providing for the abolition of such State Board of Charities and Corrections, by repealing the law under which such Board was constituted, providing the committee finds such action desirable.

Mr. Houser moved to lay the resolution on the table.

Motion lost.

Mr. Atkinson moved that the resolution be referred to Committee on Public Charities and Corrections.

Motion carried, and such was the order.

Mr. Drew offered the following resolution, which was read:

(To debar absent members from receiving their per diem when no quorum is present.)

*Resolved*, That hereafter when it shall appear from a call of the roll at any regular session of the Assembly that no quorum is present, and that certain members are absent without leave, the Clerk of the Assembly is hereby authorized and instructed to certify a copy of the roll-call to the State Controller, and all persons so found absent without leave shall be debarred from receiving their per diem for the day in which absence occurred.

#### POINT OF ORDER.

Mr. Treadwell raised the point of order that the resolution was out of order, as a similar resolution had been laid on the table yesterday.

The Speaker ruled the point of order not well taken, as the author of the resolution stated that the proposed resolution was not the same as the one laid on the table yesterday.

#### MOTION TO LAY ON THE TABLE LOST.

Mr. Atkinson moved to lay the resolution on the table.

Messrs. Drew, Houser, and Goodrich demanded the ayes and noes.

The roll was called, and the motion to lay on the table lost by the following vote:

AYES—Messrs. Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Burke, Cleveland, Cooper, Cullen, Dorsey, Duryea, Jarvis, Jury, Lucey, Lynch, McNamara, Mindham, Slaven, Stohl, Transue, Treadwell, Vogel, Walsh, and Mr. Speaker—25.

NOES—Messrs. Amerige, Anthony, Arnerich, Barnes, Branstetter, Burge, Chandler, Coyle, Creighton, Drew, Eells, Espey, Estudillo, Gans, Goodrich, Hawkins, Houser, John, Johnson, Johnstone, Lumley, Manwell, McCartney, Moore, Olmsted, Perkins, Pyle, Rolley, Thompson, Tripp, Waste, Whiting, and Wickersham—33.

## RESOLUTION LOST.

Mr. Drew moved the adoption of the resolution offered by him.

The roll was called, and the resolution was refused adoption by the following vote:

**AYES**—Messrs. Amerige, Anthony, Barnes, Beardslee, Branstetter, Chandler, Cooper, Coyle, Creighton, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Hawkins, Houser, John, Johnson, Johnstone, Lumley, Manwell, Moore, Olmsted, Perkins, Pyle, Thompson, Waste, and Whiting—29.

**NOES**—Messrs. Arnerich, Atkinson, Bates, Beckett, Bliss, Boyle, Burge, Burke, Busick, Cleveland, Cullen, Dorsey, Duryea, Jarvis, Jones of San Francisco, Jury, Lucey, Lynch, McCartney, McNamara, Mindham, Rolley, Slaven, Strohl, Transue, Treadwell, Tripp, Vogel, Walsh, Wickersham, and Mr. Speaker—31

## RESOLUTION.

Mr. Treadwell offered the following resolution, which was read:

(To drop bills to foot of file.)

*Resolved*, That all bills hereafter passed on the third-reading file more than twice shall be dropped to the foot of the file.

Resolution referred to Committee on Rules and Regulations.

## SPECIAL ORDERS.

The following special orders were considered:

Assembly Bill No. 844—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session.

## URGENCY RESOLUTION.

Mr. Drew offered the following resolution:

*Resolved*, That Assembly Bill No. 844 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Mr. Drew moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Gans, Goodrich, Hawkins, Houser, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Thompson, Transue, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—58.

**NOES**—None

Assembly Bill No. 844—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session.

Bill read first time on a previous day.

Assembly Bill No. 844—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session.

Bill read second time.

## MOTION.

Mr. Drew moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 844.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Assembly Bill No. 844 was considered in Committee of the Whole.

Mr. Drew moved that the Committee rise and report back Assembly Bill No. 844, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 844—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session—and do now report the same back, and recommend that it do pass.

PRESCOTT, Chairman.

Report adopted.

Assembly Bill No. 844—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Eells, Espey, Gans, Goodrich, Hartman, Hawkins, Houser, Jarvis, John, Johnson, Johnstone, Jurv, Lumley, Lynch, Manwell, McCartney, McNamara, Moore, Olmsted, Perkins, Pyle, Slaven, Strohl, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received, out of order, and read:

## ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 714—An Act to amend Sections 285, 290, 292, and 305 of the Civil Code, all relating to the formation of corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 581—An Act to add a new section to the Civil Code of the State of California, to be numbered 328, relating to lost or destroyed certificates of stock or of shares in a corporation—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

WALSH, Chairman.

Assembly Bills Nos. 714 and 581 ordered on second-reading file.

## SPECIAL ORDERS—(RESUMED).

Mr. Cleveland moved the adoption of the following resolution offered by him yesterday (Monday):

(For the appointment of a committee on investigation of charges against Lucas Flattery Smith.)

WHEREAS, John H. Leonard, of the County of Santa Cruz, State of California, has presented to the Assembly of said State his memorial charging that Lucas Flattery Smith, Judge of the Superior Court of California, in and for said County of Santa Cruz, has been guilty of misdemeanors in office; and

WHEREAS, Said memorial contains specific charges supported by affidavits of a number of the citizens of Santa Cruz, and by decisions of the Supreme Court of California, and by the records of said Superior Court, and requests this honorable body to investigate said charges; and

WHEREAS, If said charges stated in said memorial be found to be true, that said judge should be dealt with according to law, and if found to be untrue, that the judicial character of said judge should be vindicated and said Superior Court be relieved from all suspicion; and

WHEREAS, It appears from said memorial and the charges therein made, and the affidavits of the citizens of said County of Santa Cruz, and the records therein referred to, that there is probable cause to believe that said Lucas Flattery Smith has been guilty of misdemeanors in office, willful misconduct, and partiality and favoritism, and conduct unbecoming an upright judge; now, therefore, be it

*Resolved*, That a committee of five members of this Assembly be appointed by the Speaker thereof to inquire into the conduct of said Lucas Flattery Smith, judge as aforesaid of the Superior Court of the State of California, in and for the County of Santa Cruz, and to report to this House whether the said Lucas Flattery Smith has so acted in his judicial capacity or otherwise as to require the exercise of the constitutional power of this Assembly to remove him by impeachment or otherwise; and, be it further

*Resolved*, That for the purposes of this investigation the said committee and such sub-committee as the said committee may appoint are hereby authorized and empowered to send for persons and papers, to administer oaths, to take testimony, and to employ such clerical help and other assistance as may be necessary, and the said committee or sub-committee, while so employed, shall have full power to enforce the attendance of witnesses with a sergeant-at-arms, who shall serve the process of said committee and sub-committee, and shall execute its orders, and shall attend the sittings thereof, as ordered and directed thereby; and, be it further

*Resolved*, That the expenses of such investigation shall be paid out of the Contingent Fund of the Assembly.

Resolution read.

Mr. Treadwell offered the following substitute resolution:

*Resolved*, That the petition of John H. Leonard, and the petition of Hon. Lucas Flattery Smith, be, and they hereby are, referred to a select committee of five, to be appointed by the Speaker, for investigation.

Substitute resolution read.

Mr. Cleveland was granted permission to withdraw his resolution.

Resolution withdrawn.

Mr. Treadwell moved the adoption of the substitute resolution offered by him.

Substitute resolution adopted.

#### UNFINISHED BUSINESS.

Assembly Bill No. 46—An Act to amend an Act entitled "An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Passed on file.

Assembly Bill No. 48—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Passed on file.

Assembly Bill No. 49—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Passed on file.

#### VOTE RECONSIDERED.

Mr. Walsh, in accordance with notice given on the previous legislative day, moved to reconsider the vote whereby Assembly Bill No. 251—An Act to add a new section, to be numbered and designated as Section

321b, to an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to regulating the giving and use of proxies to vote corporate stock at any meeting of the stockholders of any corporation organized under the laws of this State—was passed.

The roll was called, and the Assembly reconsidered the vote whereby Assembly Bill No. 251 was passed, by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Ellis, Gans, Goodrich, Hartman, Hawkins, Houser, Jarvis, John, Johnson, Johnstone, Lucey, Lumley, Lynch, Manwell, McCartney, McNamara, Mindham, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—53.

NOES—None.

Assembly Bill No. 251 ordered restored to the third-reading file.

#### SPECIAL FILE.

Assembly Bill No. 555 (Substitute for Assembly Bill No. 116)—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavits of registration.

#### REFERRED TO SELECT COMMITTEE.

Mr. Rolley moved that Assembly Bill No. 555 be referred to a select committee, consisting of the Committee on Elections and Election Laws. Motion carried, and such was the order.

#### SPECIAL FILE—(RESUMED).

Assembly Constitutional Amendment No. 15—For the recall of officials by electors.

Passed on file.

Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 17 of Article VI of said Constitution, relating to the compensation of justices of the Supreme Court and judges of the superior court.

Passed on file.

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution, by adding thereto a new section to Article IX, to be known as Section 13, relating to the exemption from taxation of the property now or hereafter belonging to the Cogswell Polytechnic College.

Passed on file.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 56—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justice courts and justices.

Passed on file.

Assembly Bill No. 298—An Act to amend Chapter I of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, by adding a new section thereto, to be numbered Section 9, relating to the powers and duties of city recorders and city clerks respecting the registration of deaths and the issuance and registration of burial and disinterment permits.

Passed on file.

Assembly Bill No. 541—An Act fixing the salaries of three assistant reporters of the decisions of the Supreme Court and District Courts of Appeal.

Passed on file.

Assembly Bill No. 212—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act providing for the sale of railroad and other franchises in municipalities, and relative to the granting of franchises,'" approved March 23, 1893.

Passed on file.

Assembly Bill No. 176—An Act to amend Section 3688 of the Political Code of the State of California, relating to redemption of lands from tax sales.

Passed on file.

Assembly Bill No. 193—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

Passed on file.

MR. OLMSTED IN THE CHAIR.

At eleven o'clock and thirty-four minutes A. M., Hon. S. H. Olmsted of Marin in the chair.

Assembly Bill No. 457—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expense of actions, alimony, and actions for maintenance and support.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hawkins, Houser, Jarvis, John, Johnson, Johnstone, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Wickersham—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 365—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a State reform school for juvenile offenders, and to make an appropriation therefor,'" approved March 11, 1889, by amending the title to said Act, and by amending Sections 1, 4, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by adding three new sections thereto, to be numbered, respectively, Sections 16a, 16b, and 16c, relating to a change in the name of the institution, and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State school located and established under the aforesaid Act and now maintained by the State of California at Whittier, in the County of Los Angeles therein, approved March 23, 1893.

Bill read third time on a previous day.



The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, Jarvis, John, Johnson, Johnstone, Jury, Lumley, Lynch, Manwell, McCartney, McKenney, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Wickersham—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 366—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and the Preston School of Industry, fixing the authority to examine and commit to such schools with the superior judges of counties, and fixing the responsibilities for which commitments are made to the State for the maintenance of the persons committed therefrom, providing for the manner of payment therefor, and fixing the responsibility of parents to the counties for which their children are committed," approved March 26, 1895.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Creighton, Cullen, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, Jarvis, John, Johnstone, Jones of San Francisco, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, and Whiting—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

##### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905.

MR. SPEAKER. Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reengrossed:

Assembly Bill No. 270—An Act to amend Section 3617 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms.

Assembly Bill No. 384—An Act to amend Sections 414, 415, 417, and 418, of the Civil Code, all relating to insurance corporations.

Assembly Bill No. 392—An Act to repeal Section 494 of the Civil Code, as approved March 22, 1899, relating to the sale by any railroad company owning any railroad in this State of its property and franchises, or any part thereof, to any other railroad company, whether organized under the laws of this State, or of any other State or Territory, or under any act of Congress, and prescribing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Assembly Bill No. 339—An Act to amend Sections 2978, 2979, and 2982 and to repeal Section 2983 of the Political Code of the State of California, relating to the State Board of Health.

Also: The following Assembly bills have been correctly engrossed:

Assembly Bill No. 98—An Act adding a new section to the Civil Code to be known as Section 433, relating to corporations transacting business in insuring titles to real estate, and providing the terms and conditions of policies issued by such corporations.

Assembly Bill No. 23—An Act to add a new section to the Civil Code of the State of California, to be known as Section No. 133, relating to the appointment of an attorney by the court in divorce actions to contest the action and inquire into the merits of the

case and prevent collusion and fraud, when defendant fails to appear or contest the proceedings, and providing for the fee of such attorney in such cases

Assembly Bill No. 28—An Act to amend an act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 367 of said Code of Civil Procedure, relating to parties to civil actions.

Assembly Bill No. 64—An Act for the relief of Patrick Creighton.

Assembly Bill No. 261—An Act to amend Section 2924 of the Civil Code, relating to the distinction between mortgages and pledges.

Assembly Bill No. 559—An Act to amend Section 1844 of the Code of Civil Procedure of the State of California, relating to the evidence necessary for the proof of certain facts.

Assembly Bill No. 519—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 599, making it a felony to kill any elk within the State of California.

Assembly Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 61 of said Act relative to county officers.

Assembly Bill No. 340—An Act to amend an Act entitled "An Act to establish a Civil Code, approved March 21, 1872, by amending Section 857, relating to the purposes for which express trusts may be created.

Assembly Bill No. 356—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.

Assembly Bill No. 420—An Act to amend the Code of Civil Procedure of the State of California, by amending Section 851 thereof, relating to form of pleadings.

DEVLIN, Chairman.

Assembly Bills Nos. 270, 384, 392, and 339 ordered on file for passage.

Assembly Bills Nos. 96, 23, 28, 64, 261, 559, 519, 404, 340, 356, and 420 ordered on file for third reading.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 360—An Act regulating the grading of prisoners in the State Prison at San Quentin, in the State Prison at Folsom, and the Preston School of Industry at Ione.

Passed on file.

Assembly Bill No. 364—An Act giving to superior judges the right to impose indeterminate sentences, and prescribing the method of imposing the same.

Passed on file.

Assembly Bill No. 72—An Act to amend Section 595 of the Civil Code, relating to the amount of real estate which may be held by certain corporations.

Passed on file.

Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Passed on file.

Assembly Bill No. 155—An Act for the relief of purchasers of State lands by legalizing application heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Passed on file.

Assembly Bill No. 410—An Act to amend Section 2653 of the Political Code, relating to highways.

Passed on file.

#### BILL SUBSTITUTED ON FILE.

Mr. Houser moved that Assembly Bill No. 114 (No. 49 on file) be substituted in place of Assembly Bill No. 443 (No. 38 on file).

So ordered.

Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, Jarvis, John, Johnson, Johnstone, Jury, Lumley, Lynch, Manwell, McCartney, McKenney, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Wickersham—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 366—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and the Preston School of Industry, fixing the authority to examine and commit to such schools with the superior judges of counties, and fixing the responsibilities for which commitments are made to the State for the maintenance of the persons committed therefrom, providing for the manner of payment therefor, and fixing the responsibility of parents to the counties for which their children are committed," approved March 26, 1895.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Creighton, Cullen, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, Jarvis, John, Johnstone, Jones of San Francisco, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, and Whiting—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reengrossed:

Assembly Bill No. 270—An Act to amend Section 3617 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms.

Assembly Bill No. 384—An Act to amend Sections 414, 415, 417, and 418, of the Civil Code, all relating to insurance corporations.

Assembly Bill No. 392—An Act to repeal Section 494 of the Civil Code, as approved March 22, 1899, relating to the sale by any railroad company owning any railroad in this State of its property and franchises, or any part thereof, to any other railroad company, whether organized under the laws of this State, or of any other State or Territory, or under any act of Congress, and prescribing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Assembly Bill No. 399—An Act to amend Sections 2978, 2979, and 2982 and to repeal Section 2983 of the Political Code of the State of California, relating to the State Board of Health.

Also: The following Assembly bills have been correctly engrossed:

Assembly Bill No. 90—An Act adding a new section to the Civil Code to be known as Section 433, relating to corporations transacting business in insuring titles to real estate, and providing the terms and conditions of policies issued by such corporations.

Assembly Bill No. 23—An Act to add a new section to the Civil Code of the State of California, to be known as Section No. 133, relating to the appointment of an attorney by the court in divorce actions to contest the action and inquire into the merits of the

case and prevent collusion and fraud, when defendant fails to appear or contest the proceedings, and providing for the fee of such attorney in such cases

Assembly Bill No. 28—An Act to amend an act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 367 of said Code of Civil Procedure, relating to parties to civil actions.

Assembly Bill No. 64—An Act for the relief of Patrick Creighton.

Assembly Bill No. 261—An Act to amend Section 2924 of the Civil Code, relating to the distinction between mortgages and pledges.

Assembly Bill No. 559—An Act to amend Section 1844 of the Code of Civil Procedure of the State of California, relating to the evidence necessary for the proof of certain facts.

Assembly Bill No. 519—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 599, making it a felony to kill any elk within the State of California.

Assembly Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 61 of said Act relative to county officers.

Assembly Bill No. 340—An Act to amend an Act entitled "An Act to establish a Civil Code, approved March 21, 1872, by amending Section 857, relating to the purposes for which express trusts may be created.

Assembly Bill No. 356—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California

Assembly Bill No. 420—An Act to amend the Code of Civil Procedure of the State of California, by amending Section 851 thereof, relating to form of pleadings

DEVLIN, Chairman.

Assembly Bills Nos. 270, 384, 392, and 339 ordered on file for passage.

Assembly Bills Nos. 96, 23, 28, 64, 261, 559, 519, 404, 340, 356, and 420 ordered on file for third reading.

### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 360—An Act regulating the grading of prisoners in the State Prison at San Quentin, in the State Prison at Folsom, and the Preston School of Industry at Ione.

Passed on file.

Assembly Bill No. 364—An Act giving to superior judges the right to impose indeterminate sentences, and prescribing the method of imposing the same.

Passed on file.

Assembly Bill No. 72—An Act to amend Section 595 of the Civil Code, relating to the amount of real estate which may be held by certain corporations.

Passed on file.

Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Passed on file.

Assembly Bill No. 155—An Act for the relief of purchasers of State lands by legalizing application heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Passed on file.

Assembly Bill No. 410—An Act to amend Section 2653 of the Political Code, relating to highways.

Passed on file.

### BILL SUBSTITUTED ON FILE.

Mr. Houser moved that Assembly Bill No. 114 (No. 49 on file) be substituted in place of Assembly Bill No. 443 (No. 38 on file).

So ordered.

Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

**Ayes**—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Busick, Coyle, Drew, Duryea, Espey, Estudillo, Goodrich, Johnstone, Lumley, Lynch, Manwell, McCartney, Moore, Olmsted, Perkins, Pyle, Thompson, Transue, Waste, Whiting, and Wickersham—30.

**Noes**—Messrs. Atkinson, Bliss, Boyle, Burke, Chandler, Cleveland, Cooper, Creighton, Cullen, Dorsey, Ellis, Gans, Hartman, Hawkins, Houser, Jarvis, John, Lucey, McKenney, McNamara, Mindham, Rolley, Strohl, Treadwell, Tripp, Vogel, and Walsh—27.

#### NOTICE OF MOTION TO RECONSIDER.

Mr. Houser gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 114 was refused passage this day.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 185—An Act to provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects.

Passed on file.

Assembly Bill No. 439—An Act to provide for the disposition of the funds which may hereafter be collected by the State of California from the United States in payment of the claims arising out of the War of the Rebellion.

Passed on file.

Assembly Bill No. 353—An Act to amend Section 6 of an Act entitled "An Act to provide for compiling, electrotyping, printing, binding, copyrighting, and distributing a State series of school text-books, and appropriating money therefor," approved March 15, 1887.

Passed on file.

Assembly Bill No. 171—An Act to amend Section 1617 of the Political Code, relating to boards of school trustees and city boards of education.

Passed on file.

Assembly Bill No. 207—An Act entitled "An Act to amend Section 1772 of the Political Code of the State of California," relating to certificates upon examination.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**Ayes**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Gans, Goodrich, Hartman, Hawkins, Houser, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, Lumley, Lynch, Manwell, McCartney, McKenney, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, and Whiting—53.

**Noes**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 272—An Act entitled "An Act to amend Section 1670 of the Political Code of the State of California," relating to the establishment of high schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Cullen, Dorsey, Drew, Duryea, Goodrich, Hawkins, Houser, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, and Wickersham—50.

NOES—Messrs. Creighton, Ellis, Espey, Gans, and Whiting—5.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 173—An Act confirming the organization of school districts.

Read on file.

Assembly Bill No. 77—An Act entitled "An Act to amend Section 443 of the Political Code of the State of California," relating to the State School Fund.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Gans, Goodrich, Hartman, Hawkins, Houser, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Wickersham—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

Bills were introduced and referred as follows:

By Mr. Duryea: Assembly Bill No. 874—An Act to add a new section to the Penal Code, to be numbered 337a, relating to betting on horse racing.

Read first time, and referred to Committee on Judiciary.

By Mr. Busick: Assembly Bill No. 875—An Act to amend an Act entitled "An Act making an appropriation to the directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society," approved March 25, 1901.

Read first time, and referred to Committee on Judiciary.

By Mr. Cooper: Assembly Bill No. 876—An Act to amend Section 20 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to county and township officers of counties of the sixteenth class, and providing for the compensation of such officers and their deputies.

Read first time, and referred to Committee on County and Township Governments.

Ross property, of the landing place at Monterey of Junipero Serra, and the Old Theater property at Monterey, and providing for the preservation, maintenance, protection, and improvement of said properties.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Gans, Goodrich, Hartman, Houser, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Lucey, Lunley, Manwell, McCartney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

##### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 468—An Act to amend Section 626m of the Penal Code of the State of California, relating to hunting at night-time

Assembly Bill No. 400—An Act to amend the Political Code by adding a new section, to be numbered 642z, relating to the powers and authorities of the Fish Commissioners and their assistants.

Assembly Bill No. 478—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualification of persons following such business, and the sanitary conditions of barber shops in the State of California.

Assembly Bill No. 627—An Act to amend Section 848 of the Code of Civil Procedure of the State of California, relating to the service of summons issued from justices' courts, where the defendant resides out of the county in which the action is brought

Assembly Bill No. 628—An Act to amend an Act entitled "An Act to establish a Penal Code in the State of California," approved February 14, 1872, by amending Section 281 thereof.

Assembly Bill No. 606—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking of depositions in this State.

Assembly Bill No. 605—An Act to amend Section 241 of the Code of Civil Procedure, relating to the impaneling of grand juries.

Assembly Bill No. 593—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377d, making it a misdemeanor to refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health, concerning the discontinuance, abatement, or removal of noisome or noxious smoke, gas, vapor, or effluvia.

DEVLIN, Chairman.

#### SECOND-READING FILE—(RESUMED).

Mr. Atkinson moved that Senate Bill No. 270, reported by the Committee on Commissions and Public Expenditures, be read second time and placed on special Senate file.

Senate Bill No. 270—An Act to amend Sections 2, 3, 5, 7, 10, and 13, to repeal Section 16, to renumber Section 17 so as to read Section 16, of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Bill read second time.

Mr. Transue moved that Senate Bill No. 186 (No. 246 on the file) be now taken up and read second time.

Motion carried.

Senate Bill No. 186 (Substitute for Assembly Bill No. 245)—An Act making an appropriation to pay the claim of R. B. Young for materials, labor, and insurance premiums paid in the construction and erection of the Whittier State School.

Bill read second time.

#### MOTION.

Mr. Transue moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 186.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Senate Bill No. 186 was considered in Committee of the Whole.

Mr. Transue moved that the Committee of the Whole rise and report back Senate Bill No. 186, with a recommendation that it do pass.

Motion carried.

#### IN ASSEMBLY.

The Speaker, Hon. Frank C. Prescott, in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 186—An Act making an appropriation to pay the claim of R. B. Young for materials, labor, and insurance premiums paid in the construction and erection of the Whittier State School—and do now report the same back, and recommend that it do pass.

PRESCOTT, Chairman.

Report adopted.

Senate Bill No. 186 ordered to third reading on special Senate file.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received (out of order) and read:

#### ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1905.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 31—An Act to amend Sections 2606 and 2607 of the Political Code of the State of California, relating to the establishment of a board of State Harbor Commissioners for the Bay of San Diego—have had the same under consideration, and respectfully report the same back, with three amendments, and recommend it do pass as amended.

HARTMAN, Chairman

Senate Bill No. 31 ordered to second reading on special Senate file.

#### MR. ROLLEY IN THE CHAIR.

At three o'clock and four minutes P. M., Hon. George T. Rolley, of Humboldt, in the chair.

#### THIRD-READING FILE.

Assembly Bill No. 447—An Act to amend Section 443 of the Political Code of the State of California, relating to the amount of money to be raised for each census child by State tax.

Bill read third time.



The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Beardslee, Boyle, Burge, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Dorsey, Duryea, Espey, Gans, Houser, Jarvis, John, Johnson, Jones of San Francisco, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Perkins, Pyle, Rolley, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Wickersham—46.

NOES—Messrs. Amerige, Arnerich, Burke, Drew, Ells, Hawkins, Johnstone, and Olmsted—8.

Title read and approved.

Bill ordered transmitted to the Senate.

#### RECONSIDERATION OF VOTE.

Mr. McCartney, in accordance with a notice he had given on the previous day, moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 34 was refused passage on the previous legislative day.

The roll was called, and the motion to reconsider the vote whereby Assembly Bill No. 34 was refused passage was reconsidered by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Ells, Espey, Hartman, Hawkins, Houser, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Thompson, Transue, Tripp, Vogel, Walsh, Waste, Whiting, and Wickersham—54.

NOES—None.

Mr. McCartney moved that Assembly Bill No. 34 be now placed on its passage.

Assembly Bill No. 34—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, by amending Section 3 of said Act, and an Act amendatory thereof, approved March 27, 1895.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Drew, Duryea, Ells, Espey, Gans, Hawkins, Houser, Jarvis, John, Johnson, Johnstone, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, and Whiting—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### RESOLUTION—(OUT OF ORDER).

Mr. Branstetter was granted leave to introduce the following resolution out of order:

(Recalling bill from committee.)

Resolved, That the Committee on Ways and Means is hereby directed to return to the Assembly Assembly Bill No. 51—An Act to prevent the sale of dairy products from unhealthy animals and under unsanitary conditions; to provide for the inspections of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold; to improve the quality of dairy products of the

State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions—so that the amendments as made thereto by the Committee on Dairies and Dairy Products can be acted upon.

Resolution read and adopted.

SENATE BILL TAKEN UP.

Mr. Atkinson moved that Senate Bill No. 146 (No. 241 on file) be now taken up, and placed on its final passage.

Motion carried.

Senate Bill No. 146—An Act regulating the hours of service on regular duty of members of the fire department of cities of the first class and cities and counties.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Goodrich, Hawkins, Houser, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Perkins, Pyle, Rolley, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Wickersham—52.  
NOES—Messrs. Amerige and Olmsted—2

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received (out of order) and read:

ON CAPITAL AND LABOR.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905.

MR. SPEAKER: Your Committee on Capital and Labor, to whom was referred Assembly Bill No. 268—An Act directing the Commissioner of the Bureau of Labor Statistics to collect certain statistics, and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass,

MINDHAM, Chairman.

Assembly Bill No. 268 ordered on second-reading file.

BILL TAKEN UP OUT OF ORDER.

Mr. Walsh moved to take up Assembly Bill No. 472 (No. 35 on file).

Motion carried.

Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Bill read third time.

SELECT COMMITTEE AMENDMENT.

Mr. Walsh moved that a select committee of one be appointed to amend Assembly Bill No. 472, as follows:

Amend by inserting in Section 1, line 27, of printed bill, after the word "road" the words "main track."

Also: Amend by inserting in Section 1, line 29, after the word "cross" the following: "provided, that any such crossing may be made at grade if protected by the installation and maintenance of any automatic switch and signal service, with derailing switches

to be installed and thereafter maintained at the expense of the owner of the railroad desiring to make such crossing ”.

Motion carried.

Mr. Walsh was appointed as the select committee of one.

REPORT OF SELECT COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 7, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses—with instructions, does now report that the instructions of the Assembly have been carried out.

WALSH, Committee.

Report adopted.

Assembly Bill No. 472 ordered to reëngrossment, print, and on file for passage.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 249—An Act to amend Section 1621 of the Political Code, relating to boards of school trustees and city boards of education.

Bill read third time on a previous day.

COMMITTEE AMENDMENT.

Mr. Atkinson moved that a select committee of one be appointed to amend Assembly Bill No. 249, as follows:

After the word “and,” in line 8, page 1 of the printed bill, insert the following: “save in cities, or cities and counties, having city, or city and county boards of education ”

Motion carried.

Mr. Atkinson was appointed as the select committee of one.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 249—An Act to amend Section 1621 of the Political Code, relating to boards of school trustees and city boards of education—with instructions, does now report that the instructions of the Assembly have been carried out.

ATKINSON, Committee.

Report adopted.

Assembly Bill No. 249 ordered to reëngrossment, print, and on file for passage.

MESSAGES FROM THE SENATE.

On motion of Mr. Transue, the following Senate messages were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 7, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 179—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California,

LEWIS A. HILBORN, Secretary of Senate.

Senate Bill No. 179 read first time, and referred to Committee on Public Health and Quarantine.

BILL WITHDRAWN.

Mr. Pyle moved that he be permitted to withdraw Assembly Bill No. 356 (No. 116 on third-reading file), and that Senate Bill No. 179 take its place on the file.

Motion carried, and such was the order.

Assembly Bill No. 536 withdrawn.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, February 7, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 241—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Also: Senate Bill No. 240—An Act to amend Section 415 of the Act entitled "An Act to establish a Civil Code in the State of California," approved March 21, 1872, in relation to the holding, purchase, and conveyance of real estate by life insurance companies.

Also: Assembly Bill No. 211—An Act to appropriate out of the State School-Book Fund of the State Treasury, the sum of \$4,119.71, to pay the claim of Bonestell, Richardson & Co., for money due and owing said Bonestell, Richardson & Co. from the State of California.

Also: Senate Bill No. 405—An Act to amend Section 3650 of the Political Code of the State of California, relating to how the assessor must prepare an assessment book and list therein all property within the county.

Also: Adopted Assembly Concurrent Resolution No. 9—Approving six certain amendments to the charter of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein for that purpose on the 5th day of December, 1904.

Also: Passed Senate Bill No. 116—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant.

Senate Bills 241 and 240 read first time.

Senate Bill No. 405 read first time, and referred to Committee on Revenue and Taxation.

Senate Bill No. 116 read first time, and referred to Committee on Corporations.

Assembly Bill No. 211 and Assembly Concurrent Resolution No. 5 ordered to enrollment.

BILLS ORDERED ON FILE.

Mr. Transue moved that Senate Bills Nos. 241 and 240 be placed on special Senate file, and that Assembly Bills Nos. 205 and 206, being identical with the Senate bills, be withdrawn.

Motion carried, and such was the order.

Assembly Bills Nos. 205 and 206 withdrawn.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 194—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts.

Passed on file.

Assembly Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

Passed on file.

Assembly Bill No. 532—An Act protecting the claims of those who may furnish materials or labor for the working or developing of mining properties under powers which are obtained by bond or a trust deed.

Passed on file.

Assembly Bill No. 125—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of State and county school funds.

Passed on file.

Assembly Bill No. 273—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a

new section thereto, to be numbered Section 3788½, relating to the time within which deeds must be executed for property sold for delinquent taxes to purchasers other than the State of California.

Bill read third time.

SELECT COMMITTEE AMENDMENT.

Mr. Thompson moved that a select committee of one be appointed to amend Assembly Bill No. 273, as follows:

Amend the title by striking out the period after the word "California" in the eighth line thereof, and adding in lieu thereof the words "or a municipal corporation within said State."

Also: Amend by inserting in line 7, on page 1 of the printed bill, after the comma, following the word California, the words "or a municipal corporation within said State."

Motion carried.

Mr. Thompson was appointed as the select committee of one.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 273—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 3788½, relating to the time within which deeds must be executed for property sold for delinquent taxes to purchasers other than the State of California—with instructions, does now report that the instructions of the Assembly have been carried out.

THOMPSON, Committee.

Report adopted.

Assembly Bill No. 273 ordered to reengrossment, print, and for passage.

Assembly Bill No. 585—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the disposition of moneys received by the State on a sale of lands acquired by the State at tax sales.

Passed on file.

Assembly Bill No. 453—An Act to appropriate \$20,000 for the improvement of Big Basin Park.

Passed on file.

Assembly Bill No. 218—An Act to amend Section 2690 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings on approval of viewer's report in the matter of public highways.

Passed on file.

Assembly Bill No. 10—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Passed on file.

Assembly Bill No. 437—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Hawkins, Houser, Jarvis, Johnstone, Jury, Lucey, Lumley, Lynch, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Kolley, Slaven, Strohl, Thompson, Transue, Tripp, Vogel, Waste, Whiting, and Wickersham—48.

NOES—Messrs. Anthony and Cooper—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 590—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1365, relating to the persons who shall be entitled to administer estates of deceased persons, and the order in which such persons shall be so entitled.

Bill read third time.

Mr. Thompson moved that a select committee of one be appointed to amend Assembly Bill No. 590, as follows:

Amend by striking out of lines 5, 6, and 7, on page 1, of the printed bill, the words "the relatives of the deceased being entitled to administer only when they are entitled to succeed to his personal estate, or some portion thereof"

Also: By striking out of line 16, on page 2 of the printed bill, the words "herein above named," and insert in lieu thereof the following words and figures: "named in subdivisions 1, 2, 3, 4, and 5 of this section"

Motion carried.

Mr. Thompson was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 590—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1365, relating to the persons who shall be entitled to administer estates of deceased persons, and the order in which such persons shall be so entitled—with instructions, does now report that the instructions of the Assembly have been carried out

THOMPSON, Committee

Report adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 522—An Act creating the office of Public Defender, fixing his duties and compensation, and providing him with a contingent fund with which to properly carry out the duties thereof.

Passed on file.

#### BILLS SUBSTITUTED ON FILE.

Mr. Treadwell moved that Assembly Bill No. 738 (No. 97 on the file) be substituted in place of Assembly Bill No. 462 (No. 63 on the file).

Motion carried.

Assembly Bill No. 738 (Committee Substitute for Assembly Bill No. 103)—An Act to amend an Act entitled "The Political Code of the State of California," relating to the employment of women as physicians in State hospitals for the care and treatment of the insane, and in the California Home for the Care and Training of Feeble-Minded Children at Eldridge, Sonoma County.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Boyle, Burge, Burke, Busick, Chandler, Coyle, Cullen, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Hawkins, Houser, Jarvis, Johnstone, Lucey, Lumley, Lynch, Maxwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, and Wickersham—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

## RESOLUTIONS—(OUT OF ORDER).

Mr. McCartney was granted leave to introduce the following resolution, out of order:

(Authorizing Chief Clerk to mail bills, etc.)

*Resolved*, That the Chief Clerk be and he is hereby directed to mail Assembly Histories, bills, and other printed matter to addresses furnished by the members, said addresses to be limited to four each, provided that only such bills and other printed matter be mailed as may be requested by the parties whose names are put upon the mailing list. The clerk is hereby directed to address a letter to each person whose name may be placed upon the mailing list requesting said parties to designate what bills or class of bills they may be interested in and desire to have mailed to them, and the Controller is hereby directed to draw his warrant in favor of the Chief Clerk for \$250, to pay postage and other expenses connected therewith, and the Treasurer is directed to pay the same.

Mr. McCartney moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Coyle, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hawkins, Houser, Johnson, Johnstone, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Thompson, Tripp, Vogel, Walsh, Waste, Whiting, and Wickersham—47.

**NOES**—None.

Mr. McCartney was granted leave to introduce the following resolution, out of order:

*Resolved*, That the Chief Clerk be and he is hereby authorized to employ two expert assistants to the Chief Clerk, at the per diem paid such clerks, said clerks to be assigned to special duty; and the Controller is hereby directed to draw his warrant in favor of such clerks when appointed.

Resolution read.

Mr. McCartney moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Boyle, Branstetter, Burge, Busick, Chandler, Coyle, Cullen, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Hawkins, Houser, Johnson, Johnstone, Jones of San Francisco, Jury, Lucey, Lumley, Lynch, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—51.

**NOES**—None.

## THIRD-READING FILE—(RESUMED).

Assembly Bill No. 350—An Act to prevent the payment of municipal officers out of the funds of the county.

Passed on file.

Assembly Bill No. 401—An Act to amend Section 6 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations."

Passed on file.

Assembly Bill No. 205—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Passed on file.

Assembly Bill No. 206—An Act to amend Section 415 of the Act entitled "An Act to establish a Civil Code in the State of California," approved March 21, 1872, in relation to the holding, purchase, and conveyance of real estate by life insurance companies.

Passed on file.

Assembly Bill No. 346—An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cooper, Coyle, Cullen, Dorsey, Drew, Ells, Espey, Estudillo, Gans, Goodrich, Hawkins, Houser, Johnson, Johnstone, Jury, Lucey, Lumley, Lynch, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Wickersham—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 339—An Act to amend Sections 2978, 2979, and 2982, and to repeal Section 2983 of the Political Code of the State of California, relating to the State Board of Health.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Boyle, Branstetter, Burke, Busick, Cooper, Coyle, Cullen, Dorsey, Drew, Ells, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, Johnson, Johnstone, Jones of San Francisco, Jury, Lucey, Lumley, Lynch, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Pyle, Rolley, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, and Wickersham—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 347—An Act to amend Sections 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, and to repeal Section 3084 of the Political Code of the State of California, relating to the State Board of Health and the registration of births, marriages, and deaths, and providing for the compensation of a State statistician and assistants.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, Johnson, Johnstone, Jones of San Francisco, Jury, Lucey, Lumley, Lynch, McCartney, McKenney, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, and Wickersham—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.



## RECESS.

At four o'clock and twenty-eight minutes P. M., on motion of Mr. Atkinson, a recess was declared until seven o'clock and thirty minutes P. M. this day.

## EVENING SESSION.

The Assembly reconvened at seven o'clock and thirty minutes P. M. The Speaker, Hon. Frank C. Prescott, in the chair.

## APPOINTMENT OF INVESTIGATION COMMITTEE.

The Speaker announced the appointment of the following-named gentlemen to constitute a committee on resolution to consider memorial against Superior Judge Lucas F. Smith, of Santa Cruz County:

Messrs. McCartney (chairman), Atkinson, Beardslee, Burke, and Lumley.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received (out of order) and read:

## ON REVISION AND REFORM OF LAWS

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 389—An Act to add a Chapter VI, of Title II, of Part II, of Division I of the Civil Code, relating to life, health, accident, and annuity or endowment insurance on the assessment plan—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DREW, Chairman.

Assembly Bill No. 389 ordered on second-reading file.

## SPECIAL REPORT OF COMMITTEE ON REVISION AND REFORM OF LAWS, EXPLAINING CODE BILLS.

The Committee on Revision and Reform of Laws submitted the following special report, which was ordered printed in the Journal:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905.

MR. SPEAKER: Your Committee on Revision and Reform of Laws hereby makes a special report with reference to the Code revision bills, now on the special file of said bills, and ready for third reading.

## ASSEMBLY BILL No. 264.

(Last amended in Assembly February 1, 1905.)

*Civil Code—Section 53.* The provisions of this section are contained in the present Section 82. The section is therefore unnecessary.

*Civil Code—Section 60.* The change consists of the insertion of the word "Mongolians" after the word "negroes."

*Civil Code—Section 53.* The change consists in the substitution of the word "others" for "other" before "than"; the substitution of "a party" for "the parties" after "than"; and the substitution of "it" for "that marriage" after "invalidate." The meaning of the section is unchanged.

*Civil Code—Section 794.* The change consists of the omission of the words "procuring a license and" after "to" in line 3, Section 4, Page 2, of the printed bill, thus requiring a license in every case, but leaving the mode of celebrating the marriage as at present. The section is renumbered 79a.

*Civil Code—Section 84.* The design of the amendment is to make the rule declared in this section applicable to all judgments adjudging marriage null, the present section applying only to cases where a marriage is annulled on the ground that a former husband or wife was living.

## ASSEMBLY BILL No. 265.

*Civil Code—Sections 212, 248, 244, and 245.* The provisions of the above sections, relating to guardian and ward, are controlled by Sections 1747, 1758, and 1793 of the Code of Civil Procedure. They are, therefore, unnecessary and misleading.

*Civil Code—Section 246:* The change consists in the addition of Subdivision 4, which is a codification of the Statutes of 1873-4, page 297, relating to the care of orphan and abandoned children. The penal provisions of that Act are, however, omitted as they do not properly find a place in this Code.

*Civil Code—Section 247:* The subjectmatter of this section is provided for in Section 1753 of the Code of Civil Procedure.

*Civil Code—Sections 248 and 249:* The provisions of these sections are included in Sections 1753 and 1770 of the Code of Civil Procedure.

*Civil Code—Section 258:* This section, which prescribed the mode of placing insane persons in the asylum, has been supplanted by later legislation (see Statute of 1897, page 311, relative to the establishment of a lunacy commission, and Political Code, Sections 2136 to 2199).

#### ASSEMBLY BILL NO. 336

*Civil Code—Sections 403 and 404:* The bill adds a new chapter, entitled "General Provisions Affecting Corporations." Said chapter is made up of the old Section 403, which now stands in a chapter entitled "Extension and Dissolution of Corporations," and of the matter now in Section 384, which now stands in a chapter entitled "Examination of Corporations." The object of the rearrangement is the placing of the sections under a more appropriate chapter heading.

#### ASSEMBLY BILL NO. 335

*Civil Code—Section 399:* This section, which purports merely to designate the place in the Code of Civil Procedure, where the dissolution of corporations is provided for, does not state any rule of law and constitutes but an imperfect index to the provisions referred to.

*Civil Code—Section 400:* The change consists in the substitution of the word "a" for "such," in line 4.

*Civil Code—Section 401:* The design of the amendment is to require the written assent of stockholders representing two thirds of the capital stock, instead of permitting two thirds in number of the stockholders to act by their written consent. The change consists in the substitution of the words "two thirds of the members or of stockholders representing two thirds of the capital stock" in place of that number of "stockholders or members," in lines 11 and 12.

#### ASSEMBLY BILL NO. 333.

*Civil Code—Section 382:* The change consists of the substitution of the language of the first sentence of Section 3, of Article XII, of the Constitution in place of the first sentence of the present section. As the section now stands, it is believed to be unconstitutional. (See *Larrabee vs. Baldwin*, 35 Cal 155.) The words "an equal share" are substituted for "his proportion," in line 46.

*Civil Code—Section 323:* The change consists in the addition of the words "but any certificate issued prior to full payment must show on its face what amount has been paid thereon" (lines 7 to 9), the object being to require a certificate issued prior to full payment to show the amount paid thereon.

*Civil Code—Section 325:* The amendment is designed to make it clear that shares of stock standing in the name of a married woman are presumed to be her separate property, and that they may be dealt with by her as such, in the absence of proof and notice to the contrary.

#### ASSEMBLY BILL NO. 332.

*Civil Code—Sections 264 and 276:* The bill is a codification of the Statute of 1875-6, page 842, relative to masters and apprentices, as amended in 1880, page 28, the old chapter being repealed and the provisions of the Acts above referred to substituted in place thereof.

In this codification Section 1 of the Statute has been made Section 264; Sections 2 and 7, 265; Sections 3, 4, 5, and 12, 266; Section 6, 267; Section 8 and the latter part of Section 9, 268; the first clause of Section 9 and all of Section 10, 269; Section 11, 270; Section 13, 271; Section 14, 272; Section 15, 273; Sections 16 and 17, 274; Section 19, 275; Section 20, 276.

It will be observed that Section 18 of the Statute has been omitted. It purports to make the parties to an indenture of apprenticeship liable to the master for any breach thereof.

The theory of the Statute is that the contract of apprenticeship is not made by the minor, but by his parent or guardian. If such parent or guardian is made personally liable on the contract, a parent will rarely, and the guardian almost never, enter into it. It seems sufficient that such parent or guardian be made answerable for the cost of the proceeding brought by the master to be released from the indenture, as provided for in Section 274. The master on his part is not absolutely bound, because he may, if he wishes to remove from the State, or to quit his trade or business, apply to be released from his contract, and he may take like action whenever the apprentice is guilty of neglect, refusal to do his duty, or gross misbehavior. These considerations seem to furnish good reason for the omission of the section.

#### ASSEMBLY BILL NO. 331.

*Civil Code—Section 299:* The change consists in the insertion of the words "other than the county in which its original articles of incorporation are filed" after "state," in line 4, Section 1.

*Civil Code—Section 302* The change consists in the omission of the words "and the right to vote determined" after "given," in line 7, Section 2. The right to vote is controlled by Section 307.

*Civil Code—Section 304* The provisions of the present section, declaring that no by-law or any amendment thereof shall take effect until copied in the book of by-laws, is amended so as to permit by-laws and amendments thereof, which have been duly passed, to be treated as valid and enforceable against the corporation and persons having notice thereof, regardless of whether or not they have been copied into the proper book. It has often happened that by-laws have been published and generally acted upon by the corporation, and by others, and then their effect has been sought to be avoided on account of the failure of the proper officer to perform his duty of copying them as the Code directs. The change consists of the addition of the last sentence (lines 26 to 29).

*Civil Code—Section 309* The change consists in the omission of the words "nor must they divide, withdraw, or pay to the stockholders, or any of them, any part of the capital stock," where those words first occur, and in the omission of the words "in the event of its dissolution," after "thereof," in line 5.

The reason for the omission of the words first above alluded to is that by some clerical error they occur twice in the section. The words "in the event of its dissolution," are omitted because their presence makes it impossible to enforce the liability against the directors unless the corporation is first dissolved, which could not have been the intention of the Legislature.

*Civil Code—Section 310* The amendment, while it authorizes the removal of the whole board of directors by a two-thirds vote of the members or stockholders, denies the power to remove less than the whole number by such vote.

The reason for this is that by the system of cumulative voting sanctioned by Section 307, a minority may obtain representation in the board of directors; if so, a director elected to represent a minority of one third ought not to be removed by the subsequent vote of the other two thirds, and the system of cumulative voting and minority representation thus made ineffective. The first sentence only is changed.

*Civil Code—Section 311* By the amendment proposed the holders of a majority of the stock, though their number is less than three, are authorized to apply to the justice to issue a warrant for an election. The change consists in the addition of the last sentence, lines 13 to 15.

*Civil Code—Section 312* The change consists in the substitution of the words "Superior Court" in place of "District Court," in line 12, and in the omission of the words "bona fide" before, "stockholder," in line 7. For the purposes of election, a person appearing upon the books of the corporation to be a stockholder should be permitted to vote, and election officers should not be vested with authority to deny such a stockholder the right to vote, or to claim that for some reason he is not a bona fide stockholder. (See *Smith vs S. F. & N. P. Ry Co.*, 115 Cal 584.)

*Civil Code—Section 314* The design of the amendment is to extend the provisions of the section to all elections howsoever authorized, and for this purpose the words "by law" are inserted after "appointed," "in" is omitted after "appointed," and "or otherwise" are inserted after "by-laws."

*Civil Code—Section 315* The change consists in the substitution of the words "superior court of the county" for "district court of the district."

#### ASSEMBLY BILL No. 266.

*Civil Code—Section 236* The first two sentences of this section have been recast with the design to making the proceeding for adoption judicial, thereby supporting it by the same intendment which are indulged in favor of other proceedings conducted in courts of record.

*Civil Code—Section 237* The change consists in the substitution of the word "court" for the word "judge," in line 3, and in the addition of the last sentence, lines 8 to 10, said sentence being added for the purpose of making it clear that the papers constituting part of the adoption, or of the proceeding therefor, must be filed and preserved by the clerk.

#### ASSEMBLY BILL No. 390.

*Civil Code—Section 465a* This section is a codification of the Statute of 1893, page 208, relating to the operation of railroads.

*Civil Code—Section 468* The amendment consists in codifying and adding to the section the provisions of the Act of 1880, page 43, to compel the operation of railroads, and of the Statute of 1897, page 5, to provide for the management and operation of railroads above certain elevations.

*Civil Code—Section 475a* Section 2 of the Statute of 1880, page 21, authorizing railway and other corporations organized under the laws of this State or of any State or Territory of the United States to do business in this State, on equal terms, is codified in this section.

*Civil Code—Section 481* The amendment consists in the substitution of the word "its" for "their" in line 3, and the substitution of "it" for "they" in line 5, thus correcting errors of grammar.

*Civil Code—Section 489* Section 11 of the Statute of 1880, page 47, defining the powers of the Board of Railroad Commissioners, is substituted in place of the present Section 489. The section has been inoperative since the adoption of the Constitution of 1879.

## ASSEMBLY BILL NO. 388.

*Civil Code—Sections 453a, 453b, and 453c.* The Statute of 1875 6, page 689, concerning the powers of underwriters, as amended by the Statute of 1897, page 223, is codified in the sections above named, a new chapter being added, entitled "Corporations to Discover Fire, and to Save Property and Human Life From Destruction Thereby," to consist of Sections 453a, 453b, and 453c.

## ASSEMBLY BILL NO. 387.

(Last amended in Assembly February 1, 1905.)

*Civil Code—Sections 452a and 453.* The Statute of 1873-4, page 745, as amended by the Statutes of 1890, page 25, and 1901, page 6, relating to mutual benefit associations, is codified in the above sections, and a new chapter, entitled "Mutual Benefit and Life Associations," is added, to consist of Sections 452a and 453.

## ASSEMBLY BILL NO. 386.

(Last amended in Assembly February 1, 1905.)

*Civil Code—Sections 431 and 452.* Section 431, which deals with the amounts to be received by life insurance companies, now stands in a chapter entitled "Fire, Marine, and Title Insurance Corporations." It is transferred to a more appropriate chapter, and numbered 452.

*Civil Code—Section 443.* This section exempts accident insurance companies from stamp duties, but as there are no such duties under the law as it now stands, the section is unnecessary.

## ASSEMBLY BILL NO. 385.

*Civil Code—Section 428.* The change consists of the insertion of the words "at once" before "reinsuring," in line 7.

## ASSEMBLY BILL NO. 384.

(Last amended in Assembly February 3, 1905.)

*Civil Code—Section 414.* The change consists of the insertion of the words "of any insurance company" after "incorporation," in line 4, thus making the section applicable, as was no doubt intended by the Legislature, to insurance corporations only.

*Civil Code—Section 415.* The change consists in omitting the clause in the last sentence of the section as it now stands, excusing the corporation from disposing of real property if it procures a certificate of an insurance commissioner that it will suffer by such sale, said clause being in conflict with that part of Section 9, of Article XII, of the Constitution which declares that no corporation shall "hold for a longer period than five years any real estate except such as may be necessary for carrying on its business."

*Civil Code—Section 417.* The change consists in the substitution of the word "its" for "their" before "by-laws," thus correcting an error in grammar.

*Civil Code—Section 418.* The change consists of the omission of the words "the estates of" before "all" in line 6.

## ASSEMBLY BILL NO. 499.

*Civil Code—Section 1386.* A clerical error is corrected by renumbering the subdivisions; certain grammatical errors are corrected. The words "or grandchild" are inserted after "child" in line 41; the words "nor the child or grandchild of a deceased brother or sister" are inserted after "sister" in line 44; the words "children of such deceased spouse and the descendants thereof, and if none, then to," are inserted in lines 73 and 74. In the second line of subdivision 8, the word "issue" is substituted for "kindred," and the subdivision amended in accordance with the urgent request of Judge Gray of the Supreme Court Commission to overcome such cases as estate of McCauley (138 Cal 546).

*Civil Code—Section 1388.* The amendment consists in declaring that if an illegitimate child has been legitimated, his estate on his death is succeeded to as if he were born in wedlock.

*Civil Code—Section 1395.* The change consists in the substitution of the words "other heir" for "other lineal descendants," in lines 4 and 7; the substitution of "heirs" for "issue" in line 6.

*Civil Code—Section 1399.* The change consists in the substitution of the words "other heir" for "other lineal descendant" before "receiving" in line 3, and in the substitution of "heirs" for "issue" after "leaving" in line 4.

*Civil Code—Section 1405.* The change consists in the words "superior court" for "district court" before "or" in line 4, and in the substitution of the words "he appears in the court in which such information was filed and asks for a judgment or order entitling him thereto," page 2, Assembly Bill No. 499 (lines 8 to 11), in place of the words "proof to the satisfaction of the State Comptroller and Treasurer be produced that he is entitled to succession thereto." The design of the amendment is to require the proof of the right to succession to be made in court instead of vesting the controller and the treasurer with power to determine the question.

*Civil Code—Section 1406.* This section is recast to conform to the proposed amendment to the last section.

*Civil Code—Section 1409.* This is a new section corresponding to the proposed Section 1314.

## ASSEMBLY BILL No. 216.

*Civil Code—Section 47.* The change consists of the addition of the second sentence in subdivision 2 (lines 6 to 8). The purpose of the amendment is to render not privileged irrelevant matter maliciously published in the course of judicial proceedings.

*Civil Code—Section 49.* The matter in subdivision 1 of the section as it now stands, referring to the abduction of a husband from his wife, and of a parent from his child, is omitted, and the words "of a husband from his wife" are inserted in subdivision 2. Also, the words "or of a servant from his master," now in subdivision 2, are omitted from the section.

*Civil Code—Sections 51 and 52.* The Statute of 1897, page 137, relating to the rights of persons, is codified in the two sections above named.

*Civil Code—Sections 53 and 54.* The Statute of 1893, page 220, relating to the rights of persons, is codified in the sections above named.

## ASSEMBLY BILL No 393

*Civil Code—Section 497.* The change consists of the insertion of the words "compressed air" after "electricity" in line 19, and in the addition of the last sentence (lines 28 to 34), said sentence being a codification of the Statute of 1897, page 46, authorizing cities and towns to grant franchises for the construction and maintenance of railroads beyond the limits of such cities and towns, and leading to parks owned by them.

*Civil Code—Section 498.* The change consists in the addition of the last sentence (lines 21 to 27), which is a codification of the statute of 1893, page 44, requiring street railways to allow mail carriers to ride free of charge. The sentence which now follows the word "railways," in line 7, is transposed and placed in lines 17 to 20.

*Civil Code—Section 504.* The present Section 504 is recast, and the penalty is made \$250 in place of \$200.

*Civil Code—Section 507.* The amendment consists in the substitution of the word "municipality" for "corporation" in line 5, and of "owner of such railroad" for "corporation" in line 8.

## ASSEMBLY BILL No. 394.

*Civil Code—Section 513.* The change consists in the omission of the words "they were" before the word "before" in line 14. The omission does not change the meaning of the section.

*Civil Code—Section 514.* The change consists in the omission of that part of the section excepting from its operation the counties of Butte, Del Norte, Humboldt, Klamath, Plumas, and Sierra.

*Civil Code—Section 517.* The section as it now stands authorizes the toll-gatherer to prevent from passing through his gate persons leading or driving animals or vehicles subject to toll. The form of the section has been changed to express what was doubtless originally intended by the Legislature.

*Civil Code—Section 518.* The change consists of the insertion of the words "or any vehicle or animal" after "passenger," in line 4.

*Civil Code—Section 522.* The change consists in the substitution of the word "its" in place of "their" in line 5, thus correcting an error of grammar.

## ASSEMBLY BILL No. 395.

*Civil Code—Section 524.* The Statute of 1897, page 191, authorizing municipal corporations to construct paths and roads for the use of bicycles and other horseless vehicles, codified in this section.

## ASSEMBLY BILL No. 396.

*Civil Code—Section 528.* The change consists of the insertion of the words, "or other governing body having authority in that behalf," after "supervisor," in line 5.

*Civil Code—Section 529.* The change consists of the insertion of the words, "or other governing body having authority in that behalf," after "supervisors," in line 6.

*Civil Code—Section 530.* The change consists of the insertion of the words, "or other governing body having authority in that behalf," after "supervisors," in line 5.

## ASSEMBLY BILL No. 399.

*Civil Code—Section 583b.* This section is a codification of the Statutes of 1893, page 183, and 1897, page 27, the only change made being in the provisions concerning the person who is to make the report. The original Statute provided that the report should be made by the president or secretary. It has been thought best to impose the duty upon a single officer, so that it cannot be evaded by one officer, by his saying that it was the duty of the other, or that he has supposed the other had, or would, perform it.

## ASSEMBLY BILL No. 479.

*Civil Code—Sections 586, 587, and 587a.* The bill revises the whole of Title XI, of part IV, of Division First, of the Civil Code, respecting mining corporations. Sections 586 and 587 are not changed, but simply reenacted. Section 587a contains substantially the matter now in Section 361, the word "corporations" being substituted for "companies" in lines 42, 53, 56, and 58, and the words "and to cause notice of the time and place fixed

for such meeting to be mailed to each stockholder of each of such corporations at his last known place of residence or business at least ten days before the time fixed for such meeting" being inserted (lines 60 to 64). The matter added is designed to provide the mode in which notices may be served on stockholders.

*Civil Code, Sections 533, 539, 590* The Statute of 1873-4, page 866, as amended in 1880, page 34, and 1897, page 38, is codified in the above sections, the only substantial change made being in the omission of the proviso in Section 1 of the amendatory Act of 1897, limiting its provisions to corporations "whose stock is listed and offered for sale at public exchange." The provisions of the part of the section omitted are unconstitutional. (See *Johnston vs. Tautphaus*, 127 Cal. 604.)

#### ASSEMBLY BILL No. 480.

*Civil Code, Sections 591, 592, 592a, 592b, 592c, 592d, and 592e* The bill adds a new title to the Code, designated "Corporations for the Formation of Chambers of Commerce, Boards of Trade, Mechanics' Institutions, and other Kindred Organizations," the matter contained in said chapter being a codification of the Statute of 1865-6, page 469, as amended in 1867-8, page 5, and 1885, page 76, respecting chambers of commerce.

#### ASSEMBLY BILL No. 481.

*Civil Code—Sections 607, 607a, 607b, 607c, 607d, 607e, 607f, and 607g* The subject-matter of the above sections is taken from the Statute of 1873-4, page 499; as amended in 1901, page 285, and 1903, page 69—to prevent cruelty to animals; the Statute of 1875-6, page 830, relating to the incorporation of societies for the prevention of cruelty to children; and the Statute of 1877-8, page 812, for the protection of children; and the Statute of 1877-8, page 813, relating to children. Section 1 of the Act of 1875-6, page 830, is codified in Section 607. Subdivision 7 of Section 2 of the same Act is codified in Section 607a, and Section 3 in Section 607b. Section 607c is a codification of Section 4 of the Act of 1875-6, page 830, and Section 4 of the Act of 1873-4, page 499. Section 5 of the Act of 1875-6, page 830, is codified in Section 607d, and Section 14 of that Act, as amended in 1903, page 69, and Section 5 of the Act of 1877-8, page 813, are consolidated and codified in Section 607e. Section 5 of the Act of 1873-4, page 499, as amended in 1901, page 285, is codified in Section 607f, and Section 3 of the Act of 1877-8, page 812, is codified in Section 607g, with the exception of subdivision 5 thereof, which is an addition thereto, to cover the matters referred to in the Act of 1877-8, page 813.

#### ASSEMBLY BILL No. 516.

*Civil Code—Section 3451* The change consists of the insertion of the words "or creditors or to some other person or persons in trust for such particular creditor or creditors," after "creditor," in line 12. The rule stated in the section as amended by the addition of the clause above quoted is the rule heretofore enforced in this State (*Lawrence vs. Neff*, 41 Cal. 566; *Hendley vs. Pfister*, 39 Cal. 243; *Priest vs. Brown*, 100 Cal. 626); but some doubt has been the case upon the subject by the later case of *Sabachi vs. Chase*, 108 Cal. 81.

#### ASSEMBLY BILL No. 515.

*Civil Code—Section 3366* The change consists in the substitution of the words, "as provided by the laws of this State," in place of the words, "in the cases specified in this title and in no others." The purpose is to enlarge the scope of the section.

#### ASSEMBLY BILL No. 514.

*Civil Code—Section 3346a*: The new section incorporates into this Code the principle now declared in Section 3344 of the Political Code.

#### ASSEMBLY BILL No. 513.

*Civil Code—Section 3294* The change consists in the substitution of the words "express or implied" for "actual or presumed," in line 5, and in the substitution of the words "the plaintiff, in addition to the actual damages, may recover," in place of the words "the jurors, in addition to actual damages, may give," in lines 5 and 6.

As the section now stands it appears to apply to jury trials only. This, of course, was not the intention of the Legislature.

#### ASSEMBLY BILL No. 512.

*Civil Code—Section 3131* The change consists in the insertion of the words "or his agent" after "holder," in line 6. The design of the amendment is to conform the section in this respect to Section 3186.

*Civil Code—Section 3176* The change consists in the insertion of the word "cannot" after "residence," in line 10, to correct a manifest error.

*Civil Code—Section 3197* The change consists in the omission of the words "or other good consideration," as they occur after "value," line 5. The presence of these words implies that a consideration other than "for value" may support a promise in writing to accept a bill. Such is not intended to be the law.

*Civil Code—Section 3235*: The change consists in the substitution of the word "a" for "any" before "person," in line 8; in the omission of the words "but in any of the

other States west of the Rocky Mountains" after "State" in line 8; in the omission of the third subdivision; and in the renumbering of the fourth subdivision rendered necessary thereby.

As it now stands the section divides for its purposes that part of the United States not included within this State, into two parts, viz: The States west, and the States east, of the Rocky Mountains, thus apparently ignoring the States now existing situated partly on each side of those mountains. It has seemed best to abolish the distinction altogether and to provide a uniform rate of damage for all the States, irrespective of their position with reference to those mountains.

#### ASSEMBLY BILL No. 511.

*Civil Code—Section 3052.* The design of the amendment is to extend the lien provided in the present Section 3052 to any person rendering any service by labor, skill, or materials furnished or employed in the necessary protection and safe keeping or carriage of property while in his legal possession for his reasonable charges. To accomplish this the words "or while lawfully in possession thereof renders any service to the owner thereof, by labor or skill, necessarily employed for the protection, safe keeping, or carriage thereof," are inserted after "property" in line 5; the words "dependent upon possession" are inserted after "same" in line 8; the words "or so much thereof as may be necessary to satisfy his demand" are inserted after "property" in line 12; and "county" is substituted for "town" in line 18.

*Civil Code—Section 3061.* The Statute of 1885, page 109, concerning liens in favor of persons working on threshing machines, is codified in this section.

*Civil Code—Sections 3062, 3063, and 3064.* The Statute of 1891, page 90, is codified in the above section.

*Civil Code—Section 3065.* So much of the Statute of 1877-78, page 747, as amended in 1880, page 38, and 1887, page 53, relating to loggers' liens, as is deemed necessary to be preserved, is codified in the above section.

#### ASSEMBLY BILL No. 510.

*Civil Code—Section 2973.* This section merely declares the law already existing upon the subject. It is deemed proper to have the same expressed in the Code.

#### ASSEMBLY BILL No. 509.

*Civil Code—Section 2903.* The change consists in the addition of the clause after the word "foreclosed," in line 6. The design of the amendment is to state and apply the rule of equity in such cases, it being feared that the declaration of a similar rule in Section 2904, and its omission in this section might lead to doubt.

*Civil Code—Section 2915.* The change consists in the substitution of the word "value" for "a good consideration," after "for," in line 9.

#### ASSEMBLY BILL No. 508.

*Civil Code—Section 2541.* The change consists in the addition of the clause following "mortgagee" in line 10, and is designed to authorize a mortgagee in whose favor insurance is effected, to perform for the mortgagor any acts to be performed by him, with the same effect as if performed by the mortgagor.

#### ASSEMBLY BILL No. 507.

*Civil Code—Section 2334.* The change consists in the substitution of the words "want of ordinary care," for "ordinary negligence," in line 5.

#### ASSEMBLY BILL No. 506.

*Civil Code—Section 2286.* The change consists in the addition of the words "and for the value of its use" after "events" in line 6.

#### ASSEMBLY BILL No. 505.

*Civil Code—Section 2170.* The change consists in the omission of all of the present section except the first sentence, the provisions following the first sentence being transferred to Section 2172. The reason for the transposition is stated in the note to the following section:

*Civil Code—Section 2172.* This section consists in all the present Section 2170, except the first sentence. In 1880 Section 2170 was amended, when it was manifestly the intention to amend Section 2172, and the proposed amendment to Section 2172 is for the purpose of carrying out that intention.

*Civil Code—Section 2180.* The change consists in the substitution of the word "need" for "may," in line 8. The present section would seem to prohibit a carrier by stage from receiving more than sixty pounds of luggage, wherein it was manifestly intended only to relieve him, at his election, from receiving a greater amount.

*Civil Code—Section 2195.* The change consists in the substitution of the words "want of ordinary care" for "ordinary negligence," in line 4.

## ASSEMBLY BILL No. 504.

*Civil Code—Section 1929:* The change consists in the substitution of the words "want of ordinary care" for "ordinary negligence," in line 4.

*Civil Code—Section 1930:* The change consists in the substitution of the words "he is liable to the letter for all damages resulting from such use, or the letter" in place of the words "the letter who is responsible for its safety during such use in all events, or" (lines 4 to 6).

*Civil Code—Section 1932:* The change consists in the substitution of the words "want of ordinary care" for "ordinary negligence," in line 13.

## ASSEMBLY BILL No. 503.

*Civil Code—Section 1865:* The section is amended to incorporate therein the provisions upon the same subject of Sections 3136, 3137, and 3138 of the Political Code.

*Civil Code—Section 1871:* The section is amended to incorporate therein the provisions of Sections 3139, 3140, and 3141 of the Political Code.

## ASSEMBLY BILL No. 502.

*Civil Code—Sections 1858, 1858a, 1858b, 1858c, 1858d, 1858e, and 1858f:* The Statute of 1857-8, page 949, relating to warehousemen's and wharfingers' receipts, is codified in the above sections.

## ASSEMBLY BILL No. 501.

*Civil Code—Section 624:* The change consists in the addition of subdivision 7 (lines 31 to 34). The cases in which it is sought to establish parole evidence alleged agreements to provide for a person by will are becoming so numerous as to warrant the assumption that the reasons inducing the original enactment of the statute of frauds apply with especial force to agreements of this class and that they ought to be brought within that statute.

*Civil Code—Section 1325:* The change consists in the omission of the word "oral" before "negotiations," in line 4.

## ASSEMBLY BILL No. 500.

*Civil Code—Section 1468:* This is a new section and is designed to remove any doubt that covenants of the kind mentioned therein run with the land.

## ASSEMBLY BILL No. 498.

*Civil Code—Section 1275:* The change consists in the insertion of the word "that" before "corporation," in line 5, and in the insertion of the words "counties, municipal corporations and corporations" after "that," in line 5. The amendment in substance incorporates into the section the provisions of the Act of 1881, page 2, authorizing the several counties, cities and counties, cities and towns, of the State, to receive property by gift, bequest and devise.

*Civil Code—Section 1276:* The change consists in the substitution of the words "the same" in place of "his name" after "sign," in line 16. The purpose of the amendment is to avoid the strict construction given to subdivision 4 in *Estate of Walker*, 110 Cal. 387.

*Civil Code—Section 1285:* The change consists in the insertion of all the matter after the word "chapter," in line 4, the purpose being merely to state what has always been understood to be the rule in this State respecting bequests of personal property, viz: that it may be bequeathed in accordance with the law of the testator's domicile.

*Civil Code—Section 1300:* The change consists in the omission of the word "unmarried" before "women," in line 3. The purpose of the amendment is to apply the same rule to wills executed by married and unmarried women with respect to the revocation by subsequent marriage. (Page 2, Assembly Bill No. 498.)

*Civil Code—Section 1306:* The change consists in the addition of the last sentence (lines 9 to 12) and is intended to change the rule of *Smith vs. Olmstead*, 83 Cal. 582.

*Civil Code—Section 1307:* The change consists in the addition of the last sentence (lines 8 to 12). See note to preceding section.

*Civil Code—Section 1314:* The provisions of this section are new.

*Civil Code—Section 1327:* The change consists in the addition of the clause following the word "intention" in line 5, and provides that the words in a will need not be taken in a technical sense, if it appears to have been drawn by the testator, and that he was unacquainted with such sense.

*Civil Code—Section 1360:* The change consists in the insertion in the word "not" in line 12, and is designed to correct what is obviously a clerical error.

*Civil Code—Section 1364:* The change consists in the transposition of the words "within four years after the deviser's death" by striking them out at the end of the section, where they now appear, and placing them after the word "unless," in line 7.

*Civil Code—Section 1376:* The change consists in the addition of the clause following the word "state," in line 5, and has been rendered necessary by the proposed amendment to Section 1285.



## ASSEMBLY BILL No. 497.

*Civil Code—Sections 1269a, 1269b, and 1269c:* The Statute of 1873-4, page 582, relating to homesteads belonging to insane persons, is codified in the above sections, which are placed in a new chapter, entitled "Alienation of Homesteads of Insane Persons."

## ASSEMBLY BILL No. 496.

*Civil Code—Section 1263:* The change consists in the insertion of the words "and if the claimant is married the name of the spouse" after "family," in line 5.

## ASSEMBLY BILL No. 495.

*Civil Code—Section 1213:* This is a new section. It is self-explanatory.

## ASSEMBLY BILL No. 494.

*Civil Code—Section 1181:* The change consists in the substitution of the word "township" for "district" before "for," in line 5.

*Civil Code—Section 1135:* The change consists in the substitution of the words "person who executed it on behalf of the corporation," in place of "president or secretary of such corporation" (See note to Section 1161.)

*Civil Code—Section 1190:* The change consists in the substitution of the words "the person (or officer) who executed the within instrument on behalf of the corporation therein named," in place of the words "the president (or the secretary) of the corporation that executed the within instrument." (See note to Section 1161, Assembly Bill 493).

*Civil Code—Section 1202:* The change consists in the substitution of the word "superior" for "district," before "court," in line 5.

*Civil Code—Section 1203:* The change consists in the substitution of the word "superior" in the place of "district" before "court," in line 5.

## ASSEMBLY BILL No. 493.

*Civil Code—Section 1161:* The change consists in the substitution of the words "the person executing the same in behalf of the corporation" in place of "its president or secretary" (lines 8 and 9). The reason for the amendment is that an instrument may be executed on behalf of a corporation by an officer or person other than its president or secretary, when authorized by its board of directors. The section as it now stands appears to sanction its execution by those officers only.

## ASSEMBLY BILL No. 492.

*Civil Code, Section 1096:* Section 1 of the Act of 1873-4, page 345, relating to conveyances of real estate, is codified in the above section. The rest of the statute should be added to Section 4236 of the Political Code.

## ASSEMBLY BILL No. 491.

*Civil Code—Section 993:* The change consists in the addition of the words "and the person transferring it may transfer with it the right of using the name under which the business is conducted" (lines 4 to 6). The purpose of the amendment is to authorize the transfer of the right of using the name with the transfer of the good-will of the business.

## ASSEMBLY BILL No. 490.

*Civil Code—Section 970:* The amendment consists in the substitution of the words "by or under authority of the laws of the United States" after "steamers," in line 43, in place of the words "under authority of the Acts of Congress, approved August thirtieth, eighteen hundred and fifty-two, and April twenty-ninth, eighteen hundred and sixty-four."

## ASSEMBLY BILL No. 489.

*Civil Code—Sections 842 and 843:* The Statutes of 1889, page 202, relating to the protection of owners of ditches and flumes, is codified in the above sections. Section 3 of the statute is not codified for the reason that any matter in it which should be retained is fully covered by the general rules of law.

## ASSEMBLY BILL No. 488.

*Civil Code—Section 822:* A clerical error is corrected by inserting "has" after "property," in line 3.

## ASSEMBLY BILL No. 487.

*Civil Code—Section 793:* The words "in the district court," where they occur in the present section, are omitted.

## ASSEMBLY BILL No. 486.

*Civil Code—Sections 653b, 653c, 653d, 653e, 653f, 653g, 653h, 653i, 653j and 653k:* The Statute of 1895, page 221, is codified in the above sections, which are placed in a title designated "Cooperative Business Associations."

## ASSEMBLY BILL No. 485.

*Civil Code—Section 658a:* This section is a codification of that part of the Statute of 1877-8, page 883, defining cooperative corporations, and the section is placed in a new title designated "Cooperative Business Corporations." That part of the statute declaring that the by-laws may provide for the number of votes to which each shareholder shall be entitled is omitted for the reason that it is special legislation, and probably unconstitutional within the decision in *Krause vs. Durbrow* (127 Cal. 681).

## ASSEMBLY BILL No. 484.

*Civil Code—Section 638a* This section is a codification of Section 19 of the Statute of 1893, page 229.

*Civil Code—Section 643* The last sentence of the present section has been omitted for the reason that it occurs in Subdivision 19 of Section 690 of the Code of Civil Procedure.

*Civil Code—Section 648½:* This section is no longer necessary; the statute referred to therein, to wit: that on 1877-8, page 955, having been repealed. (Stats. 1897, page 243.)

## ASSEMBLY BILL No. 483.

*Civil Code—Sections 629, 630, 631, and 632:* The purpose of the amendment is to make the above sections applicable to electric as well as to gas light corporations. To accomplish this, the following changes have been made: In Section 629 the words "or direct or primary wire" are inserted after "main" (line 13), and the words "or electricity" are inserted in two places after "gas" (lines 15, 20). In Section 630 the words "or wire," are inserted after "pipe," in line 25, and "them" is substituted for "it" after "laying," in line 26. In Section 631 the words "any owner or manager of gas or electric works, or agent of such owner or manager, exhibiting written authority, signed by such owner or manager, or" are inserted at the beginning of the section (lines 30 to 32); the words "or electric light" are inserted after "gas," in line 33, the words "or electricity" are inserted after "gas," in line 35, and the words "or electric meters" are inserted after "meters," in line 37. In Section 632 the words "or electricity" are added after "gas" in three places (lines 43, 47 and 51), and the word "wires" is inserted after "pipes," in line 45.

## ASSEMBLY BILL No. 391

*Civil Code—Section 498:* The change consists in the substitution of the words "Section four hundred and ninety-two" in place of "Act," in lines 3 and 4.

## ASSEMBLY BILL No. 392

*Civil Code—Section 494, as approved March 22, 1899:* In 1899 a section relating to the sale of railroads was added to the Code, and numbered 494. In 1903 a new section was added, also numbered 494, and clearly intended to supersede the old Section 494. Accordingly, it is thought advisable to repeal the earlier section.

## ASSEMBLY BILL No. 397.

*Civil Code—Sections 536, 537, 538, 539 and 540:* The change consists of the insertion of the words "or telephone" after the word "telegraph," in lines 14, 24, 30, 34, and 43, thus including telephone companies within the operation of the above sections.

## ASSEMBLY BILL No. 398.

*Civil Code—Section 549* The change consists in the omission of the two sentences following the word "charge," line 9, which are now a part of the section, said sentences having been superseded by the provisions of the Constitution of 1879, providing for the mode in which water rates shall be fixed.

*Civil Code—Section 550:* This section is an expression of the constitutional provisions found in the Constitution of 1849, respecting the right of corporations to use streets for laying water pipes.

*Civil Code—Section 551* The design of the amendment is to better express the purpose of the present section and to remove the objections that it may be unconstitutional in investing the supervisors with an arbitrary power to require or not require bridges, and to supply the present defect in not providing any means of coercing the performance of the duty created.

## ASSEMBLY BILL No. 482.

*Civil Code—Section 613* The change consists in the insertion after "of," in line 15, of the words "a majority of the board of directors of the corporation owning said cemetery," in place of "the owners of such lots," lines 15 and 16, and the substitution of the words "with the consent of a majority of said directors," after "lot," in line 17. The change is made with the desire of conforming the section to the Statute of 1891, page 264.

## ASSEMBLY BILL No. 687.

*Civil Code—Section 2161* The change consists in the insertion of the words "or telephone" after "telegraph" in two places (lines 4 and 6), thus making the section applicable to both telegraph and telephone companies.

## ASSEMBLY BILL NO. 389.

*Civil Code—Sections 453d, 453e, 453f, 453g, 453h, 453i, 453j, 453k, 453l, 453m, 453n, 453o, and 453p:* The above sections are a codification of the Statute of 1891, page 126, relating to life, health, accident, and annuity or endowment insurance on the assessment plan. They are placed in a new chapter, entitled "Life, Health, Accident, and Annuity or Endowment Insurance on the Assessment Plan."

Respectfully submitted.

DREW, Chairman.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report correctly engrossed Assembly Bill No. 360—An Act regulating the grading of prisoners in the State Prison at San Quentin, in the State Prison at Folsom, and the Preston School of Industry at Ione.

DEVLIN, Chairman.

## SPEAKER PRO TEM. IN THE CHAIR.

At seven o'clock and forty minutes P. M., Hon. T. E. Atkinson, of San Francisco, Speaker pro tem., in the chair.

## INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

Mr. Dorsey was granted leave to introduce the following bill out of order:

Assembly Bill No. 877—An Act to amend Section 1365 of the Code of Civil Procedure of the State of California, relating to the order in which and to whom letters of administration upon the estate of a deceased person may be issued; and, further, relating to the method of identification of certain persons interested in such estates.

Read first time, and referred to Committee on Judiciary.

## EXCUSED FROM EVENING SESSION.

The members of the Committee on Judiciary were excused from the session to attend a committee meeting, subject to being called at any time their presence may be required in the Assembly.

Messrs. Burge, Beckett, Held, and Prescott were excused for the evening.

## SECOND-READING FILE.

Assembly Bill No. 327—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, relating to advertising estrays and the costs and expenses of redeeming them.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 208—An Act entitled an Act to amend Section 1861 of the Political Code of the State of California, relating to the use of the State School Fund.

Bill read second time.

The Committee on Education submitted the following amendment:

Amend by striking out the word "fifty," on line 1, first page, printed bill, and inserting in lieu thereof the word "sixty."

Amendment adopted.

Assembly Bill No. 208 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 154—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of trustees of cities of the fifth class.

Passed on file.

Assembly Bill No. 204—An Act to amend Section 636 of the Political Code, relating to the registration of life insurance policies and deposit of security with insurance commissioner thereof.

Bill read second time.

The Committee on Insurance and Insurance Laws submitted the following amendment:

Amend by striking out all of Section 2, on second page, printed bill.

Amendment adopted.

Assembly Bill No. 204 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 351—An Act to amend Section 637 of the Penal Code of the State of California, relating to the taking and killing of meadow larks and wild birds other than game birds.

Passed on file.

Assembly Bill No. 274—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 172, relating to conveyances of real property by married men, and limiting the time in which to commence actions for the recovery of community property by wives.

Passed on file.

Assembly Bill No. 371—An Act to amend the Penal Code of California by adding a new section, to be numbered 345, relating to the manufacture, sale, or giving away of baneful or injurious food adulterants.

Passed on file.

Assembly Bill No. 631—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture," and repealing the Act entitled "An Act to protect and promote the horticultural interests of the State, approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the destruction of the Russian thistle, or salt wort.

Bill read second time.

The Committee on Fruit and Vine Interests submitted the following amendments:

AMENDMENT No. 1.

Amend by inserting, after the word "tragus," in Section 1, line 15, page 2, printed bill, the words "or other noxious weeds."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the word "wort," in Section 1, line 18, page 2, printed bill, the words "or other noxious weeds"

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting after the word "wort," in Section 2, line 12, page 2, printed bill, the words "or other noxious weeds."

Amendment adopted.

## AMENDMENT No. 4.

Amend by inserting after the word "wort," in Section 2, line 17, page 2, printed bill, the words "or other noxious weeds."

Amendment adopted.

## AMENDMENT No. 5.

Amend by inserting after the word "wort," in Section 2, line 20, page 2, printed bill, the words "or other noxious weeds."

Amendment adopted.

## AMENDMENT No. 6.

Amend by inserting after the word "wort," in Section 2, line 26, page 3, printed bill, the words "or other noxious weeds."

Amendment adopted.

## AMENDMENT No. 7.

Amend by inserting after the word "wort," in Section 2, line 31, page 3, printed bill, the words "or other noxious weeds."

Amendment adopted.

## AMENDMENT No. 8.

Amend by inserting after the word "wort," in Section 2, line 41, page 3, printed bill, the words "or other noxious weeds."

Amendment adopted.

Mr. Johnstone offered the following amendments:

## AMENDMENT No. 1.

Amend by inserting after the word "trees" on line 12, Section 1, page 2, printed bill, the words "or plants."

Amendment adopted.

## AMENDMENT No. 2.

And in the same line insert after the word "with" the words "any serious infectious diseases, or"

Amendment adopted.

## AMENDMENT No. 3

Strike out in line 13, same section and page, "and," and insert after the word "vines" "or other plants or vegetables."

Amendment adopted.

## AMENDMENT No. 4.

On line 18, insert after the word "insects" the word "diseases."

Amendment adopted.

## AMENDMENT No. 5.

On line 8, Section 2, page 2. insert after the word "with" the words "infectious diseases,"

Amendment adopted.

## AMENDMENT No. 6.

On line 16 of the same section, after the word "said" insert the word "diseases"

Amendment adopted.

## AMENDMENT No. 7.

On line 43 of the same section, on page 3, after the word "said," insert the word "diseases"

Amendment adopted.

Assembly Bill No. 631 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 696—An Act to amend an Act entitled "An Act to provide for the marking, branding, or labeling the boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions," approved March 20, 1903, by amending Sections 1 and 2 thereof.

Passed on file.

Assembly Bill No. 376—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1873, by amending Section 1624, prescribing what contracts must be in writing.

Passed on file.

Assembly Bill No. 737—An Act to amend Section 3819 of the Political Code, relating to the recovery of taxes paid under protest.

Bill read second time, ordered engrossed and on file for third reading.

Assembly Bill No. 819—An Act to amend Sections 628, 629, and 632, of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628a, 628b, 628c, 628d, and 632a, all relating to the protection and preservation of fish.

Passed on file.

Assembly Bill No. 820—An Act to amend Sections 626, 626c, 626d, 626f, 626g, 626i, 626k, 627a, 627b, 631, and 631a of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631c, all relating to the protection and preservation of game.

Passed on file.

Assembly Bill No. 646—An Act to prohibit boycotting, unfair lists, picketing, or other interference with the lawful business or occupation of others, and to provide a penalty therefor.

Passed on file.

Assembly Bill No. 50—An Act requiring the marking of packages of butter containing less than six pounds and more than one-half pound, so as to advise the purchaser or others as to the weight of butter contained in such package.

Bill read second time, ordered engrossed, and on file for third reading.

Assembly Bill No. 232—An Act to amend an Act entitled "An Act to add a new section to the Penal Code, to be known and numbered as Section 381a," by adding thereto a section, to be known and numbered as Section 381b.

Bill read second time.

The Committee on Dairies and Dairy Products submitted the following amendment:

Amend by striking out the title thereof on lines 1 and 2, first page, printed bill, and inserting in lieu thereof the following: "An Act to amend an Act entitled 'An Act to establish a Penal Code,' approved February 14, 1872, by adding thereto a new section, to be known and numbered as Section 381b, relating to duties of the State Dairy Bureau."

Amendment adopted.

Assembly Bill No. 232 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 233—An Act to prevent deception in the sale of renovated butter, and to license manufacturers and dealers in the same.

Bill read second time.

The Committee on Dairies and Dairy Products submitted the following amendment:

Amend by adding to the title "and repealing certain other Acts." Also, on line 19, second page, printed bill, strike out "retailers" and insert in lieu thereof "retail dealers."

Amendment adopted.

Assembly Bill No. 233 ordered to engrossment, print, and on file for third reading.

Assembly Bill No. 461—An Act to establish a California State dairy school and experimental farm, and to appropriate money therefor.

Bill read second time, ordered engrossed and on file for third reading.

Assembly Bill No. 51—An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspections of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions.

Bill read second time.

The Committee on Dairies and Dairy Products submitted the following amendments:

AMENDMENT No. 1.

Amend by striking out the word "cheese" on line 6, Section 1, printed bill.

Amendment adopted.

AMENDMENT No. 1½.

Amend by striking out the word "stale" in Section 2, line 3, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out lines 5 and 6 of Section 2, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of Section 2, line 9, all after the word "enclosúre" down to and including the word "products," on line 16, printed bill, and insert in lieu thereof the following: "are filthy or unsanitary."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out all of lines 20, 21, 22, 23, and 24 of Section 2, printed bill

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out all of lines 25, 26, 27, 28, and 29 of Section 2, printed bill

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out lines 30, 31, and 32, down to and including the word "or," Section 2, printed bill.

Amendment adopted.

AMENDMENT No. 7.

Amend by inserting the word "cattle" before the word "stables," on line 34, Section 2, printed bill.

Amendment adopted.

AMENDMENT No. 8.

Amend by striking out the words "a year" on line 35, Section 2, printed bill, and insert in lieu thereof the words "in two years."

Amendment adopted.

AMENDMENT No. 9.

Amend by striking out all of lines 38, 39, and 40, Section 2, printed bill.

Amendment adopted.

AMENDMENT No. 9½.

Amend by inserting the word "so," Section 3, line 16, of printed bill, before the word "constructed."

Amendment adopted.

AMENDMENT No. 10.

Amend by striking out the words "or composed of material," on line 16, Section 3, printed bill.

Amendment adopted.

## AMENDMENT No. 11.

Amend by inserting a comma after the word "factory" on line 4, Section 4, printed bill.

Amendment adopted.

## AMENDMENT No. 12.

Amend by striking out the word "boron" on line 7, Section 4, printed bill

Amendment adopted.

## AMENDMENT No. 13.

Amend by striking out all after the word "cream," line 11, Section 4, printed bill, down to and including the word "products" on line 15, Section 4, printed bill, and inserting in lieu thereof the following:

"Provided, That such person or persons, firms or corporations, or their agents or employes, may use preparations of boron to prevent fermentation in milk or its products, but whenever any preparation of boron is used for such purpose each and every package or container of milk or its products shall have plainly marked thereon the fact that it contains such preparation of boron"

Amendment adopted.

## AMENDMENT No. 14.

Amend by adding a new section, as follows:

"Section 4½. In case any butter is sold, or offered for sale, in a package or wrapper purporting to designate the producer of such butter, such producer must be correctly designated; and if under a label purporting or calculated to designate such place of production, specifying county and state, must be correctly designated. No person, firm or corporation shall put up in package or wrapper, or otherwise prepare for shipment or sale, any butter under a label purporting to designate the producer or place of production, except in accordance with the provisions herein; nor shall any person sell or offer for sale any butter in a package or wrapper purporting to designate the name of the producer or the place of production, except in accordance with the provisions herein."

Amendment adopted.

Assembly Bill No. 51 ordered to engrossment, print, and on third-reading file, and re-referred to Committee on Ways and Means.

## INTRODUCTION OF BILL—(OUT OF ORDER).

Mr. McCartney was granted leave to introduce the following bill out of order:

Assembly Bill No. 878—An Act to amend Sections 1184, 1185, 1187, and 1190 of the Code of Civil Procedure, and to repeal Section 1203 of said Code, all relating to liens of mechanics and others upon real property.

Read first time, and referred to Committee on Judiciary, with rush order to printer.

## SECOND-READING FILE—(RESUMED).

Assembly Bill No. 688—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Read second time.

The Committee on State Prisons and Reformatory Institutions submitted the following amendment:

Amend by striking out the words "its passage," on line 2, Section 2, first page, printed bill, and inserting in lieu thereof the following: "July first, 1905."

Amendment adopted.

Assembly Bill No. 688 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 456—An Act to amend Section 21 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Bill read second time.



The Committee on County and Township Governments submitted the following amendment:

Amend by inserting before the words "Section 215" on line 1, first page, printed bill, the following: "Section 1. Section 215 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1879, is hereby amended to read as follows:"

Amendment adopted.

Assembly Bill No. 456 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 727—An Act to amend Sections 338, 339, and 341 of the Penal Code, and to add two new sections thereto, to be known and designated as Sections 345 and 345a, all relating to pawnbrokers.

Bill read second time, ordered engrossed, and on file for third reading.

Assembly Bill No. 219—An Act to repeal Sections 3824 and 3825 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Bill read second time, ordered engrossed, and on file for third reading.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 95—An Act to amend Section 890 of the Code of Civil Procedure, relating to proceedings in justices' courts.

Passed on file.

#### CALL OF THE HOUSE.

At eight o'clock and ten minutes P. M., Mr. Barnes moved a call of the House.

The roll was called, and the following members answered to their names:

Messrs. Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Chandler, Cooper, Coyle, Drew, Ellis, Estudillo, Hawkins, Houser, Johnson, Johnstone, Lucey, Lumley, Lynch, McKenney, McNamara, Olmsted, Perkins, Pyle, Slaven, Transue, Tripp, Vogel, Whiting, and Wickersham—36.

The doors were ordered closed.

The Sergeant-at-Arms was furnished with a list of members not excused, and was instructed to bring them before the bar of the House.

At eight o'clock and twenty-five minutes P. M., the Sergeant-at-Arms brought Messrs. Jury, John, Amerige, Hartman, and Mindham before the bar of the House.

The gentlemen were requested to take their seats.

At eight o'clock and thirty-five minutes P. M., the Sergeant-at-Arms brought Messrs. Rolley, Manwell, Moore, and Goodrich before the bar of the House.

The gentlemen were requested to take their seats.

#### FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eight o'clock and thirty-eight minutes P. M., Mr. John moved that further proceedings under the call of the House be dispensed with.

Motion carried.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 105—An Act to appropriate the sum of \$150 to pay the claim of I. E. Cohn against the State of California for money advanced.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burke, Busick, Chandler, Cooper, Coyle, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, John, Johnson, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, and Wickersham—48.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 349—An Act to create and maintain a public highway between the counties of Los Angeles and Kern.

Passed on file.

Assembly Bill No. 131—An Act to add a new section, to be known as Section 1927 of the Code of Civil Procedure, relating to the admission in evidence of certain statement of facts contained in patents for mineral lands issued or granted by the United States of America.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burke, Busick, Cooper, Coyle, Creighton, Drew, Duryea, Ellis, Espey, Estudillo, Goodrich, Hartman, Hawkins, John, Johnson, Johnstone, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Thompson, Treadwell, Tripp, Vogel, Waste, Whiting, and Wickersham—46.

NOES—Mr. Houser—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 533—An Act to provide for the Inspector of Mines, to define his duties, and provide for his compensation, the liability of mining operators, and the Inspector of Mines.

Passed on file.

Assembly Bill No. 709—An Act to amend Section 1893 of the Political Code, relating to the manner of conducting elections for the issuance of bonds in school districts.

Passed on file.

Assembly Bill No. 450—An Act to validate the organization and incorporation of municipal corporations.

Passed on file.

Assembly Bill No. 79—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3652, and by adding a new section, to be numbered 3652½, relating to the time of completion of assessment roll, and the giving of notice by the assessor of the amount of the assessment, and the date of meeting of boards of equalization.

Passed on file.

Assembly Bill No. 306—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Passed on file.

Assembly Bill No. 24—An Act to add a new section to the Code of Civil Procedure, to be known as Section 637, relating to causes in the

superior court in equity and at law, without a jury, in which testimony shall at the request of a party be reduced to writing, and upon appeal be heard *de novo*.

Passed on file.

Assembly Bill No. 583—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered and known as Section 1163, relating to the recording of a certificate of residence.

Passed on file.

Assembly Bill No. 584—An Act to amend Section 412 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the publication of summons when the defendant is absent from the State, concealed, or is a foreign corporation having no agent in this State, or is a person who can not be found within this State.

Passed on file.

Assembly Bill No. 531—An Act to amend an Act entitled "An Act to provide for the compilation, printing, binding, publishing, and distribution of a Legislative Manual and State Blue Book, or Roster, and repeal conflicting Acts," approved February 13, 1903.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Boyle, Branstetter, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, John, Jury, Lucey, Lumley, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, and Wickersham—48.

NOES—Messrs. Houser, Johnstone, and Thompson—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 289—An Act making an appropriation for transportation of prisoners for the fifty-fifth and fifty-sixth fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYER—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burke, Busick, Chandler, Cooper, Coyle, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, John, Johnstone, Jury, Lucey, Lumley, Lynch, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Thompson, Treadwell, Vogel, Waste, Whiting, and Wickersham—44.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 282—An Act making an appropriation to pay the salary of the secretary of the State Text-Book Committee.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, John, Johnson, Johnstone, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, and Wickersham—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 284—An Act making an appropriation to pay a deficiency in the appropriation for the preservation, protection, and improvement of the Monterey Custom-House property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burke, Busick, Chandler, Coyle, Creighton, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Hawkins, Houser, John, Johnson, Johnstone, Jury, Lumley, Lynch, McCartney, McKenney, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, and Whiting—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 283—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard, for the fifty-fifth fiscal year.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, John, Johnson, Johnstone, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, and Whiting—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 285—An Act making an appropriation to pay a deficiency in the appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the fifty-fifth fiscal year.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, John, Johnson, Johnstone, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Olmsted, Perkins, Pyle, Rolley, Slaven, Thompson, Transue, Treadwell, Tripp, Vogel, and Waste—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 287—An Act providing for the payment of the claim of A. G. Knight for conveying the election returns of Presidential Electors to Sacramento, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Coyle, Creighton, Drew, Ellis, Espey, Estudillo, Gans, Hartman, Hawkins, John, Johnson, Johnstone, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McNamara, Mindham, Olmsted, Perkins, Pyle, Rolley, Slaven, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, and Whiting—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 288—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-fourth, fifty-fifth, and fifty-sixth fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Coyle, Creighton, Drew, Ellis, Espey, Estudillo, Gans, Hartman, Hawkins John, Johnson, Johnstone, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McNamara, Mindham, Olmsted, Perkins, Pyle, Rolley, Slaven, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, and Whiting—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### TIME FOR ADJOURNMENT.

Mr. McCartney moved that this evening's session be continued until ten o'clock P. M., and that when the Assembly adjourns it be until to-morrow (Wednesday), at ten o'clock A. M.

Motion carried.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 234—An Act amending Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Passed on file.

Assembly Bill No. 317—An Act to amend Section 813 of "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof.

Passed on file.

Assembly Bill No. 318—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof.

Passed on file.

Assembly Bill No. 325—An Act to amend Sections 2, 3, 5, 7, 10, and 13, and to repeal Section 14, of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Passed on file.

Assembly Bill No. 710 (Committee Substitute for Assembly Bill No. 190)—An Act to amend an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution," approved March 2, 1903.

Passed on file.

Assembly Bill No. 435—An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children.

Passed on file.

Assembly Bill No. 739 (Committee Substitute for Assembly Bills Nos. 3, 178, and 319)—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, relating to powers of boards of trustees of cities of the fifth class.

Passed on file.

Assembly Bill No. 433—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, relating to compensation of officers in cities of the fifth class.

Passed on file.

Assembly Bill No. 64—An Act for the relief of Patrick Creighton.

Bill read third time.

The question being on the passage of the bill.

#### CALL OF THE HOUSE.

Pending the roll call, Mr. Transue, at nine o'clock and thirty minutes P. M., moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Creighton, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, John, Johnson, Johnstone, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, and Wickersham—49.

The doors were ordered closed.

The Sergeant-at-Arms was furnished with a list of absent members, and directed to bring absentees before the bar of the House.

At nine o'clock and forty-five minutes P. M., the Sergeant-at-Arms brought Mr. Walsh before the bar of the House.

Mr. Walsh was requested to take his seat.

#### FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

Mr. Treadwell, at nine o'clock and forty-seven minutes P. M., moved that further proceedings under the call of the House be dispensed with.

Motion carried.

The roll was called on the passage of Assembly Bill No. 64, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Coyle, Creighton, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, John, Johnson, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Wickersham—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### BILL RECALLED FROM COMMITTEE.

Mr. Walsh moved that Senate Bill No. 16 be recalled from the Committee on Judiciary, and placed on the special Senate file.

Motion carried.

## CONCURRENT RESOLUTION —(OUT OF ORDER).

Mr. Atkinson was granted leave to introduce the following concurrent resolution, out of order:

## ASSEMBLY CONCURRENT RESOLUTION No. 15.

Relative to the appointment of a committee of the Senate and Assembly to examine into educational matters during the interim of the thirty-sixth and thirty-seventh sessions

*Resolved by the Assembly of the State of California, the Senate concurring,* That a committee of six, consisting of three Assemblymen and three Senators, be appointed by the Speaker of the Assembly and the President of the Senate, respectively, to prepare and present to the Assembly and Senate of the Thirty-seventh Session a report respecting the proper distribution of the State School Fund and any and all other matters in the laws on education requiring revision, to the end that a more perfect system of public schools may be adopted by the State.

For the purpose of carrying out the requirements of this resolution, the Secretary of State is hereby directed to furnish such stationery and other paraphernalia as may be necessary in the conduct of such investigation, and said committee shall have and are hereby given authority to employ a clerk.

Concurrent resolution read and referred to Committee on Commissions and Public Expenditures.

## ANNOUNCEMENT BY CHIEF CLERK.

The Chief Clerk, Clio Lloyd, announced the appointment of C. S. MacMullen and L. F. Stinson as assistants to the Chief Clerk, in compliance with a resolution authorizing such appointments.

## THIRD-READING FILE —(RESUMED).

Assembly Bill No. 419—An Act to amend the Code of Civil Procedure of the State of California by amending Section 859 thereof, relating to amendment of pleadings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burke, Busick, Cleveland, Coyle, Creighton, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Hartman, Hawkins, John, Johnson, Jury, Lucey, Lumley, Lynch, Maxwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Slaven, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Wickersham—46.

**NOES**—Mr. Espey—1.

Title read and approved.

Bill ordered transmitted to the Senate.

## ADJOURNMENT.

At ten o'clock p. m. the Speaker pro tem., Hon. T. E. Atkinson, upon the completion of the day's business declared the Assembly adjourned until ten o'clock a. m. Wednesday, February 8, 1905.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,

Wednesday, February 8, 1905. }

The Assembly met at ten o'clock A. M., pursuant to adjournment.  
Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly,  
in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Branstetter, Burge, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, Jarvis, John, Johnson, Jones of San Francisco, Jury, Lucey, Lynch, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—54.

Quorum present.

## • LEAVE OF ABSENCE.

Leave of absence for the day was granted to Mr. Beckett.  
Mr. Bates was excused for the morning session.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, February 7, 1905, on motion of Mr. John, its further reading was dispensed with.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON PUBLIC PRINTING.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905.

MR. SPEAKER: Your Committee on Public Printing, to whom was referred Assembly Bill No. 209—An Act to amend Title V, of Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by revising Sections 4458 and 4459 of said title and adding two new sections thereto, to be numbered 4460 and 4461, relating to and regulating publications or notices authorized or required to be given or made by public officers, or by law, providing that such publications or notices shall be given or made in newspapers of general circulation, defining what is a newspaper of general circulation, and providing a penalty for violation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

JURY, Chairman.

Assembly Bill No. 209 ordered on second-reading file.

## ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 278—An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than city, city and county, or town therein, etc.—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

ESTUDILLO, Chairman.

Assembly Bill No. 278 ordered on second-reading file.



## ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 337—An Act to add a chapter to Title I, of Part IV, of Division 1 of the Civil Code, relating to foreign corporations—have had the same under consideration, and respectfully report a committee substitute therefor, and recommend that said substitute do pass

DREW, Chairman.

## SUBSTITUTE BILL INTRODUCED.

The Committee on Revision and Reform of Laws introduced the following bill:

Assembly Bill No. 879 (Substitute for Assembly Bill No. 337)—An Act to add a chapter to Title I, Part IV, of Division I of the Civil Code, relating to foreign corporations.

Read first time, and ordered on second-reading file.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

## ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 17—An Act to repeal Chapter II, of Article IV, of Part III of the Code of Civil Procedure of the State of California, and to substitute therefor a new Chapter II, relating to liens of mechanics and others upon real property—reports the same back, with the recommendation that it do not pass.

Also: Senate Bill No. 27—An Act to amend Section 3897 of the Political Code, relating to the disposition of lands deeded to the State for non-payment of State and county taxes—reports the same back with four amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 789—An Act to increase the number of judges of the Superior Court of the County of Shasta, State of California, and for the appointment of such additional judge—reports the same back with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 777—An Act to regulate the purchase of supplies for State institutions, and for public officials, and to encourage the use of articles of domestic manufacture—reports the same back, with the recommendation that it do not pass.

DURYEA, Chairman.

Assembly Bills Nos. 17, 789, and 777 ordered on second-reading file.

Senate Bill No. 27 ordered on special Senate file for second reading.

## ON MINES AND MINING INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR. SPEAKER: Your Committee on Mines and Mining Interests, to whom was referred Assembly Bill No. 649—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WHITING, Chairman.

Assembly Bill No. 649 ordered on second-reading file.

## ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 442—An Act providing a plan and system whereby certain duties now performed by officers of cities, in and about the taxation of property, may be imposed upon and performed by county and State officers, and making county officers in certain cases ex officio officers of cities—have had the same under consideration, and respectfully report the same back, without recommendation.

GOODRICH, Chairman.

Assembly Bill No. 442 ordered on second-reading file.

## ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 766—An Act to repeal Chapter I, of Title IV of the Political Code of California, and to substitute therefor a new Chapter I, relating to the State militia.

Also: Assembly Bill No. 767—An Act to repeal Sections 725, 728, 729, 730, 731, 732, and 733, all of Chapter V, Title I, Part II of the Penal Code of California, relating to the suppression of riots.

Also: Assembly Bill No. 768—An Act to amend the Penal Code of the State of California by adding thereto new sections, numbered 421 and 422, providing for the punishment of persons and associations conniving against, and attempting to injure, the National Guard of California, and members thereof.

Also: Assembly Bill No. 769—An Act to repeal Section 443, Title XII, of the Penal Code of California.

Also: Assembly Bill No. 770—An Act to amend Section 442, Title XII, of the Penal Code of California, relating to crimes against the revenue and property of this State.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

GANS, Chairman.

Assembly Bills Nos. 766, 767, 768, 769, and 770 ordered on second-reading file.

## MESSAGE FROM THE SENATE.

The following message from the Senate was read:

SENATE CHAMBER, SACRAMENTO, February 7, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 306—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Also: Senate Bill No. 189—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Also: Senate Bill No. 190—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

Also: Senate Bill No. 193—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts.

Also: Senate Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 306 read first time, and referred to Committee on Judiciary.

Senate Bill No. 189 read first time, and referred to Committee on Swamp and Overflowed Lands.

## CASE OF URGENCY.

Mr. Houser offered the following resolution, and moved its adoption:

*Resolved*, That Senate Bills Nos. 190, 193, and 195 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the first, second, and third times, and placed upon their passage.

The roll was called, and the resolution adopted and the provision of the Constitution suspended by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Bransetter, Burge, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, Jarvis, John, Johnson, Jones of San Francisco, Jury, Lucey, Lynch, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—54.

**NOES**—None

Senate Bill No. 190—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

Read first time, and temporarily passed on file.

Senate Bill No. 193—An Act to amend Section 3463 of the Political Code, relating to assessment lists in reclamation districts.

Read first time, and temporarily passed on file.

Senate Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

Read first time, and temporarily passed on file.

#### INTRODUCTION AND REFERENCE OF BILLS.

Bills were introduced and referred, as follows:

By Mr. Amerige: Assembly Bill No. 880—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 2055, relating to the production of evidence.

Read first time, and referred to Committee on Judiciary.

By Mr. Walsh: Assembly Bill No. 881—An Act to amend Section 1056 of the Code of Civil Procedure, relating to sureties on undertakings and bonds.

Read first time, and referred to Committee on Corporations.

Also: Assembly Constitutional Amendment No. 21—A resolution to propose to the people of the State of California the amendment of Section 26, of Article IV of the Constitution of said State, relating to lotteries and to fictitious sales of corporate stock, etc.

Referred to Committee on Corporations.

By Mr. Jury: Assembly Bill No. 882—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 646a, relating to the shipment of seamen and apprentices, and the fees that may be charged therefor.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 883—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 646b, relating to payment of fees for the shipment of seamen and apprentices.

Read first time, and referred to Committee on Judiciary.

By Mr. Barnes: Assembly Bill No. 884—An Act to amend an Act to encourage and provide for a general vaccination in the State of California, relating to the vaccination of school children.

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Drew: Assembly Bill No. 885—An Act to add a new chapter to Title IV, of Part III of the Code of Civil Procedure, to be known as Chapter IV, relating to certain liens upon animals.

Read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Creighton: Assembly Bill No. 886—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved March 23, 1901, by amending Section 205 thereof, relating to counties of the forty-eighth class."

Read first time, and referred to Committee on County and Township Governments.

By Mr. Manwell: Assembly Bill No. 887—An Act to amend Sections 771, 778, and 782 of the Political Code, and to repeal Sections 779, 780,

and 781 of said Code, all relating to the preparation and publication of the opinions of the Supreme Court and of the District Courts of Appeal.

Read first time, and referred to Committee on Judiciary.

By Mr. Beardslee: Assembly Bill No. 888—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered and known as Section 586.

Read first time, and referred to Committee on Judiciary.

By Mr. Coghlan: Assembly Bill No. 889—An Act prohibiting the sale of intoxicating liquors within a certain distance of the Veterans' Home located at Yountville, Napa County.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 890—An Act to authorize actions against any board or commission of the State in certain cases, and regulating procedure therein.

Read first time, and referred to Committee on Judiciary.

By Mr. Estudillo: Assembly Bill No. 891—An Act to authorize cities owning their own lighting plants to furnish lamps and fixtures to consumers, and to install same, and to wire buildings for electric lighting.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Hawkins: Assembly Bill No. 892—An Act to amend Section 2031 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872 relating to the taking of depositions.

Read first time, and referred to Committee on Judiciary.

#### ASSEMBLY CONCURRENT RESOLUTION.

Mr. McCartney introduced the following Assembly concurrent resolution, which was read:

#### ASSEMBLY CONCURRENT RESOLUTION No. 16.

Relative to adjournment *sine die*.

*Resolved by the Assembly, the Senate concurring, That the thirty-sixth session of the Legislature adjourn sine die at twelve o'clock meridian, Saturday, March 4, 1905.*

Resolution ordered referred to Committee on Ways and Means.

#### SENATE BILL RE-REFERRED.

Mr. McCartney moved that Senate Bill No. 104 (No. 240 on the file) be re-referred to the Committee on Judiciary.

Motion carried, and such was the order.

#### MOTION TO RECONSIDER.

Mr. Houser moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 114 was yesterday refused passage.

The question being put, "Shall the Assembly reconsider the vote whereby Assembly Bill No. 114 was refused passage?"

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Beardslee, Branstetter, Burge, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Drew, Duryea, Ells, Espey, Estudillo, Gans, Goodrich, Hawkins, Houser, John, Johnson, Johnstone, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McNamara, Moore, Olmsted, Perkins, Pyle, Rolley, Thompson, Transue, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—45.

NOES—Messrs. Coghlan, Hartman, McKenney, Slaven, Strohl, and Walsh—6.

## FURTHER CONSIDERATION POSTPONED.

Mr. Houser moved that further consideration of Assembly Bill No. 114 be continued until Thursday, February 16, 1905.

Motion carried.

Bill ordered on file as a special order.

## UNFINISHED BUSINESS.

Assembly Bill No. 46—An Act to amend an Act entitled "An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Passed on file.

Assembly Bill No. 48—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Passed on file.

Assembly Bill No. 49—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Passed on file.

## SPECIAL FILE.

Assembly Constitutional Amendment No. 15—For the recall of officials by electors.

Passed on file.

Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 17 of Article VI of said Constitution, relating to the compensation of justices of the Supreme Court and judges of the superior court.

Passed on file.

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution by adding thereto a new section to Article IX, to be known as Section 13, relating to the exemption from taxation of the property now or hereafter belonging to the Cogswell Polytechnic College.

Passed on file.

## THIRD-READING FILE.

Mr. Burke was granted permission to substitute Assembly Bill No. 468 (No. 77 on file) in place of Assembly Bill No. 56 (No. 20 on file).

Assembly Bill No. 468—An Act to amend Section 626*m* of the Penal Code of the State of California, relating to hunting at night-time.

Mr. McCartney moved further consideration of Assembly Bill No. 468 be continued until to-morrow, to go on the file of unfinished business.

Motion carried, and such was the order.

Assembly Bill No. 298—An Act to amend Chapter I of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, by adding a new section thereto, to be numbered Section 9, relating to the powers and duties of city recorders and

city clerks respecting the registration of deaths and the issuance and registration of burial and disinterment permits.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Creighton, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, John, Johnson, Johnstone, Jones of San Francisco, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—67.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### COMMITTEE ON LINCOLN'S BIRTHDAY CELEBRATION.

The Speaker announced the appointment of Messrs. Goodrich, Espey, and Hartman as the Assembly committee on the celebration of Lincoln's birthday, in accordance with Assembly Concurrent Resolution No. 14.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 301—An Act to amend Subdivision 20 of Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to health officers and health regulations, and the powers of boards of supervisors in connection therewith.

Passed on file.

Assembly Bill No. 269—An Act regulating the employment and hours of labor of children, prohibiting the employment of minors, under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement thereof by the Commissioners of the Bureau of Labor Statistics, and providing penalties for the violation thereof.

Passed on file.

Assembly Bill No. 360—An Act regulating the grading of prisoners in the State Prison at San Quentin, in the State Prison at Folsom, and the Preston School of Industry at Ione.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, John, Johnson, Johnstone, Jones of San Francisco, Jury, Lucey, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—54.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following report:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

**MR. SPEAKER:** Your Committee on Engrossment and Enrollment beg leave to report correctly Reengrossed Assembly Bill No. 401—An Act to amend Section 6 of an Act, entitled "An Act to provide for the levy and collection of taxes by and for the use of

municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895.

DEVLIN, Chairman.

Assembly Bill No. 401 ordered on third-reading file.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 364—An Act giving to superior judges the right, to impose indeterminate sentences, and prescribing the method of imposing the same

Passed on file.

Assembly Bill No. 541—An Act fixing the salaries of three assistant reporters of the decisions of the Supreme Court and District Courts of Appeal.

Passed on file.

Mr. McCartney was granted leave to call up Assembly Bill No. 28 (No. 81 on file) in place of Assembly Bill No. 212 (No. 27 on the file).

Assembly Bill No. 28—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 367 of said Code of Civil Procedure, relating to parties to civil actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Bliss, Branstetter, Burge, Busick, Chandler, Coghlan, Cooper, Coyle, Creighton, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, Lucey, Lynch, McCartney, McKenney, Mindham, Mitcheltree, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—54.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 176—An Act to amend Section 3788 of the Political Code of the State of California, relating to redemption of lands from tax sales.

Passed on file.

Assembly Bill No. 193—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

Passed on file.

Assembly Bill No. 72—An Act to amend Section 595 of the Civil Code, relating to the amount of real estate which may be held by certain corporations.

Passed on file.

Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Passed on file.

Assembly Bill No. 155—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Passed on file.

Assembly Bill No. 410—An Act to amend Section 2653 of the Political Code, relating to highways.

Passed on file.

Assembly Bill No. 443—An Act to provide for the location and acquirement of mining claims on salt marsh and tide lands owned by the State of California.

Passed on file.

Assembly Bill No. 185—An Act to provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects.

Passed on file.

Assembly Bill No. 439—An Act to provide for the disposition of the funds which may hereafter be collected by the State of California from the United States in payment of the claims arising out of the War of the Rebellion.

Passed on file.

Mr. Creighton was granted leave to call up Assembly Bill No. 628 (No. 98 on file) in place of Assembly Bill No. 353 (No. 37 on the file).

Assembly Bill No. 628—An Act to amend an Act entitled "An Act to establish a Penal Code in the State of California," approved February 14, 1872, by amending Section 261 thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Branstetter, Burge, Chandler, Coyle, Creighton, Drew, Espey, Estudillo, Gans, Hawkins, Jarvis, Johnson, Johnstone, Jury, McCartney, McKenney, Moore, Olmsted, Perkins, Pyle, Slaven, Thompson, Walsh, Waste, Whiting, and Mr. Speaker—33.

NOES—Messrs. Burke, Busick, Cleveland, Coghlan, Cooper, Cullen, Duryea, Ells, Hartman, Jones of San Francisco, Lucey, Lynch, McNamara, Mindham, Rolley, Strohl, Treadwell, Tripp, Vogel, and Wickersham—20.

Assembly Bill No. 171—An Act to amend Section 1617 of the Political Code, relating to boards of school trustees and city boards of education.

Passed on file.

Assembly Bill No. 172—An Act to amend Section 1634 of the Political Code, relating to school census marshal.

Passed on file.

Assembly Bill No. 173—An Act confirming the organization of school districts.

Passed on file.

Assembly Bill No. 249—An Act to amend Section 1621 of the Political Code, relating to boards of school trustees and city boards of education.

Passed on file.

Assembly Bill No. 194—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts.

Passed on file.

Assembly Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

Passed on file.

Assembly Bill No. 532—An Act protecting the claims of those who may furnish materials or labor for the working or developing of mining properties under powers which are obtained by bond or a trust deed.

Passed on file.



Passed on file.

Passed on file.

Passed on file.

Passed on file.

Passed on file.

Passed on file.

Passed on file.

Bill read third time.

The roll was called, and the bill passed by the following vote:

NOES—None.

Bill ordered transmitted to the Senate.

## SPEAKER PRO TEM. CALLED TO THE CHAIR.

At eleven o'clock and nineteen minutes A. M., the Speaker called Hon. T. E. Atkinson, Speaker pro tem., to the chair.

Assembly Bill No. 350—An Act to prevent the payment of municipal officers out of the funds of the county.

Passed on file.

Assembly Bill No. 401—An Act to amend Section 6 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations."

Passed on file.

Assembly Bill No. 95—An Act to amend Section 890 of the Code of Civil Procedure, relating to proceedings in justices' courts.

Passed on file.

Assembly Bill No. 349—An Act to create and maintain a public highway between the counties of Los Angeles and Kern.

Passed on file.

Assembly Bill No. 533—An Act to provide for the Inspector of Mines, to define his duties, and provide for his compensation, the liability of mining operators, and the inspector of mines.

Passed on file.

Assembly Bill No. 709 (Committee Substitute for Assembly Bill No. 174)—An Act to amend Section 1893 of the Political Code, relating to the manner of conducting elections for the issuance of bonds in school districts.

Passed on file.

Assembly Bill No. 450—An Act to validate the organization and incorporation of municipal corporations.

Bill read third time.

The question being on the passage of the bill:

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Burke, Busick, Chandler, Coghlan, Cooper, Creighton, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hawkins, Houser, Jarvis, Johnson, Johnstone, Jones of San Francisco, Jury, Lucey, Lynch, Maxwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, and Whiting—50

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 79—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3652, and by adding a new section, to be numbered 3652½, relating to the time of completion of assessment roll, and the giving of notice by the assessor of the amount of the assessment, and the date of meeting of boards of equalization.

Passed on file.

Assembly Bill No. 306—An Act to provide for the erection of an additional building at the California Home for the Care and Training of

Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Passed on file.

Mr. McCartney was granted leave to call up Assembly Bill No. 23, (No. 97 on file), in place of Assembly Bill No. 24 (No. 63 on the file).

Assembly Bill No. 23—An Act to add a new section to the Civil Code of the State of California, to be known as Section 133, relating to the appointment of an attorney by the court in divorce actions to contest the action and inquire into the merits of the case and prevent collusion and fraud when defendant fails to appear or contest the proceedings, and providing for the fee of such attorney in such cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

#### CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. McCartney, at eleven o'clock and thirty-seven minutes A. M., moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Coghlan, Cooper, Coyle, Creighton, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, Jarvis, Johnson, Johnstone, Jury, Lucey, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, and Whiting—52.

#### FURTHER PROCEEDINGS UNDER THE CALL DISPENSED WITH.

At eleven o'clock and forty minutes A. M., on motion of Mr. McCartney, further proceedings under the call of the House were dispensed with.

The Speaker pro tem, Mr. Atkinson, in the chair, directed the doors to be reopened.

The Speaker pro tem. declared that Assembly Bill No. 23 was refused passage by the following vote:

AYES—Messrs. Amerige, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Busick, Coghlan, Cullen, Ellis, Espey, Gans, Hartman, Houser, Jarvis, Johnstone, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Pyle, Rolley, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, and Vogel—38.

NOES—Messrs. Anthony, Arnerich, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Drew, Duryea, Estudillo, Hawkins, Johnson, Jury, Perkins, Slaven, Walsh, Waste, Whiting, and Wickersham—20

Assembly Bill No. 583—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered and known as Section 1163, relating to the recording of a certificate of residence.

Passed on file.

Assembly Bill No. 584—An Act to amend Section 412 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the publication of summons when the defendant is absent from the State, concealed, or is a foreign corporation having no agent in this State, or is a person who can not be found within this State.

Passed on file.

Assembly Bill No. 234—An Act amending Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Passed on file.

Assembly Bill No. 317—An Act to amend Section 813 of "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof.

Passed on file.

Assembly Bill No. 318—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof.

Passed on file.

Assembly Bill No. 325—An Act to amend Sections 2, 3, 5, 7, 10, and 13 and to repeal Section 14 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Passed on file.

Assembly Bill No. 710 (Committee Substitute for Assembly Bill No. 190)—An Act to amend an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution," approved March 2, 1903.

Passed on file.

Assembly Bill No. 435—An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children.

Passed on file.

Assembly Bill No. 739 (Committee Substitute for Assembly Bills Nos. 3, 178, and 319)—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, relating to powers of boards of trustees of cities of the fifth class.

Passed on file.

Assembly Bill No. 433—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, relating to compensation of officers in cities of the fifth class.

Passed on file.

Assembly Bill No. 475—An Act to add a new section to Chapter III, Title I, Part II of the Penal Code of the State of California, to be numbered Section 714a, giving the right to appeal from justices' courts in certain cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Americh, Atkinson, Barnes, Bates, Beardslee, Bliss, Branstetter, Burge, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Hartman, Hawkins, Houser, Jarvis, John, Johnson, Johnstone, Jury, Lucey, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Treadwell, Tripp, Vogel, Waste, and Whiting—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 611—An Act to amend an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

Passed on file.

Assembly Bill No. 96—An Act adding a new section to the Civil Code, to be known as Section 433, relating to corporations transacting business in insuring titles to real estate, and providing the terms and conditions of policies issued by such corporations.

Bill read third time.

#### SELECT COMMITTEE AMENDMENT.

Mr. Treadwell moved that a select committee of one be appointed to amend Assembly Bill No. 96, as follows:

1. After the word "continued," in line 15 of the printed bill, begin with a new paragraph.
2. After the word "follows," in line 16 of the printed bill, change the period to a colon.
3. In line 25 change the words "may specify" to the words "any specific."
4. In line 135 change the word "right" to the word "act."

Motion carried.

Mr. Treadwell was appointed as such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 96—An Act adding a new section to the Civil Code, to be known as Section 433, relating to corporations transacting business in insuring titles to real estate, and providing the terms and conditions of policies issued by such corporations—with instructions, does now report that the instructions of the Assembly have been carried out.

TREADWELL, Chairman.

Report adopted.

Bill ordered to reengrossment and on file for passage.

Mr. Stanton was granted leave to call up Assembly Bill No. 10 (No. 50 on the file).

Assembly Bill No. 10—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Bill read third time.

The roll was called.

#### CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Stanton, at eleven o'clock and fifty-eight minutes A. M., moved a call of the House.

Motion carried.

The doors were ordered closed.

The roll was called, and the following members answered to their names:

Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cullen, Drew, Duryea, Ells, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, John, Johnson, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Stanton, Strohl, Thompson, Transue, Tripp, Vogel, Walsh, Waste, and Whiting—54.

#### PROCEEDINGS UNDER CALL OF THE HOUSE.

The Sergeant-at-Arms was furnished with a list of members not excused, to arrest such absent members, and bring them before the bar of the House.

At twelve o'clock and five minutes P. M. the Sergeant-at-Arms brought Messrs. Wickersham, Johnstone, Espey, Treadwell, and Barnes before the bar of the House.

The gentlemen were excused, and requested to take their seats.

At twelve o'clock and nine minutes A. M. the Sergeant-at-Arms brought Mr. Jones of San Francisco before the bar of the House.

Mr. Jones was excused, and requested to take his seat.

#### FURTHER PROCEEDINGS DISPENSED WITH.

Mr. Stanton, at twelve o'clock and eleven minutes P. M., moved that further proceedings under the call of the House be dispensed with.

Motion carried.

The roll was called on Assembly Bill No. 10, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burke, Busick, Cleveland, Coghlan, Cooper, Cullen, Drew, Duryea, Espey, Goodrich, Hartman, Houser, John, Johnson, Johnstone, Jury, Lumley, McCartney, McKenney, Mindham, Olmsted, Pyle, Rolley, Slaven, Stanton, Transue, Tripp, Vogel, Walsh, Waste, and Wickersham—41.

**NOES**—Messrs. Burge, Chandler, Coyle, Creighton, Ells, Estudillo, Gans, Hawkins, Jarvis, Lucey, Lynch, Manwell, McNamara, Moore, Perkins, Strohl, Thompson, and Whiting—18.

Title read and approved.

#### TIME FOR RECESS EXTENDED.

Mr. Transue, at twelve o'clock and twenty minutes P. M., moved that the hour for recess be extended fifteen minutes.

Motion carried.

#### INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

Leave was granted for the introduction and reference of bills, out of order, as follows:

By Mr. Slaven: Assembly Bill No. 893—An Act to amend Section 1593 of the Political Code, relating to elections for school trustees.

Read first time, and referred to Committee on Education.

By Mr. Bliss: Assembly Bill 894—An Act to establish a State hospital for the care, custody, and maintenance of insane convicts and certain other insane persons charged with the commission of a felony, near Folsom, California, and to provide for the government and management thereof, and to direct the expenditure of money heretofore appropriated by an Act entitled "An Act to provide for the erection at Folsom State Prison of a building for the accommodation of insane prisoners, and making an appropriation therefor," approved March 26,

1903, and declaring that the same may be used and expended for the purposes of this Act.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Atkinson: Assembly Bill No. 895—An Act to add a new section to the Code of Civil Procedure, the said section to be designated 1166a, relating to actions for obtaining possession of real property upon default in payment of rent, to the manner in which tenants may be ejected, and providing a summary proceeding therefor.

Read first time, and referred to Committee on Judiciary.

By Mr. McKenney (by request): Assembly Bill No. 896—An Act making an appropriation for the erection and construction of additional cells at the State Prison at Folsom, the erection of a wall around said prison, the purchase of necessary cement, derricks, and tools, and other expenses incidental and relating to the purposes in this Act mentioned.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 897—An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools and appliances for excavating, the erection of machine shops, the installation of a new pipe line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received, out of order, and read:

#### ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 602—An Act to amend Sections 1817, 1818, and 1820 of the Political Code, all relating to county and city and county school tax.

Also: Assembly Bill No. 601—An Act to amend Sections 1830, 1831, 1832, 1835, 1836, 1837, and 1839 of the Political Code, relating to district school tax.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

Also: Assembly Bill No. 686—An Act to amend Section 1600 of the Political Code of the State of California, in regard to challenges of electors in elections for school trustees—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

Also: Assembly Bill No. 652—An Act to amend Sections 1521, 1772, and 1775 of the Political Code, relating to the certification of teachers—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 685—An Act to amend Section 1593 of the Political Code of the State of California, prescribing the qualifications of electors voting for school trustees—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 153—An Act establishing a bureau of information, for the purpose of disseminating knowledge of nature study, agriculture, and related subjects (applicable to conditions in California), to the public schools of the State, to be known as "The Central Bureau of Information"; indicating the method of disseminating such knowledge; fixing the location of said bureau, designating, and naming the members of the board to control said bureau; indicating the powers of such board and the time for its first meeting, and appropriating the sum of \$10,000 to pay the expenses of said bureau for the fiscal years of 1905 and 1906.

Also: Assembly Bill No. 60—An Act providing for the appointment, by the county superintendent of schools, in counties so desiring, of a supervisor of nature study, agriculture, and related subjects; indicating necessary qualifications and duties, and providing for the fixing of his salary and the payment thereof.

Also: Assembly Bill No. 59—An Act to amend Sections 1521, 1665, 1771 and 1775 of the Political Code of the State of California, all relating to public schools and education, by making provisions for the teaching, in the public schools, in connection with nature study, the elements of agriculture.

Have had the same under consideration, and respectfully report the same back, and recommend that same do not pass.

SLAVEN, Chairman.

Assembly Bills Nos. 602, 601, 686, 652, 685, 153, and 60 ordered on second-reading file.

#### ON STATE PRISONS AND REFORMATORY INSTITUTIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions have visited the State prisons at San Quentin and Folsom, California, as per resolution heretofore introduced and adopted, and the following are entitled to two hundred and four (204) miles mileage each, to wit: Messrs. Olmsted, Amerige, Bliss, Boyle, Beckett, Wickersham, Lynch, Ellis, and McKenney.

*Resolved*, That the State Controller is hereby authorized to draw his warrant for the amount of one hundred and eighty-three dollars and sixty cents (\$183.60) in favor of Charles H. McKenney, payable out of the Contingent Fund of the Assembly and the Treasurer is hereby directed to pay the same.

McKENNEY, Chairman.

Referred to Committee on Mileage.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 811—An Act authorizing and directing the Board of Prison Directors to parole certain convicts sentenced to life terms in State prison, and directing the conditions under which said paroles are to be granted—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 362—An Act to add a new section to the Penal Code of the State of California, under Title XVI thereof, to be numbered Section 679, prohibiting the use of cruel and unusual punishment in the State prisons and reformatory institutions—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

McKENNEY, Chairman.

Assembly Bills Nos. 811 and 362 ordered on second-reading file.

#### ON PUBLIC PRINTING.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR. SPEAKER: Your Committee on Public Printing, to whom was referred Assembly Bill No. 426—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JURY, Chairman.

Assembly Bill No. 426 ordered on second-reading file.

#### ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the following resolution:

*Resolved*, That Harry W. Pulcifer be and he is hereby appointed a Stenographer to the Committee on County and Township Governments of the Assembly, at the same per diem as paid the other stenographers of the Assembly, said per diem to be paid out of the appropriation for the contingent expenses of the Assembly, and the State Controller is hereby directed to draw his warrant in his favor, and the State Treasurer is hereby authorized to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BLISS, Chairman.



## ADOPTION OF THE REPORT.

Mr. Walsh moved the adoption of the report and resolution.

The roll was called, and the report and resolution were adopted by the following vote:

**AYES**—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Bliss, Burge, Burke, Busick, Cleveland, Coghlan, Coyle, Creighton, Cullen, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, Jarvis, John, Johnson, Jones of San Francisco, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Perkins, Pyle, Slaven, Stanton, Strohl, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, and Whiting—48.

**NOES**—Messrs. Amerige, Chandler, Drew, Johnstone, Moore, and Thompson—6

## TIME FOR RECESS FURTHER EXTENDED.

Mr. Transue, at twelve o'clock and forty minutes P. M., moved that the hour for recess be further extended fifteen minutes.

Motion carried.

## NOTICE OF MOTION TO RECONSIDER.

Mr. Waste gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 23 was refused passage this day.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received, out of order, and read:

## ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 765—An Act to repeal Chapter II, of Title IV, of the Political Code of California, and to substitute therefor a new Chapter II, relating to the State militia—with ten amendments, have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass, as amended.

GANS, Chairman.

Assembly Bill No. 765 ordered on second-reading file.

## ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was granted leave of absence to visit San Francisco harbor, have visited the same. The following members are entitled to mileage for the same, to wit: ninety miles each way; total, one hundred and eighty miles:

Gus. Hartman (Chairman).....	\$18 00
F. C. Jones (San Francisco).....	18 00
Geo. McGowan.....	18 00
Clem Bates.....	18 00
Ward Jarvis.....	18 00
Geo. C. Cleveland.....	18 00
R. H. Jury.....	18 00
J. Cullen.....	18 00

And we ask the adoption of the following:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of Gus Hartman, chairman of said committee, for the sum of \$144, as per above statement, said warrant to be drawn upon the fund for the contingent expenses of the Assembly, and the Treasurer be directed to pay the same.

HARTMAN, Chairman.

Mr. Hartman moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Beckett, Bliss, Burke, Busick, Cleveland, Coghlan, Coyle, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, Johnstone, Jones of San Francisco, Lucev, Lumley, Lynch, McCartney, McKenney, McNamara, Mindham, Moore, Perkins, Pyle, Stanton, Strohl, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, and Whiting—45

**NOES**—None.

ON PUBLIC CHARITIES AND CORRECTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR. SPEAKER: Your Committee on Public Charities and Corrections have visited the State School at Whittier, California, as authorized by resolution adopted, and the following-named persons are entitled to nine hundred and eighty (980) miles mileage each, to wit: Messrs. Coghlan, Transue, Tripp, Strohl, Stanton, and Duryea.

*Resolved*, That the State Controller is hereby authorized to draw his warrant for the amount of \$382 in favor of Nathan C. Coghlan, payable out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

COGHLAN, Chairman.

Referred to Committee on Mileage.

RECESS.

At twelve o'clock and fifty minutes P. M., on motion of Mr. Treadwell, a recess was declared until two o'clock and thirty minutes P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock and thirty minutes P. M.

The Speaker, Hon. Frank C. Prescott, in the chair.

NOTICE OF MOTION TO RECONSIDER.

Mr. Anthony gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 10 was passed this day.

RESOLUTION—(OUT OF ORDER).

Mr. Waste was granted leave to introduce (out of order) the following resolution:

(Appointing a special committee to visit the University of California.)

WHEREAS, Many bills relating to the University of California, some of which call for large appropriations, are now before the Assembly; and

WHEREAS, President Wheeler has extended to the legislators and their wives a cordial invitation to visit the University and attend a University meeting on Friday, February 10, and be entertained at luncheon; and

WHEREAS, The business of the Assembly does not warrant an adjournment on Thursday to allow the entire membership of the Assembly to visit Berkeley on Friday; therefore be it

*Resolved*, That a select committee be and is hereby appointed to visit Berkeley on Friday, and to attend the University meeting as the representatives of the Assembly, and to consist of the following members: Honorable Frank C. Prescott, Speaker of the Assembly and ex-officio Regent of the University; P. A. Stanton, Chairman of the Committee on Ways and Means; W. H. Waste, Chairman of the Committee on Universities; N. A. Hawkins, E. F. Treadwell, and W. A. Johnstone. The said committee shall make said trip at the expense of the individual members, and no expense shall be made a charge against the Assembly.

Mr. Waste moved the adoption of the resolution.

Resolution unanimously adopted.

EXCUSED.

Mr. Jarvis was excused from the afternoon session.

## SPECIAL SENATE FILE.

Senate Bill No. 186 (Substitute for Assembly Bill No. 245)—An Act making an appropriation to pay the claim of R. B. Young for materials, labor, and insurance premiums paid in the construction and erection of the Whittier State School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Busick, Chandler, Cooper, Creighton, Cullen, Dorsey, Drew, Duryea, Gans, Hartman, John, Johnson, Jury, Lucey, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Transue, Treadwell, Tripp, Waste, Whiting, and Mr. Speaker—44.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 143—An Act to amend Section 850 of the Code of Civil Procedure, relating to notice of trial or hearing thereof in justices' courts.

Passed on file.

Senate Bill No. 270—An Act to amend Sections 2, 3, 5, 7, 10, and 13, to repeal Section 16, to renumber Section 17 so as to read Section 16, of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon; to make the same a State Home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Busick, Coghlan, Cooper, Creighton, Cullen, Dorsey, Drew, Duryea, Gans, Goodrich, Hartman, Houser, Johnson, Jury, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—48.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 31—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Bill read second time.

The following committee amendments were submitted:

## AMENDMENT No. 1.

Amend by adding the words and numerals on line 2 of the printed bill, after the number "2606," the word and number "and 2607."

Amendment adopted.

## AMENDMENT No. 2.

Amend by adding the letter "s" to word "section" on line 2 of the title.

Amendment adopted.

## AMENDMENT No. 3.

Amend by adding after line 92, page 4, printed bill, the following:

Section 2607. Sec. 1. The monthly salaries of the officers shall be as follows: Each of three commissioners, twenty-five dollars; the secretary, who shall be elected by the commissioners from their own number, one hundred dollars, in addition to his salary as commissioner. The salaries and compensation of all other officers and employes, when appointed, shall be fixed by a majority of the Board of Harbor Commissioners; *provided*, that in no event shall the State be liable for the salaries of the members of said Board of Commissioners, or of the secretary thereof, or for the salary or compensation of any officer or employe elected or appointed by said Board, or upon any contract made or entered into by said Board. And it is hereby expressly provided that said board of commissioners shall not create any liability or indebtedness against the State in any manner or form whatsoever, and any liability or indebtedness so created, or attempted to be created, shall be absolutely null and void.

Amendment adopted.

Bill ordered to reprint and on file for third reading.

Senate Bill No. 179—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.

Passed on file.

Senate Bill No. 240 (Substitute for Assembly Bill No. 206)—An Act to amend Section 415 of the Act entitled "An Act to establish a Civil Code in the State of California," approved March 21, 1872, in relation to the holding, purchase, and conveyance of real estate by life insurance companies.

Bill read second time, and ordered on special Senate file for third reading.

Senate Bill No. 16—An Act to add a new section, to be numbered and designated as Section 321b, to an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to regulating the giving and use of proxies to vote corporate stock at any meeting of the stockholders of any corporation organized under the laws of this State.

Bill read second time, and ordered on special Senate file for third reading.

Senate Bill No. 77—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Mendocino State Hospital for the Insane.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Burge, Busick, Chandler, Coghlan, Creighton, Cullen, Drew, Durvea, Ellis, Gans, Hartman, Hawkins, Houser, John, Johnson, Jones of San Francisco, Jury, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Olmsted, Perkins, Pyle, Severance, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—48.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 241 (Substitute for Assembly Bill No. 205)—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Bill read second time.

## AMENDMENTS.

Mr. Transue submitted the following amendments:

Amend Senate Bill 241 by striking out of engrossed bill in line 2, of page 1, the words "amended to read as follows," and insert in lieu thereof the words "hereby repealed."

Also: After the words "hereby repealed," as provided in the foregoing amendment, insert the following: "Section 2. A new section is hereby added to the Civil Code of the State of California to be known as section four hundred and twenty-one (421), the same to read as follows"

Also: In line 3, page 1, strike out the figures "427," and insert in lieu thereof the figures "421."

Also: After line 60, of page 3, insert the following: "8. The powers conferred by this section are in addition to and separate from those conferred by Section 444 of this Code."

Also: By striking out the word "amend" in the title, and inserting in lieu thereof the word "repealed"

Also: After the figures 1872 in the title, insert the words "and to add a new section thereto to be numbered 421, both."

Amendments adopted.

Senate Bill No. 241 ordered to reprint and for third reading on special Senate file.

Mr. Houser moved that Senate Bills Nos. 190, 193, and 195 be now taken up for second reading.

Motion carried.

Senate Bill No. 190—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

Bill read second time, and ordered on special Senate file for third reading.

Senate Bill No. 193—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts.

Bill read second time, and ordered on special Senate file for third reading.

Senate Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

Bill read second time, and ordered on special Senate file for third reading.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 519—An Act to add a new section to the Penal Code, numbered 599, making it a felony to kill any elk within the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Busick, Chandler, Creighton, Cullen, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Hawkins, Houser, John, Johnson, Johnstone, Jones of San Francisco, Jury, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Olmsted, Perkins, Pyle, Rolley, Slaven, Stanton, Strohl, Thompson, Transue, Treadwell, Trupp, Vogel, Waste, Whiting, and Mr. Speaker—49.

NOES—Mr. Anthony—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 639—An Act authorizing the bringing of actions on behalf of the State for the purpose of enforcing the lien or liens of taxes under an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, and the several Acts amendatory thereof, and to authorize the bringing and prosecution of actions against the State for the purpose of quieting title against claims or liens made by or upon behalf of the State under the said Act and the Acts amendatory thereof, and to regulate the procedure in said actions.

Passed on file.

Mr. Houser was granted leave to substitute Assembly Bill No. 606 (No. 86 on the file) in place of Assembly Bill No. 604 (No. 80 on the file).

Assembly Bill No. 606—An Act to amend Section 2021 of the Code of Civil Procedure, relating to taking depositions in this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Busick, Chandler, Creighton, Cullen, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, John, Johnson, Johnstone, Jones of San Francisco, Jury, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Olmsted, Perkins, Pyle, Rolley, Slaven, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 737—An Act to amend Section 3819 of the Political Code, relating to the recovery of taxes paid under protest.

Assembly Bill No. 219—An Act to repeal Sections 3824 and 3825 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Assembly Bill No. 50—An Act requiring the marking of packages of butter containing less than six pounds and more than one-half pounds so as to advise the purchaser or others as to the weight of butter contained in such package.

Assembly Bill No. 327—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, relating to advertising estrays and the costs and expenses of redeeming them.

DEVLIN, Chairman.

The above reported bills were ordered on file for third reading.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 270—An Act to amend Section 3617 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Busick, Chandler, Coyle, Cullen, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, John, Johnson, Johnstone, Jones of San Francisco, Jury, Lynch, McCartney, McKenney, McNamara, Mindham, Olmsted, Perkins, Pyle, Slaven, Strohl, Thompson, Treadwell, Tripp, Vogel, Waste, Whiting, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

## PRIVILEGES OF THE FLOOR.

The Speaker, on behalf of the Assembly, extended the privileges of the floor to Hon. R. F. Del Valle, an ex-member of the Assembly.

The privileges of the floor were also extended to Hon. Lorenzo Henry and Hon. Wm. McDonald, ex-members of the Assembly.

## THIRD-READING FILE—(RESUMED).

Assembly Bill No. 478—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualification of persons following such business, and the sanitary conditions of barber-shops in the State of California.

Passed on file.

Assembly Bill No. 598—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377*d*, making it a misdemeanor to refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health concerning the discontinuance, abatement, or removal of noisome or noxious smoke, gas, vapor, or effluvia.

Passed on file.

Assembly Bill No. 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be numbered 66*a*, relating in the amendment to the board of supervisors of the several counties of the State, and making it their duty to furnish the Secretary of the State Agricultural Society with certain statistical information, and declaring the same to be a county charge.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Chandler, Coyle, Cullen, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, John, Johnson, Johnstone, Jones of San Francisco, Jurv, Lumley, Lynch, Maxwell, McKenney, McNamara, Mindham, Olmsted, Perkins, Pyle, Rolley, Slaven, Stanton, Strohl, Thompson, Transue, Tripp, Vogel, Waste, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 400—An Act to amend the Political Code by adding a new section, to be numbered 642*a*, relating to the powers and authorities of the Fish Commissioners and their assistants.

Passed on file.

Assembly Bill No. 629—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Passed on file.

Assembly Bill No. 559—An Act to amend Section 1844 of the Code of Civil Procedure of the State of California, relating to the evidence necessary for the proof of certain facts.

Passed on file.

Assembly Bill No. 560—An Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to witnesses.

Passed on file.

Assembly Bill No. 605—An Act to amend Section 241 of the Code of Civil Procedure, relating to the impaneling of grand juries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Chandler, Coyle, Cullen, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, John, Johnson, Johnstone, Jury, Lumley, Lynch, Manwell, McCartney, McNamara, Mindham, Olmsted, Perkins, Pyle, Rolley, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 261—An Act to amend Section 2924 of the Civil Code, relating to the distinction between mortgages and pledges.

Passed on file.

Assembly Bill No. 420—An Act to amend the Code of Civil Procedure of the State of California by amending Section 851 thereof, relating to form of pleadings.

Passed on file.

Assembly Bill No. 704—An Act to amend Sections 199 and 200 of the Code of Civil Procedure, relating to the qualifications and exemptions of jurors.

Passed on file.

Assembly Bill No. 705—An Act to add a new section to the Code of Civil Procedure, to be known as Section 203, relating to the discharge of jurors in courts of record.

Passed on file.

Assembly Bill No. 627—An Act to amend Section 848 of the Code of Civil Procedure of the State of California, relating to the service of summons issued from justices' courts where the defendant resides outside of the county in which the action is brought.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Burge, Coyle, Cullen, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Hartman, Hawkins, Houser, John, Johnson, Johnstone, Jury, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### SENATE BILL TAKEN UP.

Mr. Dorsey was granted permission to call up Senate Bill No. 143—An Act to amend Section 850 of the Code of Civil Procedure, relating to notice of trial or hearing thereof in justices' courts.

Bill read third time.

#### SELECT COMMITTEE AMENDMENT.

Mr. Dorsey moved that a select committee of one be appointed to amend Senate Bill No. 143, as follows:

Strike out in line 34, page 2 of the amended bill, the period after the word "thereon," and insert the following: "Provided, that such notice shall be served by mail only when



the attorney on whom service is to be made resides out of the county in which said justice's court is situated.

Also: Amend by inserting after the word "and," at the end of line 37, page 2 of the amended bill, the words "when personally served"

Also: Strike out of line 38, page 2 of the amended bill, the word "personally"

Also: Strike out of line 39, page 2 of the amended bill, the word "subpoena," and insert in lieu thereof the word "summons."

Motion carried.

Mr. Dorsey was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 143—An Act to amend Section 850 of the Code of Civil Procedure, relating to notice of trial or hearing thereof in justices' courts—with instructions, does now report that the instructions of the Assembly have been carried out.

DORSEY, Committee.

Report adopted.

Senate Bill No. 143 ordered to reprint and on file for final passage.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received, out of order, and read:

#### ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 8.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred the resolution offered by Mr. McCartney, have had the same under consideration, and respectfully report the same back, accompanied by the following report of the Chief Clerk:

McCartney, Chairman.

That, WHEREAS, several newspapers of this State have published from time to time statements to the effect that this House is negligent concerning its business, general public duties, and the welfare of the people, and that this House is far behind with its business as compared with other sessions as to the amount of business transacted at this date of the session, and in view of such statements and publications, currently reported, it is

*Resolved*, That the Committee on Rules and Regulations be, and said committee is, hereby directed to report to this House, on the next legislative day, the exact condition and progress of the business of this House as compared with the Senate and other sessions of the Legislature.

#### REPORT ON THE CONDITION OF THE ASSEMBLY FILES COMPARED WITH PREVIOUS SESSIONS.

H. S. G. McCARTNEY, *Chairman Committee on Rules and Regulations*:

DEAR SIR: In compliance with your request, I have made an exhaustive examination of the records of the session of the Assembly of two years ago, for the purpose of making a comparison of the work of that session and this, the thirty-sixth session, up to the present time.

I find, taking the thirty-seventh day of the two sessions as a basis for calculations, that the work of this session is more than 100 per cent advanced over that of last session. Considering the fact that there had been one hundred and thirty-two more bills introduced on the thirty-seventh day of the present session than on the corresponding day of last session, the actual work done by the Assembly to date is more than double that of two years ago.

On the thirty-seventh day of the thirty-fifth session, seven hundred and twenty-six (726) bills had been introduced, of which four hundred and seven (407) had been considered and reported by committees, and twenty-eight (28) passed. On the thirty-seventh day of the present session, eight hundred and fifty-eight (858) bills had been introduced, four hundred and seventy-one (471) of which had been reported back, and sixty-one (61) finally passed.

Two years ago, on the thirty-seventh day, 3.8 per cent of the bills introduced, up to that time, had been passed. On the thirty-seventh day of the present session, 7.1 per cent of the bills introduced had been passed.

While the present Assembly was several days late in getting down to work, excellent progress has been made, and the work is now well advanced when considered in connection with the work at former sessions.

Yours very truly,

CLIO LLOYD, Chief Clerk

On motion of Mr. McCartney the report as submitted was ordered printed in the Journal.

## THIRD-READING. FILE—(RESUMED).

Assembly Bill No. 621—An Act to amend Section 1 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880, and amended March 9, 1897.

Passed on file.

Mr. Bliss was granted leave to call up Assembly Bill No. 296 (No. 104 on the file).

Assembly Bill No. 296—An Act to authorize and empower the Board of State Harbor Commissioners to pay for advertising the San Francisco Seawall Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Hartman, Hawkins, John, Johnson, Johnstone, Jones of San Francisco, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Olmsted, Perkins, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, and Whiting—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 61 of said Act, relating to county officers.

Read third time.

## SELECT COMMITTEE AMENDMENT.

Mr. McCartney moved that a select committee of one be appointed to amend Assembly Bill No. 404, as follows:

Amend by inserting after the title, on page 1 of said printed bill, the following words: "The people of the State of California represented in Senate and Assembly, do enact as follows:"

Motion carried.

Mr. McCartney was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section of said Act, relative to county officers—with instructions, does now report that the instructions of the Assembly have been carried out.

McCartney, Committee.

Report adopted.

Assembly Bill No. 404 ordered to reengrossment, print, and on file for passage.

Assembly Bill No. 340—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 857, relating to the purposes for which express trusts may be created.

Passed on file.

Assembly Bill No. 251—An Act to add a new section, to be numbered and designated as Section 321b, to an Act entitled "An Act to establish

a Civil Code," approved March 21, 1872, relating to regulating the giving and use of proxies to vote corporative stock at any meeting of the stockholders of any corporation organized under the laws of this State.

Passed on file.

Assembly Bill No. 154—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of trustees of cities of the fifth class.

Passed on file.

Assembly Bill No. 351—An Act to amend Section 637 of the Penal Code of the State of California, relating to the taking and killing of meadow larks and wild birds other than game birds.

Passed on file.

#### SECOND-READING FILE.

Assembly Bill No. 274—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 172, relating to conveyances of real property by married men, and limiting the time in which to commence actions for the recovery of community property by wives.

Bill read second time.

The Committee on Judiciary submitted the following amendments:

##### AMENDMENT No. 1.

Amend by striking out of lines 19 and 20 of the printed bill the words "one year from date of the taking effect of this Act," and insert in lieu thereof "April 1, 1906."

Amendment adopted.

##### AMENDMENT No. 2.

Amend by striking out of line 23 the word "respectively."

Amendment adopted.

##### AMENDMENT No. 3.

Amend by striking out at the end of line 2 of the title, after the word "code", the sub-quotation mark, and insert in lieu thereof quotation marks.

Amendment adopted.

##### AMENDMENT No. 4.

Amend by inserting in line 3 of the printed bill, before the figures "172," the word "section."

Amendment adopted.

Assembly Bill No. 274 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 371—An Act to amend the Penal Code of California by adding a new section, to be numbered 345, relating to the manufacture, sale, or giving away of baneful or injurious food adulterants.

Passed on file.

Assembly Bill No. 696—An Act to amend an Act entitled "An Act to provide for the marking, branding, or labeling the boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions," approved March 20, 1903, by amending Sections 1 and 2 thereof.

Passed on file.

Assembly Bill No. 369—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered 404.

Passed on file.

Assembly Bill No. 819 (Committee Substitute for Assembly Bills Nos. 231, 455, and 570)—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628*a*, 628*b*, 628*c*, 628*d*, and 632*a*, all relating to the protection and preservation of fish.

Passed on file.

Assembly Bill No. 820 (Committee Substitute for Assembly Bills Nos. 14, 425, and 568)—An Act to amend Sections 626, 626*c*, 626*d*, 626*f*, 626*g*, 626*i*, 626*k*, 627*a*, 627*b*, 631, and 631*a* of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631*c*, all relating to the protection and preservation of game.

Passed on file.

Assembly Bill No. 646—An Act to prohibit boycotting, unfair lists, picketing, or other interference with the lawful business or occupation of others, and to provide a penalty therefor.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 589—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to change the site thereof, to provide better facilities and to construct new and more commodious buildings for said school, and to furnish and equip the same, and for this purpose to authorize and empower the said Board of Trustees to sell and convey the lands and buildings of said school, and to use the proceeds therefrom for the construction of said new buildings, and to purchase furniture and equip the same.

Bill read second time.

The Committee on Public Buildings and Grounds submitted the following amendment:

Amend by striking out the words and figures "\$150,000," on line 12, second page, printed bill, and inserting in lieu thereof "\$200,000."

Amendment adopted.

Assembly Bill No. 589 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 788—An Act providing for the obtaining of plans and specifications for public buildings and structures, regulating competitions among architects in relation to the same, and the submission of proposals for the erection of such buildings and structures, and repealing an Act entitled "An Act to regulate the erection of public buildings and structures," approved April 1, 1872, and an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 12—An Act to amend Section 1416 of the Civil Code of the State of California, relative to the time of commencing work on water appropriations, and providing in certain cases that the time for commencing work may be extended.

Bill read second time.

The Committee on Irrigation submitted the following amendments:

AMENDMENT No. 1.

Amend by striking out the word "plaintiff," on lines four and five, printed bill, and inserting in lieu thereof the word "claimant."

Amendment adopted.

## AMENDMENT No. 2.

Amend by inserting after the word "water," in line 21, page two of printed bill, the words: "Due diligence, however, shall be observed in securing title from the Government."

Amendment adopted.

Assembly Bill No. 12 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 558—An Act fixing a bounty on coyote scalps.

Passed on file.

Assembly Bill No. 236—An Act to amend Section 792 of the Political Code of the State of California, relating to notary public.

Bill read second time.

The Committee on Judiciary submitted the following amendments.

## AMENDMENT No. 1.

Amend by striking out all of Section 2.

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out of line 12, page 1 of printed bill, the words "of the same county."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out of line 14, page 1 of printed bill, the word "qualification," and insert in lieu thereof the following: "qualifications to perform the duties required by law."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out of lines 15 and 16 the words, "by a commissioner appointed by him for that purpose, 'comma' (,)."

Amendment adopted.

## AMENDMENT No. 5.

Amend by striking out of line 3 of the title the words "notary public," and insert in lieu thereof the words "notaries public."

Amendment adopted.

## AMENDMENT No. 6.

Amend by striking out of line 18 the word "petitions," and insert in lieu thereof the words "the petition."

Amendment adopted.

Assembly Bill No. 236 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 238—An Act to amend Section 1183 of the Civil Code of the State of California, relating to certificates of acknowledgment, and providing when such amendment shall take effect.

Bill read second time.

The Committee on Judiciary submitted the following amendments:

## AMENDMENT No. 1

Amend by striking out of line 4 of the title all after the word "acknowledgments," and insert in lieu thereof a "period" (.).

Amendment adopted.

## AMENDMENT No. 2

Amend by striking out of line 4 of the title the letters "oe" beginning the line, and insert in lieu thereof the word "or."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out of line 2 of Section 2 the word "one," and insert in lieu thereof the word "five."

Amendment adopted.

Assembly Bill No. 238 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 679—An Act fixing the rates of interest and charges on loans upon chattel mortgages on certain personal property, and prescribing penalties for the violation of the Act.

Passed on file.

Assembly Bill No. 653—An Act to provide for one additional judge of the Superior Court, of the County of San Joaquin, State of California, for the manner of his appointment, and for his compensation.

Bill read second time.

The Committee on Judiciary submitted the following amendments:

AMENDMENT No. 1.

Amend by striking out of line 3 of the title the word "appointment," and insert in lieu thereof the word "election."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of line 1 of Section 1, of the printed bill, the word "the," preceding the word "number," and insert in lieu thereof the following words: "from and after the first day of January, A. D. one thousand nine hundred and seven, the"

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out all of Section 2, after the word and figure "Sec. 2," and insert in lieu thereof the following: "at the general election to be held in November, A. D. one thousand nine hundred and six, one additional Judge of the Superior Court of the County of San Joaquin, State of California, shall be elected in said county, who shall hold office for the term of two years, thereafter his successor shall be elected and hold office in the manner prescribed by the Constitution and by-laws."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out all of Section 4.

Amendment adopted.

Assembly Bill No. 653 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 640—An Act to amend Sections 1444, 1445, and 1449 of the Code of Civil Procedure, relating to the appraisement of estates, and providing for the appointment of an official appraiser in each county in the State.

Passed on file.

Assembly Bill No. 645—An Act to amend Section 1737 of the Political Code, relating to salaries of superior court judges.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 599—An Act to amend an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State," approved March 28, 1895, by amending Section 2 of said Act, establishing the fees to be charged by county clerks for issuing citizenship papers, and providing no fees for filing candidate's affidavit.

Bill read second time.

The Committee on Judiciary submitted the following amendment:

Amend by striking out all of Section 2.

Amendment adopted.

Assembly Bill No. 599 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 635—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 736 of said Act, relative to the salary of Justices of the Supreme Court.

Bill read second time.

The Committee on Judiciary submitted the following amendment:

Amend by striking out the word "eight," on line 5, printed bill, and inserting in lieu thereof the word "seven"

Amendment adopted.

Assembly Bill No. 635 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 110—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 338 thereof, relating to the time of commencing actions other than for the recovery of real property.

Bill read second time

The Committee on Judiciary submitted the following amendment:

Amend by striking out all of Section 2

Amendment adopted.

Assembly Bill No. 110 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 825—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property.

Passed on file.

Assembly Bill No. 344—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 339 thereof, relating to the time of commencing actions other than for the recovery of real property.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 535—An Act to amend Sections 3897 and 3898 of the Political Code of the State of California, relating to the sale by the State of property sold to the State for taxes.

Bill read second time.

The Committee on Judiciary submitted the following amendments:

#### AMENDMENT No. 1

Amend by inserting in line 15, page 2 of printed bill, after the word "county" where it occurs the second time, the following: "one of which shall be at the United States post office nearest the land"

Amendment adopted.

#### AMENDMENT No. 2.

Amend by striking out all after the word "period" in line 16, page 2 of printed bill, down to and including the word "controller" in line 19 same page, and insert in lieu thereof the following: "such notice must state specifically the place and the day and hour of sale and shall contain a description of the property to be sold, and shall also contain a detailed statement of all the delinquent taxes, penalties, costs, and expenses up to the date of such sale, and shall give the name of the person to whom the property was assessed for each year on which there may be delinquent taxes against said property or any part thereof, and said notice shall also embody a copy of the authorization received from the Controller. It shall be the duty of the tax collector to mail a copy of said notice, postage thereon prepaid, to the party to whom the land was last assessed next before the sale, if such address be known."

Amendment adopted.

## AMENDMENT No. 3

Amend by striking out all of Section 3.

Amendment adopted.

Assembly Bill No. 535 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 714—An Act to amend Sections 285, 290, 292, and 305 of the Civil Code, all relating to the formation of corporations.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 581—An Act to add a new section to the Civil Code of the State of California, to be numbered 328, relating to lost or destroyed certificates of stock or of shares in a corporation.

Passed on file.

Assembly Bill No. 268—An Act directing the Commissioner of the Bureau of Labor Statistics to collect certain statistics, and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this Act.

Bill read second time, ordered engrossed and to third reading.

## RECESS.

Mr. Atkinson, at four o'clock and twenty minutes P. M., moved that the Assembly take a recess until seven o'clock and thirty minutes this evening.

Motion carried.

Recess declared.

## EVENING SESSION.

The Assembly reconvened at seven o'clock and thirty minutes P. M. Speaker pro tem., Hon. T. E. Atkinson, in the chair.

## SPECIAL FILE ON CODE REVISION.

Mr. Dorsey moved that the Assembly do now take up bills on the special file on Code Revision.

Motion carried.

Assembly Bill No. 389—An Act to add a Chapter VI, of Title II, of Part II, of Division I of the Civil Code, relating to life, health, accident, and annuity or endowment insurance on the assessment plan.

Bill read second time.

The Committee on Revision and Reform of Laws submitted the following amendments:

## AMENDMENT No. 1.

Amend by inserting on line 57, page 3, printed bill, at the end of said line, the following: "Nothing contained in this chapter shall be construed to exempt any corporation from the provisions of Sections 296 and 299 of this Code."

Amendment adopted.

## AMENDMENT No 2

Amend by striking out the word "section" on line 99, page 4, printed bill, and inserting in lieu thereof the word "sections".

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out the comma (,) after the word "five," on line 100, page 4, printed bill, and inserting in lieu thereof the words "and four hundred and eighty of this Code"

Amendment adopted.



Assembly Bill No. 389 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 486—An Act to add a Title XX to Part IV of Division I of the Civil Code, relating to cooperative business associations.

Bill read third time.

#### SELECT COMMITTEE AMENDMENTS.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 486, as follows:

On page 1, Section 1, between lines 15 and 16 of the printed bill, insert the following: "Sec 653½. What corporations and associations are not affected by this title."

Also: On page 5, line 162 of the printed bill, strike out after the word "the" the words "Secretary of State" and insert in lieu thereof the words "county clerk of the county wherein the principal business of the association is to be transacted."

Also: On page 5, in lines 163, and 164 of the printed bill, after the word "of," in line 163, strike out the words "county clerk of the county wherein its principal business is to be transacted," and insert in lieu thereof the words "Secretary of State, and pay the same fees for filing and recording as required by this Code for the filing and recording of the certified copy of the original articles of association"

Also: On page 6, after line 20½ of the printed bill, insert the following: "653½. This title is not applicable to railroad, telegraph, telephone, banking, insurance, building and loan, or any other corporation, unless the special provisions of this Code, applicable thereto, are complied with."

Motion carried.

Mr. Drew was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR SPEAKER. Your select committee of one, to whom was referred Assembly Bill No 486, with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

Report adopted.

Assembly Bill No. 486 ordered to reengrossment, print, and on file for passage.

Assembly Bill No. 393—An Act to amend Sections 498, 504, and 507 of the Civil Code, all relating to street railway operations.

Bill read third time.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 393, as follows:

On page 3, Section 4, line 8 of the printed bill, after the word "hundred," strike out the words "and fifty."

Motion carried.

Mr. Drew was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 393—An Act to amend Sections 498, 504, and 507 of the Civil Code, all relating to street railway operations—with instructions, does now report that the instructions of the Assembly have been carried out

DREW, Committee.

Report adopted.

Assembly Bill No. 393 ordered to reengrossment, print, and on file for passage.

Assembly Bill No. 399—An Act to add a new section to the Civil Code, to be numbered 583b, and to repeal an Act entitled "An Act to compel savings banks to publish a sworn statement of all unclaimed

deposits," approved March 23, 1893, both relating to statements to be made and notices to be given by depositaries of money.

Read third time.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 399, as follows:

On page 2, after Section 2, add the following:

"Section 3. The Act entitled 'An Act to compel all depositaries of money and commercial banks to publish a sworn statement of all unclaimed deposits,' approved February 25, 1897, is hereby repealed."

Also: On page 1, in the title of said bill, after the words "eighty-three b," in the second line thereof, insert the following: "to repeal an Act entitled 'An Act to compel all depositaries of money and commercial banks to publish a sworn statement of all unclaimed deposits,' approved February 25, 1897."

Motion carried.

Mr. Drew was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 399—An Act to add a new section to the Civil Code, to be numbered 588b, and to repeal an Act entitled "An Act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1893, both relating to statements to be made and notices to be given by depositaries of money—with instructions, does now report that the instructions of the Assembly have been carried out

DREW, Committee.

Report adopted.

Assembly Bill No. 399 ordered to reëngrossment, print, and on file for passage.

Assembly Bill No. 481—An Act to add a title to Part IV of Division I of the Civil Code, to be known as Title XIIa, relating to societies for the prevention of cruelty to animals.

Bill read third time.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 481, as follows:

In Section 1, page 2, line 48 of the printed bill, after the word "county," insert a comma and the words "or city and county"

Also: In Section 1, page 2, line 55 of the printed bill, insert at the end thereof the following: "In addition to said fines, penalties, and forfeitures, every society incorporated and organized for the prevention of cruelty to animals may, in each city, or city and county, or county, where such society exists, while actively engaged in enforcing the provisions of the laws of this State, now or hereafter enacted, for the prevention of cruelty to animals, or arresting or prosecuting offenders thereunder, or preventing cruelty to animals, be paid, as compensation therefor, from the county, or city and county general fund by the board of supervisors, a sum not exceeding one hundred and fifty dollars per month, in the same manner as other claims against said county, or city and county, are paid"

Also. In Section 1, page 4, line 107 of the printed bill, after the word "now," insert the word "is"

Motion carried.

Mr. Drew was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 481—An Act to add a title to Part IV of Division I of the Civil Code, to be known as Title XIIa, relating to societies for the prevention of cruelty to animals—with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

Report adopted.

Assembly Bill No. 481 ordered to reëngrossment, print, and on file for passage.

Assembly Bill No. 505—An Act to amend Sections 2170, 2172, 2180, and 2195 of the Civil Code, all relating to common carriers.

Bill read third time.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 505, as follows:

Strike out Sections 1 and 2 of the bill, and renumber Sections 3 and 4 to read "Sections 1 and 2," respectively.

Also: Strike out of the title of said bill the following: "Twenty-one hundred and seventy, twenty-one hundred and seventy-two."

Motion carried.

Mr. Drew was appointed such select committee of one.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 505—An Act to amend Sections 2170, 2172, 2180, and 2195 of the Civil Code, all relating to common carriers—with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

Report adopted.

Assembly Bill No. 505 ordered to reengrossment, print, and on file for passage.

Assembly Bill No. 499—An Act to amend Sections 1386, 1388, 1395, 1399, 1405 and 1406 of the Civil Code, and to add a new section thereto, to be numbered 1409, all relating to succession to the property of deceased persons

Bill read third time.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 499, as follows:

Amend, in Section 1, line 70, page 3 of the printed bill, by striking out the word "kindred," and inserting in lieu thereof the word "issue."

Also: Amend in Section 1, line 72, page 3 of the printed bill, by inserting after the word "living" the following: "or was separate property of his or her deceased spouse, while such spouse was living."

Also: Amend in Section 1, line 72, page 3 of the printed bill, by striking out the word "common" before the word "property."

Motion carried.

Mr. Drew was appointed such select committee of one.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 499—An Act to amend Sections 1388, 1388, 1395, 1399, 1405, and 1406 of the Civil Code, and to add a new section thereto, to be numbered 1409, all relating to succession to the property of deceased persons—with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

Report adopted.

Assembly Bill No 499 ordered to reengrossment, print, and on file for passage.

BILL WITHDRAWN.

Leave was granted to Mr. Drew to withdraw Assembly Bill No. 482.

Bill withdrawn.

BILLS TAKEN UP ON SECOND READING.

Mr. Dorsey moved that Assembly Bills Nos. 602, 686, 652, 685, 153, 60, and 59, reported back from committees this day, be placed on to-day's file and taken up for second reading.

Motion carried.

Assembly Bill No. 601—An Act to amend Sections 1830, 1831, 1832, 1835, 1836, 1837, and 1839 of the Political Code, relating to a district school tax.

Bill read second time.

The Committee on Education submitted the following amendments:

AMENDMENT No. 1.

Amend by striking out of line 9, on page 2 of the printed bill, the period after the word election, and insert in lieu thereof the following: "*provided*, that in every city and county all necessary expenses incurred in holding such election shall be audited and paid by the city and county board of education out of the city and county school fund in same manner as other claims against the said fund are paid."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of line 10, Section 7, page 3, of the printed bill, the period after the word "purposes," and insert in lieu thereof the following: "*provided*, that the maximum tax rate shall not exceed fifty cents more levy in any year in which no tax is levied for building purposes"

Amendment adopted.

AMENDMENT No. 3.

Amend by adding at the end of the printed bill, on page 3, the following: "Section 8. This Act shall take effect and be in force from and after its passage."

Amendment adopted.

Assembly Bill No. 601 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 602—An Act to amend Sections 1817, 1818, and 1820 of the Political Code, relating to county and city and county school tax.

Bill read second time.

The Committee on Education submitted the following amendments:

AMENDMENT No. 1.

Amend by striking out in line 27, page 2, of the printed bill, the word "seven," and insert in lieu thereof the word "eight."

Amendment adopted.

AMENDMENT No. 2.

Strike out of line 29, on page 2, of the printed bill, the word "seven," and insert the word "eight."

AMENDMENT No. 3.

Amend by striking out of line 30, on page 2 of the printed bill, the period after the word "county," and insert the following: "*provided*, that the rate of tax levy for the county or city and county school tax for any one year shall not exceed fifty cents on the one hundred dollars of taxable property."

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting in line 5, of Section 2, on page 2 of the printed bill, after the comma following the word "taxes," the words "and in addition thereto."

Amendment adopted.

AMENDMENT No. 5.

By striking out of line 5, Section 3, page 4 of the printed bill, the letter "N," in the next to the last word in said line, and insert in lieu thereof the letter "H."

Amendment adopted.

## AMENDMENT No. 6.

Amend by adding at the end of the bill on page 4, of the printed bill, a new section, as follows: "Section 4. This Act shall take effect and be in force from and after its passage."

Amendment adopted.

Assembly Bill No. 602 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 686—An Act to amend Section 1600 of the Political Code of the State of California, in regard to challenges of electors in elections for school trustees.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 652—An Act to amend Sections 1521, 1772, and 1775 of the Political Code, relating to the certification of teachers.

Bill read second time.

The Committee on Education submitted the following amendment:

Amend by striking out of line 52, page 6, of the printed bill, the period after the word "school," and insert in lieu thereof the following: "(4) The holders of special kindergarten certificates of any county, or city and county of California, granted prior to July 1, 1901; *provided*, that the holders of such special kindergarten certificates have had at least two years' training in the kindergarten training schools, and have been at least two years in the public kindergarten schools in the county, or city and county, where such special kindergarten certificate was granted."

Amendment adopted.

Assembly Bill No. 652 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 685—An Act to amend Section 1598 of the Political Code of the State of California, prescribing the qualifications of electors voting for school trustees

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 153—An Act establishing a bureau of information for the purpose of disseminating knowledge of nature study, agriculture, and related subjects (applicable to conditions in California), to the public schools of the State, to be known as "The Central Bureau of Information"; indicating the method of disseminating such knowledge; fixing the location of said bureau; designating and naming the members of the board to control said bureau; indicating the powers of such board and the time for its first meeting; and appropriating the sum of \$10,000 to pay the expenses of said bureau for the fiscal years 1905 and 1906.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 60—An Act providing for the appointment by the county superintendent of schools, in counties so desiring, of a supervisor of nature study, agriculture, and related subjects; indicating necessary qualifications and duties, and providing for the fixing of his salary and the payment thereof.

Bill read second time, ordered engrossed and to third reading

Assembly Bill No. 59—An Act to amend Sections 1521, 1665, 1771, and 1775 of the Political Code of the State of California, all relating to public schools and education, by making provisions for the teaching in the public schools, in connection with nature study, the elements of agriculture.

Bill read second time, ordered engrossed and to third reading.

## INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

Leave was granted for the introduction and reference of bills, as follows:

By Mr. Cooper: Assembly Bill No. 898—An Act to amend an Act

entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and several Acts amendatory thereof and supplemental thereto.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Amerige: Assembly Bill No. 899—An Act to amend Sections 3909, 3911, 3912, 3913, 3914, 3915, 3916, 3917, 3919, 3920, 3921, 3922, 3925, 3931, 3934, 3938, 3939, 3940, 3941, 3943, 3944, 3945, 3946, 3947, 3948, and 3949, and to repeal Section 3910, of the Political Code, and to add eight new sections thereto, to be numbered, 3959, 3960, 3961, 3962, 3963, 3964, 3965, and 3966, all relating to county boundaries.

Read first time, and referred to Committee on County and Township Governments.

#### MEMBERS EXCUSED.

The members of the Committees on Judiciary and Municipal Corporations were excused to attend committee meetings, subject to call at any time during the evening session of the Assembly.

#### CALL OF THE HOUSE.

Mr. Drew, at eight o'clock and thirty minutes P. M., moved for a call of the House.

Motion carried.

The doors were ordered closed.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Atkinson, Barnes, Beckett, Boyle, Burge, Chandler, Cooper, Coyle, Dorsey, Drew, Hartman, Hawkins, Jones of San Francisco, Lucey, McNamara, Olmsted, Perkins, Slaven, Strohl, Tripp, and Mr. Speaker—22.

The Sergeant-at-Arms was furnished with a warrant to arrest all members absent without having been excused.

#### PROCEEDINGS UNDER CALL OF THE HOUSE.

At eight o'clock and nineteen minutes P. M. the Sergeant-at-Arms brought Mr. Anthony before the bar of the House.

Mr. Anthony was excused.

At eight o'clock and forty-six minutes P. M. Mr. Rolley was brought before the bar of the House by the Sergeant-at-Arms, and excused.

At eight o'clock and fifty-five minutes P. M., the Sergeant-at-Arms brought Messrs. Moore and Estudillo before the bar of the House.

Both gentlemen were excused.

At nine o'clock P. M. the Sergeant-at-Arms brought Mr. John before the bar of the House, and Mr. John was excused.

At nine o'clock and twenty minutes P. M. the Sergeant-at-Arms brought Mr. Walsh before the bar of the House, and Mr. Walsh was excused.

At nine o'clock and twenty-six minutes P. M. the Sergeant-at-Arms brought Messrs. Arnerich, Branstetter, McKenney, and Cleveland before the bar of the House, all of whom were excused.

#### FURTHER PROCEEDINGS DISPENSED WITH.

Mr. Drew, at nine o'clock and thirty-five minutes P. M., moved that further proceedings under the call of the House be dispensed with.

Motion carried.

## PRIVILEGES OF THE FLOOR.

On motion of Mr. McCartney, the privileges of the floor were extended to Hon. John F. Davis, ex-State Senator.

## SPECIAL FILE ON CODE REVISION—(RESUMED).

Assembly Bill No. 264—An Act to repeal Section 58, and to amend Sections 60, 68, 70, 79½, and 84 of the Civil Code, all relating to marriage. Bill read third time.

The question being on the passage of the bill.

The roll was called, and bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Boyle, Branstetter, Burge, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Hawkins, John, Johnson, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Treadwell, Tripp, Walsh, Waste, and Whiting—46.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 265—An Act to repeal Sections 242, 243, 244, 245, 247, 248, 249, and 258, and amend Section 246 of the Civil Code, all relating to guardian and ward.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Hawkins, John, Johnson, Lucey, Lumley, Lynch, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Treadwell, Tripp, Walsh, Waste, and Whiting—45.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 216—An Act to amend Sections 47 and 49 of the Civil Code, and to add four new sections thereto, to be numbered 51, 52, 53, and 54, all relating to personal rights.

Passed on file.

Assembly Bill No. 336—An Act to repeal Section 403 of the Civil Code and to add a chapter to Title I, of Part IV, of Division I of the Civil Code, all relating to general provisions affecting corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Hartman, Hawkins, John, Johnson, Lucey, Lumley, Lynch, Manwell, McCartney, McKenna, McNamara, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Treadwell, Tripp, Walsh, Waste, and Whiting—46.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 335—An Act to repeal Section 399 and to amend Sections 400 and 401 of the Civil Code, relating to the dissolution and extension of the term of existence of corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Hartman, Hawkins, John, Johnson, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Treadwell, Tripp, Walsh, Waste, and Whiting—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 333—An Act to amend Sections 320, 323, and 325 of the Civil Code, relating to stockholders in corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hawkins, Houser, John, Johnson, Johnstone, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Whiting, and Wickersham—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 332—An Act to repeal Title IV of Part III of Division I of the Civil Code, and each and every section of said title, and to substitute a new Title IV to take the place thereof in said Code, relating to masters and apprentices.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Hawkins, Johnson, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Whiting, and Wickersham—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 331—An Act to amend Sections 299, 302, 304, 309, 310, 311, 312, 314, and 315 of the Civil Code, all relating to corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Hawkins, Johnson, Johnstone, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Whiting, and Wickersham—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.



Assembly Bill No. 266—An Act to amend Sections 224, 226, and 227 of the Civil Code, all relating to the adoption of children.

Bill read third time.

The question being on the passage of the bill

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Hawkins, Johnson, Johnstone, Lucey, Lumley, Lynch, Maxwell, McCartney, McKenney, McNamara, Olmsted, Perkins, Pyle, Rolley, Strohl, Thompson, Treadwell, Tripp, Walsh, Waste, Whiting, and Wickersham—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### MOTION TO ADJOURN LOST.

Mr. Wickersham, at ten o'clock P. M., moved to adjourn until to-morrow, at ten o'clock A. M.

Mr. McCartney moved to lay the motion on the table.

The motion to lay on the table was put to vote, and declared carried.

#### SPECIAL FILE ON CODE REVISION—(RESUMED).

Assembly, Bill No. 263—An Act to amend Sections 164 and 170 of the Civil Code, all relating to husband and wife.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Hawkins, Johnson, Johnstone, Lucey, Lumley, Lynch, Maxwell, McCartney, McKenney, McNamara, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Strohl, Thompson, Transue, Treadwell, Walsh, Waste, Whiting, and Wickersham—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Mr. Drew moved that the time for adjournment be extended until ten o'clock and thirty minutes P. M.

Motion carried.

Assembly Bill No. 334—An Act to amend Sections 388, 391, 392, and 393 of the Civil Code, all relating to the sale of franchises under execution.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Hawkins, Johnson, Johnstone, Lumley, Lynch, Maxwell, McCartney, McKenney, McNamara, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Thompson, Treadwell, Tripp, Walsh, Waste, Whiting, and Wickersham—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 390—An Act to amend Sections 468, 481, and 489 of the Civil Code, and to add two new sections thereto, to be numbered 465a and 473a, all relating to railroad corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Hawkins, Johnson, Johnstone, Lucey, Lumley, Lynch, McCartney, McKenney, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Stanton, Thompson, Transue, Tripp, Walsh, Waste, Whiting, and Wickersham—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 388—An Act to add a Chapter V to Title II, of Part IV, of Division I, of the Civil Code, relating to corporations to discover fire and save property and human life from destruction thereby.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Hawkins, Johnson, Johnstone, Lumley, Lynch, McCartney, McKenney, McNamara, Olmsted, Perkins, Pyle, Rolley, Stanton, Strohl, Thompson, Transue, Tripp, Walsh, Waste, Whiting, and Wickersham—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Corporations was granted leave to introduce the following report (out of order):

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 741—An Act to amend Section 593 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how corporations for purposes other than profit are formed—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that it do pass as amended.

WALSH, Chairman.

Assembly Bill No. 741 ordered on second-reading file.

#### BILL WITHDRAWN.

Mr. Cleveland was granted leave to withdraw Assembly Bill No. 371.

#### MOTION TO ADJOURN LOST.

Mr. Mindham moved that the Assembly do now adjourn.

Motion lost.

#### SPECIAL FILE ON CODE REVISION—(RESUMED).

Assembly Bill No. 387—An Act to add a Chapter IV to Title II, of Part IV, of Division I, of the Civil Code, relating to mutual benefit and life associations.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, with the following result:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Hartman, Hawkins, Houser, Johnson, Johnstone, Lumley, Lynch, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Stanton, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Whiting, and Wickersham—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### TIME FOR TO-DAY'S ADJOURNMENT.

Mr. Beardslee moved that when the Assembly adjourns this evening it be until to-morrow, Thursday, at ten o'clock and thirty minutes A. M.  
Motion carried.

Assembly Bill No. 386—An Act to amend Sections 437, 447, 449, and 450, and to repeal Sections 431, 444, and 448, of the Civil Code, and to add a new section thereto, to be numbered 452, all relating to life, health, and accident insurance corporations

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Hartman, Hawkins, Johnson, Johnstone, Lumley, Lynch, McCartney, McKenney, McNamara, Moore, Olmsted, Perkins, Pyle, Rolley, Stanton, Strohl, Thompson, Transue, Walsh, Waste, Whiting, and Wickersham—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 385—An Act to amend Section 428 of the Civil Code, relating to fire and marine insurance corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Hartman, Hawkins, Houser, Johnson, Lucey, Lumley, Lynch, McCartney, McKenney, McNamara, Moore, Olmsted, Perkins, Pyle, Rolley, Stanton, Strohl, Transue, Walsh, Waste, Whiting, and Wickersham—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 384—An Act to amend Sections 414, 415, 417, and 418 of the Civil Code, to add a new section thereto, to be numbered 421, and to repeal Section 427, all relating to insurance corporations.

Bill read third time.

Mr. Transue moved that a select committee of one be appointed to amend Assembly Bill No. 384, as follows:

By striking out of said section, on lines 3 to 17, inclusive, page 2, and inserting in lieu thereof the following:

"415 No insurance corporations may purchase, hold, or convey real estate, except as hereinafter set forth, to wit:

"1. The building in which it has its principal office and the land upon which it stands;  
"2. Also, such as may be requisite for its accommodation in the convenient transaction of its business;

"3. Also, such as may be conveyed to it, or to any person for it, by way of mortgage, or in trust or otherwise, to secure or provide for the payment of loans previously contracted for moneys due;

"4. Also, such as may be purchased at sales upon deeds of trust, or judgments obtained or made for such loans or debts;

"5. Also, such as may be conveyed to it in satisfaction of debts previously contracted in the course of its dealings

"All such real estate, mentioned in subdivisions 3, 4 and 5, so acquired, which is not requisite for the accommodation of such corporation in the transaction of its business, must be sold and disposed of within five years after such corporation acquired title to the same."

Motion carried.

Mr. Transue was appointed such select committee of one.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 384—An Act to amend Sections 414, 415, 417, and 418 of the Civil Code, to add a new section thereto, to be numbered 421, and to repeal Section 427, all relating to insurance corporations—with instructions, does now report that the instructions of the Assembly have been carried out.

TRANSUE, Committee.

Report adopted.

Assembly Bill No. 384 ordered to reëngrossment, print, and on file for passage.

Assembly Bill No. 394—An Act to amend Sections 513, 614, 517, 518, and 522 of the Civil Code, all relating to wagon road corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerge, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Hartman, Hawkins, Houser, Johnson, Johnstone, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Stanton, Strohl, Thompson, Transue, Waste, Whiting, and Wickersham—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

ADJOURNMENT.

At ten o'clock and thirty minutes P. M., the Speaker pro tem., Hon. T. E. Atkinson, declared the Assembly adjourned until ten o'clock and thirty minutes A. M., Thursday, February 9, 1905.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Thursday, February 9, 1905. }

The Assembly met at ten o'clock and thirty minutes A. M.

Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cullen, Drew, Duryea, Espey, Estudillo, Gans, Goodrich, Hawkins, Houser, Jarvis, Johnson, Jones of San Francisco, Jurv. Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsb, Waste, Whiting, Wickersham, and Mr. Speaker—57

Quorum present.

## LEAVE OF ABSENCE.

Leave of absence for the day was granted to Mr. Beardslee.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, February 8, 1905, on motion of Mr. Wickersham, its further reading was dispensed with.

## APPROVAL OF JOURNALS.

The Journals of Monday, February 6, and Tuesday, February 7, 1905, were corrected, and, as corrected, approved.

## PRIVILEGES OF THE FLOOR.

The Speaker, on behalf of the Assembly, extended the privileges of the floor to Hon. F. G. Finlayson, an ex-member of the Assembly.

## PETITION.

The Speaker presented the following petition from citizens of Los Angeles County:

## ANTI-RACE TRACK GAMBLING PETITION.

We, whose names are hereto subscribed, citizens of Los Angeles County, California, approve the Espey Bill, amending Section 337 of the Penal Code, by adding the following: 337½. Every person who within the State of California sells, or offers for sale, buys, or offers to buy, issues, or offers to issue, or in any manner disposes of, purchases, or acquires any interest in any pool, or in any pool ticket, certificate, writing, or other evidence of payment, acceptance, or deposit of money, or other things of value, staked upon the result of any running, pacing, or trotting race, or contest between horses, mares, or geldings, or makes any bet or wager on the result of such race or contest, or acts as a stakeholder of any bet or wager laid on the result of any such race or contest, or receives or pays over any money or article or thing of value, the ownership or right to possession of which has been, is, or is to be determined by any such race or contest, or rents or leases any building, structure, room, apartment, place, or premises whatever, or permits the same to be used or occupied for any of the above purposes, is guilty of a misdemeanor,

and shall be punishable by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. We respectfully urge the passage of the same.

R. M. GALBRETH.  
(And others.)

The printed heading of the petition was ordered printed in the Journal, without the signatures.

RESOLUTION—(OUT OF ORDER).

Mr. Espey was granted leave to introduce (out of order) the following resolution:

(To recall bill from committee)

WHEREAS, Assembly Rule No. 17 requires that all bills referred to committee should be reported back to the Assembly within ten days after such reference, and,

WHEREAS, Assembly Bill No. 260 was sent to the Committee on Public Morals on January 18, 1905, and,

WHEREAS, said bill has not yet been reported by said committee; now, therefore, be it *Resolved*, That Assembly Bill No. 260 be forthwith withdrawn from the Committee on Public Morals, and placed on the second-reading file.

Mr. Espey moved the adoption of the resolution.

Messrs. Espey, Pyle, and Treadwell demanded the ayes and noes.

CALL OF THE HOUSE DENIED.

Mr. Espey, at eleven o'clock and three minutes P. M., moved for a call of the House.

Messrs. Espey, Pyle, and Waste called for a division.

The Chair put the motion for a call of the House, and declared it lost, on division, by a vote of 18 ayes to 21 noes.

The roll was called and the resolution refused adoption by the following vote:

AYES—Messrs. Amerige, Barnes, Bates, Bliss, Chandler, Coyle, Creighton, Drew, Espey, Estudillo, Gans, Hawkins, Houser, Johnstone, McCartney, McKenney, Olmsted, Perkins, Pyle, Thompson, Treadwell, Tripp, Waste, and Mr. Speaker—21.

NOES—Messrs. Atkinson, Beckett, Boyle, Burge, Burke, Busick, Cleveland, Cooper, Cullen, Duryea, Jarvis, Johnson, Jury, Lucey, Lumley, Lynch, Manwell, McNamara, Mindham, Moore, Rolley, Slaven, Stanton, Strohl, Transue, Vogel, Walsh, Whiting, and Wickersham—29

BILL RE-REFERRED.

Mr. Duryea moved that Assembly Bill No. 874 be withdrawn from Committee on Judiciary, and re-referred to Committee on Public Morals.

Motion carried, and such was the order.

MOTION TO RECALL BILL FROM COMMITTEE

Mr. Espey moved that the Committee on Public Morals report back within one week Assembly Bill No. 874.

Mr. Walsh raised the point of order that, under the rules, the motion was out of order.

The Chair sustained the point of order as well taken.

COMMITTEE TO REPORT CERTAIN BILL.

Mr. Espey moved that the Committee on Public Morals report back Assembly Bill No. 260 within one week.

Messrs. Walsh, Espey, and Burke called for the ayes and noes.

The roll was called, and the motion carried by the following vote:

**AYES**—Messrs. Amerige, Barnes, Bates, Beckett, Bliss, Chandler, Cleveland, Coyle, Creighton, Drew, Espey, Estudillo, Gans, Hawkins, Houser, Johnson, Johnstone, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Olmsted, Perkins, Pyle, Thompson, Transue, Treadwell, Tripp, Waste, Whiting, and Mr. Speaker—33.

**NOES**—Messrs. Anthony, Arnerich, Atkinson, Boyle, Burge, Burke, Busick, Coghlan, Cooper, Cullen, Duryea, Ellis, Hartman, Jarvis, Jury, Lucey, Mindham, Moore, Rolley, Slaven, Stanton, Strohl, Vogel, Walsh, and Wickersham—25.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

##### ON MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1905

MR. SPEAKER: The undersigned, your Committee on Mileage, to whom was referred the following resolution:

"ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

"MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions have visited the State prisons at San Quentin and Folsom, California, as per resolution heretofore introduced and adopted, and the following are entitled to two hundred and four (204) miles mileage each, to wit: Messrs. Olmsted, Amerige, Bliss, Boyle, Beckett, Wickersham, Lynch, Ellis, and McKenney.

"Resolved, That the State Controller is hereby authorized to draw his warrant for the amount of one hundred and eighty-three dollars and sixty cents (\$183 60) in favor of Charles K. McKenney, payable out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

"McKENNEY, Chairman."

Have had the same under consideration, and respectfully report the same, and recommend that it be adopted

BECKETT, Chairman.

Mr. Beckett moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

**AYE**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Bliss, Boyle, Brantetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cullen, Drew, Ellis, Espey, Estudillo, Gans, Hartman, Hawkins, Houser, Jarvis, Johnson, Johnstone, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Moore, Olmsted, Perkins, Pyle, Rolley, Slaven, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—57.

**NOES**—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1905.

MR. SPEAKER: The undersigned, your Committee on Mileage, to whom was referred the following resolution:

"ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

"MR. SPEAKER: Your Committee on Public Charities and Corrections have visited the State School at Whittier, California, as authorized by resolution adopted, and the following-named persons are entitled to nine hundred and eighty (980) miles mileage each, to wit: Messrs. Coghlan, Transue, Tripp, Strohl, Stanton, and Duryea.

"Resolved, That the State Controller is hereby authorized to draw his warrant for the amount of \$882 in favor of Nathan C. Coghlan, payable out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

"COGHLAN, Chairman."

Have had the same under consideration, and respectfully report the same, and recommend that it be adopted.

BECKETT, Chairman.

Mr. Beckett moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cullen, Dorsey, Diew, Ellis, Espey, Estudillo, Hartman, Hawkins, Houser, Jarvis, Johnson, Johnstone, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Perkins, Pyle, Rolley, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—54

**NOES**—None.

#### ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1905.

**MR. SPEAKER**: Your Committee on Public Morals, to whom was referred Assembly Bill No. 441—An Act making it a misdemeanor to sell or exchange property under the representation, advertisement, notice, or inducement that an unidentified, unknown, unselected, or chance prize, premium, or premium-gift, or that a stamp, trading-stamp, coupon, or other like device entitling the holder to receive such a prize, premium, or premium-gift, or that the redemption of such stamp, trading-stamp, coupon, or other like device so given is to be part of the transaction, or to sell or exchange any trading-stamp, stamp, coupon, or other like device to aid such sale or exchange, as aforesaid, and providing a penalty therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LUCEY, Chairman.

Assembly Bill No. 441 ordered on second-reading file.

#### ON RULES.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1905.

**MR. SPEAKER**: Your Committee on Rules and Regulations, to whom was referred Rule 17 of the Standing Rules of the Assembly—have had the same under consideration, and recommend that it be amended so as to read as follows:

#### "Committees—When to Report.

"17 All committees shall act upon all bills as soon as practicable, and, when acted upon, shall be reported back to the Assembly forthwith and the chairman of each committee is charged with the observance of this rule, *provided*, that the Assembly may at any time order a bill reported back from any committee by a majority vote."

MCCARTNEY, Chairman.

#### RESOLUTION—(OUT OF ORDER).

Mr. Burke was granted leave to introduce (out of order) the following resolution, which was read:

*Resolved*, That owing to the fact that a general county government bill will not be presented at this session of the Legislature, all bills reported on by the Committee on County and Township Governments be placed on the special file

Resolution adopted.

#### MR. HOUSER CALLED TO THE CHAIR.

The Speaker, at eleven o'clock and thirty minutes A. M., called Hon. J. T. W. Houser to the chair.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

##### ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1905.

**MR. SPEAKER**: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 289—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class.

Also: Assembly Bill No. 818—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 25 of said Act a new subdivision, to be known as 6½, and relating to a



cooperation by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services.

Also: Assembly Bill No. 177—An Act to provide for the classification of supervisors in counties of the fifteenth class where they are not now classified, so that not all of them shall go out of office at the same time.

Also: Assembly Bill No. 619—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.

Also: Assembly Bill No. 742—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 201 thereof, relating to salaries and fees of county and township officers in counties of the forty-fourth class.

Also: Assembly Bill No. 421—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relating to salaries and fees of county officers in counties of the thirty-ninth class.

Also: Assembly Bill No. 873—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, by amending Section 167, relating to counties of the tenth class, and providing for certain increases of salaries and deputies.

Also: Assembly Bill No. 700—An Act to amend an Act entitled "An Act to amend an Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections and adding certain sections thereto, approved March 16, 1903, by amending Section 23 thereof.

Also: Assembly Bill No. 849—An Act to amend an Act entitled "An Act to amend an Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections and adding certain sections thereto, approved March 23, 1901, by amending Section 22 thereof, relating to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices."

Also: Assembly Bill No. 848—An Act to amend Section 57 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof respecting certain other sections, and adding certain sections thereto," approved March 23, 1901.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

BURKE, Chairman

Assembly Bills Nos. 299, 818, 177, 619, 742, 421, 873, 700, 849, and 848 ordered on second-reading file.

#### ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1905.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 780—An Act making an appropriation of \$1,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing type and printing materials to be used in the printing office at said school.

Also: Assembly Bill No. 782—An Act making an appropriation of \$2,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of constructing a reservoir to be used in storing the water supply of said school.

Also: Assembly Bill No. 784—An Act making an appropriation of \$500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the assembly hall of the boys' department.

Also: Assembly Bill No. 781—An Act making an appropriation of \$5,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing five inches of water from the East Whittier ditch, to be used at said school.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Assembly Bill No. 664—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to the designation of one of the prisons of the State as a reformatory, relating to the powers of the State Board of Prison Directors, relating to the selection and duties of the wardens, relating to the transfer of prisoners, and to other matters incident thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 785—An Act making an appropriation of \$350, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new books for the library of said school.

Also: Assembly Bill No. 786—An Act making an appropriation of \$650 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new sewing machines for use in said school.

Also: Assembly Bill No. 779—An Act making an appropriation of \$900, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of furnishing "B" cottage, at the girls' department.

Also: Assembly Bill No. 787—An Act making an appropriation of \$600, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new band instruments for use at said school.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

MCKENNEY, Chairman.

Assembly Bill No. 664 ordered on second-reading file.

On motion of Mr. Johnstone, Assembly Bills Nos. 779, 780, 781, 782, 783, 785, 786, and 787 ordered on special file, and referred to Committee on Ways and Means.

#### ON CAPITAL AND LABOR.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1905.

MR. SPEAKER: Your Committee on Capital and Labor, to whom was referred Assembly Bill No. 612—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897

Also: Assembly Bill No. 622—An Act requiring every employer doing business in this State to pay his employes, and each of them, at least once in each and every month, the wages earned by such employes; to prohibit assignment of wages for the purpose of evading the provisions of this Act, and agreements to accept wages at any longer periods than as herein provided as a condition of employment

Also: Assembly Bill No. 676—An Act providing pay for holidays for employes of the State of California, or of any political subdivision thereof.

Also: Assembly Bill No. 821—An Act amending an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MINDHAM, Chairman

Assembly Bills Nos. 612, 622, 676, and 821 ordered on second-reading file.

#### SPECIAL REPORT AS TO REPAIRS ON STATE CAPITOL.

The chairman of Committee on Ways and Means was granted leave to submit the following report as to the condition of the State Capitol:

SACRAMENTO, February 8, 1905.

To the Hon. P. A. STANTON, Chairman Committee on Ways and Means.

SIR: As per your request we have examined the condition of the State Capitol building, with a view to compiling a report for the proper repairing of same, together with suggestions for remodeling the building, in order to provide better accommodations for the Legislature and State officials, and herewith respectfully submit the following:

#### PROPOSITION No. 1

Work necessary to place the building in thorough repair and in a sanitary condition, as per following itemized statement, will cost the sum of one hundred and seventy thousand, five hundred and seventy-three dollars (\$170,573), to wit:

*Basement*—The basement is perfectly dry and absolutely fire-proof, and with the introduction of outside light and fresh air can be made an excellent place for storage in connection with the various suites of offices for the several departments, easy access to which can be obtained by means of small spiral stairways. Cost of proposed work as follows:

Removing wood centers from ceilings .....	\$100
Excavating, cementing walls and ceilings, and 4708 feet of concrete floor ..	6,639
Building new areas, cutting new openings in walls for windows including sidewalk lights and ventilators complete.....	11,260
Enlarging present and cutting new openings, including doors and transoms ..	3,000
One steel vault for State Controller, one additional vault for State archives, and altering present vault now used for State archives to permit construction of new elevator shaft .....	2,124
Constructing two iron stairways to basement under north and south flights of stairs, one from rear driveway to new boiler room, 9 spiral stairs from suites of offices, first floor, 3 lincels to support badly cracked walls and railing around present yard area .....	3,426

Erecting new steel and glass roof over present yard area to form new boiler and engine room.....	\$2,000
Gas and electric wiring and fixtures .....	1,500
<b>Total</b> .....	<b>\$30,049</b>
<i>Attic</i> —Extending the north and south stairways from third floor, constructing fourteen committee rooms, two rooms to accommodate pre-ent Document Library—it being removed in order to permit the proper arrangement of committee rooms—which, including necessary toilets, heating, ventilating, and lighting systems, will cost .....	25,000
<i>Dome</i> —Replacing wooden steps and platforms from attic to lantern with iron, removing old wooden scaffolding and repairing cement work on exterior at base .....	6,000
<i>Roof</i> —The roof over the entire building being in a deplorable condition, should be re-covered with copper. The false roofs and other inflammable material in attic space over Senate and Assembly chambers should be removed, as they are practically useless. The execution of the above work will cost .....	6,300
<i>Painting (exterior)</i> —The granite work of the first story should be properly cleaned, damaged stone replaced with new, and a gutter with outlets cut in first story cornice to drain off water and prevent discoloration of the facades. Exterior surface of the building (except roof) should receive two good, heavy coats of lead-and-oil paint, cost .....	7,700
<i>Driveway</i> —Paving driveway at rear of building with bitumen .....	300
<i>Elevators</i> —Furnishing two new electric passenger elevators from basement to attic, including fire proof shafts, cars, grill-work, complete—one replacing present elevator and one located off main corridor in Room 3, also, one side-walk elevator for basement .....	9,300
<i>Plumbing</i> —Installing entire new system of plumbing, fixtures, finish of toilet rooms, filtering plant, drinking fountains, steel water tanks in attic, fire hose, and reels .....	15,000
<i>Heating and Ventilating</i> —Constructing new heating and ventilating system for the first, second, and third stories, including boiler, oil tank, pumps, and radiator .....	36,500
<i>Gas and Electric Lighting</i> —Remodeling present system, including engine, motor, and dynamo .....	8,500
<i>Revolving Doors</i> —Building vestibules inside of present main entrances, including five sets of patent revolving doors .....	5,500
<i>Shades and Screens</i> —Repairing windows, rehanging all sash on chains, with screens and shades for first, second, and third story windows .....	1,552
<i>Painting (interior)</i> —All interior woodwork in three main stories to receive two good coats of lead and oil color .....	4,500
<i>Decorating</i> —For the walls and ceilings first, second, and third stories and dome .....	6,250
	<b>\$162,451</b>
Architects' fees at five per cent .....	8,122
<b>Total cost</b> .....	<b>\$170,573</b>

## PROPOSITION No. 2.

Comprises remodeling interior of the building, making it entirely fire-proof and rendering all space available for use from basement to roof, the estimated cost of which will be three hundred and fifty-two thousand, nine hundred twenty-five and ten one-hundredths dollars (\$352,925.10), itemized as follows.

*Basement*—The basement is perfectly dry and absolutely fire-proof, and with the introduction of outside light and fresh air can be made an excellent place for storage in connection with the various suites of offices for the several departments, easy access to which can be obtained by means of small spiral stairways. Cost of proposed work as follows:

Removing wood centers from ceilings .....	\$100
Excavating, cementing walls and ceilings, and 4708 feet of concrete floor .....	6,639
Building new areas, cutting new openings in walls for windows, including side-walk lights and ventilators complete .....	11,260
Enlarging present and cutting new openings, including doors, transoms, and painting same .....	3,000
One steel vault for State Controller, one additional vault for State archives and altering present vault now used for State archives, to permit construction of new elevator shaft .....	2,124
Constructing two iron stairways to basement under north and south flights of stairs, one from rear driveway to new boiler room, 9 spiral stairs from suites of offices first floor, 3 lntels to support badly cracked walls, and railing around present yard area .....	3,426
Erecting new steel and glass roof over present yard area to form new boiler and engine room .....	2,000
Gas and electric wiring and fixtures .....	1,500

<i>First Floor</i> —Remodeling present Law Library, making it available for the Appellate and Supreme Courts, it having been originally designed to accommodate the Supreme Court and was intended for such purpose .....	\$2,500
Removing toilets and brick piers from Rooms 19 and 20, and converting space into offices .....	1,000
Remodeling Rooms 16 and 17, for the accommodation of the Justices of the Appellate and Supreme Courts and clerks, as originally intended .....	3,000
Enlarging Governor's waiting-room by appropriating useless portion of corridor .....	750
Removing objectionable toilets under south stairs, and constructing vault and store rooms for the clerks of Appellate Court .....	500
Enclosing under main stairs and platform and building storeroom for Secretary of State and Treasurer, respectively .....	500
Building vestibules inside of present main entrances, including five sets of patent revolving doors, to prevent drafts and retain heat in building.....	5,500
Polished California marble wainscoting around corridors, stairs, and full height of story around dome, to enrich the general appearance of the interior .....	20,550
<i>Second Floor</i> —Providing passageway from Senate to Assembly chamber, converting library into seven committee rooms, making separate ante-rooms with postal and telegraphic facilities for each chamber, through which access is obtained to the various committee rooms, also providing proper toilet and coat and hat check rooms, for the exclusive use of the members of the Legislature.....	1,500
Enlarging Room 40 by appropriating useless portion of corridor.....	750
Removing cumbersome main doors from corridor to Senate and Assembly chambers (now unused), substituting therefor patent revolving doors so that original entrances can be utilized for general ingress and egress to the chambers, thereby restoring to the Sergeants-at-Arms the quarters originally allotted to them, provision having been made as before stated for removal of postal and telegraphic facilities from the Sergeants-at-Arms rooms to the proposed ante-rooms adjoining the chambers.....	1,600
Removing present tiling in corridors and wood floors beneath same and relaying tile on concrete bed .....	7,395
Polished California marble wainscoting around corridors and stairs to third story to enrich the general appearance of the interior .....	7,927
<i>Third Floor</i> —Remodeling Library into nine committee rooms and preparing Rooms 63 and 64 for public toilets (men and women) .....	1,500
Building iron gallery around interior of dome, with four entrances thereto from corridors .....	4,000
Removing framework and clock from gallery in Senate and Assembly chambers, to enlarge view and increase seating capacity .....	500
Removing present wood steps to dome and also closets in Room 73 under same .....	50
Extending north and south flights of stairs to attic for accommodation of library, which will be placed therein .....	2,000
Removing wood floor and sleepers in corridor, and substituting tile floor upon concrete bed .....	6,950
Polished California marble wainscoting around corridors and two flights of stairs to attic, enriching general appearance of the interior .....	7,403
Removing frame construction forming ceiling of third floor and floor of attic, including lowering the ceilings of Senate and Assembly chambers and rebuilding same with fire-proof material. The ceilings of the chambers now being ten feet above attic floor level, being lowered to provide ample space for the library .....	54,800
<i>Attic</i> —Arranging and fire-proofing entire story with direct light for the library, including necessary plumbing, heating, ventilating, and lighting and painting, thus affording approximately 4500 square feet more floor area than now occupied by library.....	44,067
<i>Dome</i> —Repairing the cementing exterior base of dome, removing old scaffolding, building iron platforms and stairs to lantern, and placing tile floor on top balcony .....	7,500
<i>Roof</i> —Forming new roof of fire-proof construction over entire building excepting dome .....	28,000
<i>Painting (exterior)</i> —Cleaning down the granite work of first story, replacing damaged stone with new, cutting gutter with outlets in first story cornice to draw off water and prevent discoloration of the facades, exterior surface of the building (excepting the roof) painted two coats of lead-and-oil color .....	7,700
<i>Driveway</i> —Paving at rear of building with bitumen .....	300
<i>Elevators</i> —Furnishing two new electric passenger elevators from basement to attic, including fire proof shafts, cars, grill-work complete; one replacing present elevator and one located off main corridor in Room 3; also one side-walk elevator to basement .....	9,300
<i>Plumbing</i> —Installing an entire new system of plumbing, fixtures, finish of toilet rooms, filtering plant, drinking fountains, steel water tanks in attic, fire hose, and reels .....	15,000

<i>Heating and Ventilating</i> —Constructing new heating and ventilating system for the first, second and third stories, including boiler, oil tank, pumps, and radiators .....	\$36,500
<i>Gas and Electric Lighting</i> —Remodeling present system, including engine, motor, and dynamo .....	8,500
<i>Telephones</i> —New office telephone system with central office .....	1,000
<i>Doors and Transoms</i> —Reducing height of doors and enlarging transoms, first, second, and third stories, to admit proper lighting of corridors .....	969
<i>Screens and Shades</i> —Repairing windows, rehanging all sash on chains, with screens and shades for first, second, third, and attic story windows. ....	1,952
<i>Hardware</i> —Furnishing new hardware for interior doors .....	1,000
<i>Painting (interior)</i> —All interior woodwork in three main stories to receive two good coats of lead-and oil color .....	4,500
<i>Interior Decoration</i> —Decorating rooms and corridors in the first, second, and third stories .....	6,250
Total .....	\$333,262
Architects' fees at five per cent .....	16,663
Clerk of work's salary .....	3,000
Grand total .....	\$352,925

## PROPOSITION No. 3

In addition to recommending the improvements to the State Capitol building, as set forth under Proposition No. 2, we further recommend the erection in the near future of an appropriate building for the State Library and the Appellate Court. This building should be erected upon the site now occupied by the State Printing Office and Pavilion.

The proper location for the State Printing Office should be near the water-front and railroad, for which a plain brick loft, inexpensive structure, should be erected.

The Pavilion can readily be removed at no distant date, since a similar building will in all probability be erected upon the recently purchased State Fair Grounds. There will practically be no use for the present Pavilion, and it is a constant source of expense to the State for repairs.

In conclusion, we suggest that all wooden shelving and filing cases throughout the State Capitol be replaced by steel furniture, as a precaution against fire.

Respectfully submitted

HERBERT R. MAGGS,  
R. A. HEROLD,  
Associated Architects.

The report was ordered printed in the Journal.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

## ON JUDICIARY

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 689—An Act to amend Section 1238 of the Code of Civil Procedure, relating to eminent domain—reports the same back, with two amendments, and with the recommendation that it do pass as amended.

Also, Assembly Bill No. 695—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by adding a new section thereto, relating to the powers and duties of boards of supervisors—reports the same back, with the recommendation that it do pass.

Also, Assembly Bill No. 94—An Act to amend Section 1618 of the Code of Civil Procedure, relating to the compensation of executors and administrators, and to add a new section to said Code, to be known as Section 1619, relating to the compensation of executors and administrators—reports the same back, with two amendments, and with the recommendation that it do pass as amended.

Also, Assembly Bill No. 469—An Act to amend Section 1021 of the Code of Civil Procedure, relating to compensation of attorneys and costs in civil actions—reports the same back, with three amendments, and with the recommendation that it do pass as amended.

Also, Assembly Bill No. 470—An Act to amend Section 924 of the Code of Civil Procedure, relating to costs in actions in justices' courts—reports the same back, with two amendments, and with the recommendation that it do pass as amended.

Also, Senate Bill No. 125—An Act to amend Section 2955 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property—reports the same back, with the recommendation that it do pass.

Also, Assembly Bill No. 39—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 939 and 963 of

said Code of Civil Procedure, relating to appeals—reports the same back, with six amendments, and with the recommendation that it do pass as amended.

Assembly Bills Nos. 689, 695, 94, 469, 470, and 39 ordered on second-reading file.

Senate Bill No. 39 ordered on special Senate file.

#### ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1905

MR. SPEAKER: The undersigned, your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 444—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace—have had the same under consideration, and respectfully report the same back, and recommend that the same be referred to the Committee on County and Township Governments.

Also: Assembly Bill No. 166—An Act to amend Sections 773 and 871 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the assessment and collection of taxes in municipalities of the fifth and sixth classes.

Also: Senate Bill No. 116—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

Also: Assembly Bill No. 170—An Act to amend Sections 1769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

Also: Senate Bill No. 117—An Act to amend Sections 773 and 871 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the assessment and collection of taxes in municipalities of the fifth and sixth classes.

Also: Assembly Bill No. 673—An Act to authorize the construction, maintenance, and operation of private spur tracks in municipalities.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

BEARDSLEE, Chairman.

Assembly Bill No. 444 ordered on second-reading file, and referred to Committee on Municipal Corporations.

Senate Bills Nos. 116 and 117 ordered on special Senate file.

Assembly Bills Nos. 166 and 673 ordered on second-reading file.

#### INTRODUCTION AND REFERENCE OF BILLS.

Bills were introduced and referred as follows:

By Mr. Olmsted: Assembly Bill No. 900—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 186 thereof, relating to the compensation of officers of the counties of the twenty-ninth class.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 901—An Act to amend Section 111 of the Penal Code of the State of California, relating to the expenses of prosecuting escapes from, and crimes committed within, State prisons, and the expenses of coroners' inquests of any deceased convict.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 902—An Act to amend Section 2189 of the Political Code, relating to the discharge of persons from State hospitals.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 903—An Act to regulate bond and investment companies doing business by the issue and sale of bonds, certifi-

cates, or debentures, on the single premium or partial-payment plan; providing for a paid-up capital and State deposit of \$100,000, State supervision and examination, manner of proceedings in courts of competent jurisdiction, against insolvent companies, and penalties for doing business in violation of law.

Read first time, and referred to Committee on Building and Loan Associations.

By Mr. Hartman: Assembly Bill No. 904—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 2466 thereof, relating to pilots, Pilot Commissioners, and pilotage.

Read first time, and referred to Committee on Commerce and Navigation.

By Mr. Johnstone: Assembly Bill No. 905—An Act making an appropriation of \$8,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of replumbing the main building of said school.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 906—An Act making an appropriation of \$5,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of building and equipping a hospital for the use of the boys' school on the grounds of said school.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Rolley: Assembly Bill No. 907—An Act to amend Section 2181 of the Political Code, relating to the duties of guardians of insane persons.

Read first time, and referred to Committee on Judiciary.

By Mr. Slaven: Assembly Bill No. 908—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 200 thereof, relating to the compensation of officers of the forty-third class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Burke: Assembly Bill No. 909—An Act to amend Section 2197 of the Political Code, relating to actions which may be brought by the State Commission in Lunacy.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 910—An Act to amend Section 3881 of the Political Code of the State of California, relating to correcting of error, omission, defect in form of, or in description, erroneous or double assessments in any assessment roll.

Read first time, and referred to Committee on Judiciary, with rush order to printer.

By Mr. Waste: Assembly Bill No. 911—An Act to amend "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered 629a, and providing for the appointment of a clerk and stenographer, and fixing the compensation of such clerk and stenographer.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 912—An Act to amend Section 622a of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to taxation of insurance companies.

Read first time, and referred to Committee on Judiciary.

By Mr. Drew: Assembly Bill No. 913—An Act to amend Section 2191 of the Political Code of the State of California, relating to the return to the county or State to which they belong of insane or incompetent persons not resident for one year of the State of California.

Read first time, and referred to Committee on Judiciary.

By Mr. Johnson: Assembly Bill No. 914—An Act to amend an Act establishing a uniform system of county and township governments, relating to salaries and fees of county officers in counties of the ninth class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Treadwell: Assembly Bill No. 915—An Act to add a new section to the Political Code of the State of California, to be known as Section 1264a, relating to canvassing and returning the vote, and the delivery and custody of the roster of voters after elections and primary elections.

Read first time, and referred to Committee on Elections and Election Laws.

Also: Assembly Bill No. 916—An Act to add a new section to the Political Code of the State of California, to be known as Section 1367a, relating to primary elections and the manner of voting thereat.

Read first time, and referred to Committee on Election and Election Laws.

Also: Assembly Bill No. 917—An Act to amend Section 1204 of the Political Code of the State of California, relating to election tickets and ballots, and the manner of voting.

Read first time, and referred to Committee on Election and Election Laws.

#### VOTE RECONSIDERED.

Mr. McCartney moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 23 was yesterday refused passage.

The question being, "Shall the Assembly reconsider the vote whereby Assembly Bill No. 23 was refused passage?"

The roll was called, and the vote on Assembly Bill No. 23 reconsidered by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Bates, Beckett, Bliss, Boyle, Branstetter, Burge, Busick, Chandler, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Espey, Gans, Goodrich, Hartman, Hawkins, Houser, Jarvis, Johnson, Johnstone, Jury, Lucey, Lumley, McCartney, McKenney, Mindham, Moore, Olmsted, Perkins, Pyle, Rolley, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—49.

NOES—None.

Bill ordered restored to third-reading file.

#### SPEAKER RESUMES THE CHAIR.

At eleven o'clock and fifty minutes A. M., the Speaker, Hon. Frank C. Prescott, resumed the chair.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 23 as follows:

Strike out "must," in line 5 of the printed bill, and insert "may."

Motion carried.

Mr. Drew was appointed such select committee of one.



## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 23—An Act to add a new section to the Civil Code of the State of California, to be known as Section 133, relating to the appointment of an attorney by the court in divorce actions to contest the action and inquire into the merits of the case and prevent collusion and fraud when defendant fails to appear or contest the proceeding, and providing for the fee of such attorney in such cases—with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

Report adopted.

Mr. Lumley moved that a select committee of one be appointed to amend Assembly Bill No. 23, as follows:

Amend by striking out of Section 1 line 12, of the printed bill, the word "plaintiff," and inserting in lieu thereof the word "county," and strike out everything after the word "action."

Motion lost.

Mr. Treadwell moved that a select committee of one be appointed to amend Assembly Bill No. 23 as follows:

After "fee," in line 12, insert the words "not exceeding twenty-five dollars."

Motion carried.

Mr. Treadwell was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 23—An Act to add a new section to the Civil Code of the State of California to be known as Section 133, relating to the appointment of an attorney by the court in divorce actions, to contest the action and to inquire into the merits of the case and prevent collusion and fraud when defendant fails to appear or contest the proceeding, and providing for the fee of such attorney in such cases—with instructions, does now report that the instructions of the Assembly have been carried out.

TREADWELL, Committee.

Report adopted.

Assembly Bill No. 23 ordered to reëngrossment, reprint, and on file for passage.

## RESOLUTION.

Mr. Slaven offered the following resolution:

(Chief Clerk to telegraph joint resolution to Washington.)

*Resolved*, That the Chief Clerk be and he is hereby instructed to telegraph Assembly Joint Resolution No. 1 to the California Senators and Congressmen at Washington.

Resolution read and adopted.

## INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

Leave was granted for the introduction and reference of bills as follows:

By Mr. Burke: Assembly Bill No. 918—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Read first time.

Also: Assembly Bill No. 919—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justices' courts.

Read first time.

On motion of Mr. Burke, Assembly Bills Nos. 918 and 919 ordered on second-reading file, without reference to committee.

By Mr. Houser : Assembly Bill No. 920—An Act to amend Section 344 of the Code of Civil Procedure of the State of California.

Read first time, and referred to Committee on Judiciary.

#### RESOLUTION.

Mr. Lucey offered the following resolution :

(To authorize Committee on Public Morals to visit race courses )

WHEREAS, Bills have been referred to the Committee on Public Morals calling for the abolition of betting on horse races;

*Resolved*, That the committee on Public Morals be and they are hereby authorized to visit the race courses at Ascot Park, Los Angeles, and the Oakland Track, for the purpose of enabling the committee to act intelligently upon these bills by making a thorough investigation of the conditions that are said to exist. That members of said committee are hereby granted leave of absence for five days for said purpose, as follows. Messrs. Lucey, Walsh, Moore, Arnerich, Burke, Wickersham, Cooper, O'Brien, Espey, and Jones of Tuolumne.

Resolution read.

#### RESOLUTION INDEFINITELY POSTPONED.

Mr. Treadwell moved the adoption of the resolution.

Mr. Olmsted moved that the resolution be indefinitely postponed.

On being put to standing vote, the Chair declared the motion to indefinitely postpone carried by a vote of 25 ayes to 23 noes.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

#### ON PUBLIC CHARITIES AND CORRECTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1905

MR. SPEAKER: Your Committee on Public Charities and Corrections, to whom was referred Assembly Bill No 557—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals, relating to the acquisition and disposal of property, real and personal"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

COGHLAN, Chairman

Assembly Bill No. 557 ordered on second-reading file.

#### RESOLUTION.

Mr. Wickersham submitted the following resolution:

(For Committee on Fish and Game to visit the State Hatchery.)

WHEREAS, It is necessary, in order that the Committee on Fish and Game can intelligently act on the bills before it; now, therefore, be it

*Resolved* That the Committee on Fish and Game—Messrs O'Brien, Wickersham, Johnson, Branstetter, Atkinson, Drew, Ellis, McNamara, Strohl, Boyle, and Creighton—is hereby granted leave of absence from Saturday afternoon, February 11, 1905, to Monday afternoon, February 13, 1905, in order that it may visit the State Hatchery at Sisson.

Mr. Atkinson moved the adoption of the resolution.

Mr. Olmsted moved to lay the resolution on the table.

The motion to lay on the table was put to a vote, and declared lost.

The question being on the adoption of the resolution offered by Mr. Wickersham.

The Chair ordered a roll call.

## TIME FOR RECESS EXTENDED.

Mr. Atkinson, at twelve o'clock and twenty-nine minutes P. M., moved that the hour for recess be extended twenty-five minutes.

Motion carried.

The roll was called.

## CALL OF THE HOUSE.

Pending the announcement of the result, Mr. Atkinson, at twelve o'clock and thirty-eight minutes P. M., moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Bliss, Boyle, Burge, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Gans, Goodrich, Hartman, Hawkins, Houser, Johnson, Johnstone, Jones of San Francisco, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Olmsted, Perkins, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—55

The doors were ordered closed.

The Sergeant-at-Arms was furnished with a warrant containing a list of absent members.

## CALL DISPENSED WITH.

At twelve o'clock and forty minutes P. M., Mr. Atkinson moved that further proceedings under the call of the House be dispensed with.

Motion carried.

The doors were ordered opened.

## TIME FOR RECESS EXTENDED.

Mr. Atkinson, at twelve o'clock and fifty minutes P. M., moved that the hour for recess be extended to one o'clock P. M.

Motion carried.

## RESOLUTION ADOPTED.

Thereupon the Speaker declared the resolution adopted by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Bliss, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Hartman, Hawkins, Jarvis, Johnson, Jones of San Francisco, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Mindham, Moore, Perkins, Pyle, Slaven, Stanton, Strohl, Transue, Treadwell, Tripp, Vogel, Walsh, Wickersham, and Mr. Speaker—51

NOES—Messrs. Amerige, Burge, Espey, Goodrich, Houser, Johnstone, Olmsted, Thompson, Waste, and Whiting—10.

## RECESS

Mr. Atkinson moved that the Assembly take a recess until two o'clock and thirty minutes P. M.

Motion carried and recess declared.

## REASSEMBLED.

The Assembly reconvened at two o'clock and thirty minutes P. M.

The Speaker, Hon. Frank C. Prescott, in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted for the day to Mr. John.

## RE-REFERENCE OF BILL.

Mr. Duryea moved that Assembly Bill No. 278 be re-referred to the Committee on Irrigation.

Motion carried, and such was the order.

## BILL WITHDRAWN.

Mr. Chandler moved that he be permitted to withdraw Assembly Bill No. 255 (No. 5 on the file).

Motion carried.

Bill withdrawn.

## SPECIAL SENATE FILE.

Senate Bill No. 53—An Act to amend Section 3457 of the Political Code of California, relating to the nature and legal life of warrants of reclamation districts in the State of California.

Passed on file.

Senate Bill No. 218—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

Bill read third time on a previous day.

The question being on the final passage of the bill.

The roll was called.

## CALL OF THE HOUSE.

Pending the calling of the roll, and the announcement of the result, Mr. Treadwell, at two o'clock and forty minutes P. M., moved for a call of the House

Motion carried.

The doors were ordered closed.

The roll was called, and the following members answered to their names:

Messrs Amerige, Anthony, Arnerich, Barnes, Bates, Boyle, Branstetter, Burge, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cullen, Dorsey, Duryea, Estudillo, Gans, Hartman, Houser, Jarvis, Johnson, Johnstone, Jury, Lucey, McCartney, McKenney, McNamara, Mindham, Olmsted, Perkins, Pyle, Slaven, Strohl, Thompson, Treadwell, Tripp, Walsh, Whiting, and Mr. Speaker—41.

## FURTHER PROCEEDINGS UNDER THE CALL DISPENSED WITH.

At two o'clock and fifty-five minutes P. M. Mr. McCartney moved that further proceedings under the call of the House be dispensed with.

Motion carried.

The Speaker directed the doors to be reopened.

Thereupon the Speaker declared the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Boyle, Branstetter, Burge, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cullen, Dorsey, Duryea, Ellis, Estudillo, Gans, Hartman, Houser, Jarvis, Johnson, Johnstone, Jury, Lucey, McCartney, McKenney, McNamara, Mindham, Olmsted, Perkins, Pyle, Slaven, Strohl, Thompson, Treadwell, Tripp, Whiting, Wickersham, and Mr. Speaker—43

NOES—Mr. Burke—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 16—An Act to add a new section, to be numbered and designated as Section 321b, to an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to regulating the giving

and use of proxies to vote corporate stock at any meeting of the stockholders of any corporation organized under the laws of this State.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

**AYES**—Messrs. Amerige, Anthonv, Arnerich, Atkinson, Barnes, Bates, Beckett, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Dorsey, Duryea, Ellis, Estudillo, Gans, Hartman, Houser, Jarvis, Johnson, Johnstone, Jury, Lucey, McCartney, McNamara, Mudham, Olmsted, Perkins, Pyle, Slaven, Strohl, Thompson, Treadwell, Tripp, Walsh, Whiting, Wickersham, and Mr Speaker—44

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 27—An Act to amend Section 3897 of the Political Code, relating to the disposition of lands deeded to the State for non-payment of State and county taxes.

Read second time.

The Committee on Judiciary submitted the following amendments

AMENDMENT No. 1.

Amend by inserting after the word "Section," in line 2 of title, the letter "s"

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting in line 3 of title, after the word "seven," the following: "and three thousand eight hundred and ninety-eight."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of line 37, page 2, of printed bill, the period ( ) after the word "sale," and insert in lieu thereof a semicolon ( ; ) and the following: "*provided, however, that if the board of supervisors of the county, or city and county, in which any such property is situate, shall, by resolution entered upon their minutes, declare that, in their judgment, the property so owned by the State, and particularly described in said resolution, is not at that time of value great enough that it can be sold by the State for a sum equal to the amount of all taxes levied upon said property, and all interests, costs, penalties, and expenses up to the date of such sale, and that it would be to the best interest of the State to sell the said property for a sum to be stated in said resolution, less than the sum above named, upon receipt of a copy of said resolution, certified by the clerk of said board of supervisors, the State Controller may thereupon, by written authorization, direct the tax collector of the county, or city and county, to sell the said property so described in said resolution for a sum not less than the sum stated in said resolution, together with the expenses of sale.*"

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting at the end of the bill the following:

"Section 2. Section three thousand eight hundred and ninety-eight of the Political Code of the State of California is hereby amended to read as follows:

"3898 The moneys received from such sale shall be distributed as follows: The tax collector shall deduct the penalties, costs and other amounts received as expenses of such sale in such cases as the property so sold shall have been sold for a sum not less than the amount of all taxes levied thereon and all interests costs and penalties up to the date of such sale; but where the property so sold shall have been sold for a sum less than said amount, the tax collector shall deduct only the amounts received as expenses attending such sale, and the balance shall be distributed between the State and the county, or city and county, in the proportion that the State rate bears to the county, or city and county, rate of taxation, said tax collector shall pay all amounts into the county treasury, and the treasurer shall account to the State for its portion in the settlement required by section three thousand eight hundred and sixty-five and section three thousand eight hundred and sixty-six. On receiving the amount bid, as prescribed in the preceding section, the tax collector must execute a deed to the purchaser, reciting the facts necessary to authorize such sale and conveyance, which deed shall convey all the interest of the State in and to such property, and shall be *prima facie* evidence of all facts recited therein."

Amendment adopted.

Senate Bill No. 27 ordered to reprint and on special Senate file for third reading.

## REPORTS OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following reports:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR. SPEAKER. Your Committee on Engrossment and Enrollment have examined and found correctly enrolled Assembly Joint Resolution No. 1—Relative to the establishment of a National park at "The Pinnacles," in San Benito County, State of California.

Also Assembly Joint Resolution No. 6—Relative to statehood of Arizona and New Mexico.

And presented the same to the Governor on this day at eleven o'clock A. M.

Also: Assembly Bill No. 281—An Act to amend the Political Code by adding thereto a new section to be numbered 421, relating to watchmen employed in the state Capitol and for the Governor's Mansion, and providing for their salaries.

Also: Assembly Bill No. 215—An Act to repeal Section 8 of the Civil Code, and to amend Section 9 thereof, both relating to holidays.

Also: Assembly Bill No. 227—An Act to amend Section 1 of an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State, who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1899, relating to the burial of soldiers who served in the war with Spain and in the Philippine insurrection.

Also: Assembly Bill No. 56—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Also: Assembly Bill No. 54—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justices' courts.

And presented the same to the Governor on this day at four o'clock P. M.

Also: Assembly Concurrent Resolution No. 13—Approving the charter of the City of San Bernardino, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 6th day of January, 1905.

Also: Assembly Concurrent Resolution No. 5—Approving ten amendments to the charter of the City of Santa Barbara, a municipal corporation in the county of Santa Barbara, State of California, which said ten amendments were submitted to vote of and ratified by the qualified electors of said city at a general municipal election at which the same were duly submitted, and said election being held on December 1, 1903.

And presented the same to the Governor on this day at eleven o'clock A. M.

DEVLIN, Chairman

Also.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1905.

MR. SPEAKER. Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed.

Assembly Bill No. 686—An Act to amend Section 1600 of the Political Code of the State of California, in regard to challenges of electors in elections for school trustees.

Assembly Bill No. 60—An Act providing for the appointment, by the county superintendent of schools, in counties so desiring, of a supervisor of nature study, agriculture and related subjects, indicating necessary qualifications and duties, and providing for the fixing of his salary, and the payment thereof.

Assembly Bill No. 153—An Act establishing a bureau of information, for the purpose of disseminating knowledge of nature study, agriculture, and related subjects (applicable to conditions in California), to the public schools of the State, to be known as "The Central Bureau of Information"; indicating the method of disseminating such knowledge, fixing the location of said bureau; designating and naming the members of the board to control said bureau, indicating the powers of such board and the time for its first meeting, and appropriating the sum of \$10,000 to pay the expenses of said bureau for the fiscal years of 1905 and 1906.

Assembly Bill No. 685—An Act to amend Section 1598 of the Political Code of the State of California, prescribing the qualifications of electors voting for school trustees.

Assembly Bill No. 59.—An Act to amend Sections 1521, 1675, 1771, and 1775 of the Political Code of the State of California, all relating to public schools and education by making provisions for the teaching in the public schools, in connection with nature study, the elements of agriculture.

Assembly Bill No. 788—An Act providing for the obtaining of plans and specifications for public buildings and structures, regulating competitions among architects in relation to the same, and the submission of proposals for the erection of such buildings and structures, and repealing an Act entitled "An Act to regulate the erection of public buildings and structures," approved April 1, 1872, and an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876.

Assembly Bill No. 268—An Act directing the Commissioner of the Bureau of Labor Statistics to collect certain statistics, and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this Act.

Assembly Bill No. 714—An Act to amend Sections 285, 290, 292, and 305 of the Civil Code, all relating to the formation of corporations.

Assembly Bill No. 344—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 339 thereof, relating to the time of commencing actions other than for the recovery of real property.

Assembly Bill No. 558—An Act fixing a bounty on coyote scalps.

Assembly Bill No. 645—An Act to amend Section 737 of the Political Code, relating to salaries of superior court judges

DEVLIN, Chairman.

The above engrossed bills ordered on file for third reading.

SENATE BILL TAKEN UP.

Mr. Transue moved that Senate Bill No. 240 (No. 247 on file) be now taken up.

Motion carried.

Senate Bill No. 240 (Substitute for Assembly Bill No. 206)—An Act to amend Section 415 of the Act entitled "An Act to establish a Civil Code in the State of California," approved March 21, 1872, in relation to the holding, purchase, and conveyance of real estate by life insurance companies.

Read third time.

The question being on the final passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the calling of the roll, and the announcement of the result, Mr. Transue, at three o'clock and fifteen minutes P. M., moved for a call of the House.

Motion carried.

The doors were ordered closed.

The roll was called, and the following members answered to their names:

Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Dorsey, Duryea, Ellis, Estudillo, Gans, Hartman, Houser, Jarvis, Johnson, Johnstone, Jury, Lucey, McCartney, McKenney, McNamara, Mindham, Olmsted, Perkins, Pyle, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Whiting, Wickersham, and Mr. Speaker—45.

The Sergeant-at-Arms was furnished a list of absent members, and directed to bring them before the bar of the House.

FURTHER PROCEEDINGS UNDER THE CALL DISPENSED WITH.

At three o'clock and thirty minutes P. M., Mr. Transue moved that further proceedings under call of the House be dispensed with.

Motion carried.

The Speaker directed that the doors be reopened.

Thereupon the Speaker declared the bill finally passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Boyle, Branstetter, Burge, Burke, Chandler, Coghlan, Cooper, Coyle, Creighton, Dorsey, Duryea, Ellis, Estudillo, Gans, Hartman, Houser, Jarvis, Johnson, Johnstone, Jury, McCartney, McKenney, McNamara, Olmsted, Perkins, Pyle, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Whiting, Wickersham, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

## MOTION TO RECONSIDER.

Mr. Anthony moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 10 was passed yesterday.

Mr. McCartney moved that the motion to reconsider be laid on the table.

Messrs. Dorsey, McCartney, and Transue called for a division.

The motion to lay on the table was declared carried.

## INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

The following bills were introduced (out of order) and referred as follows:

By Mr. Branstetter: Assembly Bill No. 921—An Act to amend Section 1368 of the Penal Code, relating to doubts as to sanity of the defendant, and how determined.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 922—An Act to amend Section 345 of the Code of Civil Procedure, relating to actions brought by the people.

Read first time, and referred to Committee on Judiciary.

By Mr. Duryea: Assembly Bill No. 923—An Act to provide for the construction of permanent bridge work on the Lake Tahoe wagon road, a State highway, and making an appropriation therefor.

Read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 924—An Act making an appropriation to pay the judgment against the State of California, recovered by Abe Darlington, in the Superior Court of El Dorado County, March 11, 1903, for and on account of claims for bounty on coyote scalps.

Read first time, and referred to Committee on Ways and Means.

## SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 190—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

Passed on file.

Senate Bill No. 193—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts.

Passed on file.

Senate Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

Passed on file.

## MOTION TO CORRECT FILE.

Mr. Houser moved that the Assembly file be corrected to show Senate Bills Nos. 190, 193, and 195 (Nos. 250, 251, and 252, respectively, on file) to read as having been "read second time."

Motion carried.

## UNFINISHED BUSINESS.

Assembly Bill No. 46—An Act to amend an Act entitled "An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Passed on file.

Assembly Bill No. 48—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating



to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Passed on file.

Assembly Bill No. 49—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Passed on file.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received (out of order) and read:

##### ON STATE PRISONS AND REFORMATORY INSTITUTIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1905.

MR. SPEAKER. Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 784—An Act making an appropriation of \$785, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing one team, four sets of harness, one mowing machine, and one set of platform scales for use of said school—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended

McKENNEY, Chairman.

Assembly Bill No. 784 ordered on second-reading file and to Committee on Ways and Means.

##### SPECIAL ORDERS.

Senate Bill No. 11 (Substitute for Assembly Bill No. 52)—An Act to provide for the purchase of a site for the erection, equipment, and furnishing of a building or buildings, and for the improvement of grounds for the use of the State Normal School at San Francisco, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beckett, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Houser, Jarvis, Johnson, Johnstone, Jones of San Francisco, Jury, Lucey, Lumley, McCartney, McKenney, McNamara, Mindham, Olmsted, Perkins, Pyle, Slaven, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Constitutional Amendment No. 15—For the recall of officials by electors.

Passed on file.

Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 17 of Article VI of said Constitution, relating to the compensation of justices of the Supreme Court and Judges of the Superior Court.

Passed on file.

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution

by adding thereto a new section to Article IX, to be known as Section 13, relating to the exemption from taxation of the property now or hereafter belonging to the Cogswell Polytechnic College.

Passed on file.

#### THIRD-READING FILE.

Assembly Bill No. 56—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justice courts and justices.

Passed on file.

Assembly Bill No. 364—An Act giving to superior judges the right to impose indeterminate sentences, and prescribing the method of imposing the same.

Passed on file.

Assembly Bill No. 541—An Act fixing the salaries of three assistant reporters of the decisions of the Supreme Court and District Courts of Appeal.

Passed on file.

Assembly Bill No. 212—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act providing for the sale of railroad and other franchises in municipalities, and relative to the granting of franchises,'" approved March 23, 1893.

Passed on file.

Assembly Bill No. 176—An Act to amend Section 3788 of the Political Code of the State of California, relating to redemption of lands from tax sales.

Passed on file.

Assembly Bill No. 72—An Act to amend Section 595 of the Civil Code, relating to the amount of real estate which may be held by certain corporations.

Passed on file.

Assembly Bill No. 155—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Bill read third time on a previous day.

Mr. Olmsted moved that a select committee of one be appointed to amend Assembly Bill No. 155, as follows: .

Amend by striking out of lines 1 and 2 of title the words "applications heretofore made for the purchase," and inserting in lieu thereof the words "patents heretofore issued."

Also: Amend by striking out the word "and," in line 3 of printed bill, after the word "marsh" and inserting in lieu thereof the word "or."

Also: Amend by striking out of lines 5 and 6, page 1, of printed bill, the words "in whole or in part and a certificate of purchase or," and inserting in lieu thereof the words "and a."

Also: Amend by striking out of line 12, page 2, of printed bill, the words "certificate of purchase or."

Also: Amend by striking out of lines 13 and 14, page 2 of printed bill, the words "upon his making full payment therefor."

Also: Amend by striking out of line 16, page 2 of printed bill, the words "certificate of purchase or."

Also: Amend by striking out of line 18, page 2 of printed bill, the words "certificate of purchase or."

Also: Amend by striking out of lines 1 and 2, Section 2, page 2 of printed bill, the words "applications heretofore made for the purchase of lands belonging to this State," and inserting in lieu thereof the words "patents for lands heretofore belonging to this State and."

Also: Amend by striking out of lines 4 and 5, of Section 2, page 2 of printed bill, the words "application and affidavit or certificate of purchase or."

Motion carried.

Mr. Olmsted was appointed as such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 155—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof—with instructions, does now report that the instructions of the Assembly have been carried out.

OLMSTED, Committee.

Report adopted.

Assembly Bill No. 155 was ordered to reingrossment, reprint, and on file for passage.

## RECESS.

Mr. Atkinson, at four o'clock P. M., moved that the Assembly take a recess until seven o'clock and thirty minutes P. M.

Motion carried.

Recess declared.

## REASSEMBLED.

The Assembly reconvened at seven o'clock and thirty minutes P. M. Speaker pro tem. Hon. T. E. Atkinson in the chair.

## SECOND-READING FILE.

The following bills were called up on second-reading file:

Assembly Bill No. 557—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals, relating to the acquisition and disposal of property, real and personal."

Read second time, ordered engrossed and to third reading.

## BILL WITHDRAWN.

Mr. Lynch was granted leave to withdraw Assembly Bill No. 229.

## SECOND-READING FILE—(RESUMED).

Assembly Bill No. 154—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of trustees of cities of the fifth class.

Read second time.

Mr. Olmsted submitted the following amendments:

## AMENDMENT No. 1.

Amend by inserting in line 4 of the title, after the figures "1883," the following: "and as amended March 23, 1901."

Amendment adopted.

## AMENDMENT No. 2.

Amend by inserting in line 4 of printed bill, after the words "eighty-three," the following: "and as amended March 23, 1901."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out the words "and all," after the word "plants," in line 19 of printed bill, and inserting in lieu thereof the following: "and subject to the proviso in this subdivision contained, and all power."

Amendment adopted.

## AMENDMENT No. 4.

Amend by inserting the word "oil," after the word "sprinkle," in line 31 of printed bill.

Amendment adopted.

## AMENDMENT No. 5.

Amend by inserting after the word "sewers," in line 39 of printed bill, the followings "and to provide by ordinance for a general system of sewers, and the expense of building and maintaining the same."

Amendment adopted.

## AMENDMENT No. 6.

Amend by inserting the word "five" after the word "twenty" in line 55 of printed bill.

Amendment adopted.

Assembly Bill No. 154 ordered to engrossment, reprint, and on third-reading file.

Assembly Bill No. 461—An Act to establish a California State Dairy School and Experiment Farm, and to appropriate money therefor.

Read second time on a previous day.

## MOTION.

Mr. Dorsey moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 461.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. T. E. Atkinson in the chair.

Assembly Bill No. 461 was considered in Committee of the Whole.

Mr. Dorsey moved that the Committee of the Whole do now rise and report back Assembly Bill No. 461 with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 461—An Act to establish a California State Dairy School and Experiment Farm, and to appropriate money therefor—and do now report the same back, and recommend that it do pass.

ATKINSON, Chairman.

Report adopted.

Assembly Bill No. 461 ordered engrossed and on third-reading file.

Assembly Bill No. 811—An Act authorizing and directing the Board of Prison Directors to parole certain convicts sentenced to life terms in State prison, and describing the conditions under which said paroles are to be granted.

Passed on file.

Assembly Bill No. 362—An Act to add a new section to the Penal Code of the State of California, under Title XVI thereof, to be numbered 679, prohibiting the use of cruel and unusual punishments in State prisons and reformatory institutions.

Passed on file.

Assembly Bill No. 426—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Passed on file.

Assembly Bill No. 17—An Act to repeal Chapter II of Title IV of Part III of the Code of Civil Procedure of the State of California, and

to substitute therefor a new Chapter II, relating to liens of mechanics and others upon real property.

Read second time, ordered engrossed and to third reading.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

Leave was granted for the introduction and reference of bills, out of order, as follows:

By Mr. Dorsey: Assembly Bill No. 925—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 21, 1872, by amending Section 340 thereof, relating to the time within which certain actions must be commenced.

Read first time, and referred to Committee on Judiciary.

By Mr. Wickersham: Assembly Bill No. 926—An Act to amend an Act entitled "An Act to amend Section 752 of an Act entitled 'An Act to provide for the organization, incorporation, and government of municipal corporations,' approved March 13, 1883, approved February 26, 1903."

Read first time, and referred to Committee on Municipal Corporations.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 741—An Act to amend Section 593 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how corporations for purposes other than profit are formed.

Read second time.

The following committee amendment was submitted:

Amend by striking out all of Section 2 of printed bill.

Amendment adopted.

Assembly Bill No. 741 ordered to engrossment, print, and on third-reading file.

THIRD-READING FILE.

Assembly Bill No. 185—An Act to provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects.

Passed on file.

Assembly Bill No. 353—An Act to amend Section 6 of an Act entitled "An Act to provide for compiling, electrotyping, printing, binding, copy-righting, and distributing a State series of school text-books, and appropriating money therefor," approved March 15, 1887.

Passed on file.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 811—An Act authorizing and directing the Board of Prison Directors to parole certain convicts sentenced to life terms in State prison, and describing the conditions under which said paroles are to be granted.

Read second time.

The following committee amendment was submitted:

Amend by striking out the word "five," in line 12, Section 1, first page, printed bill, and inserting in lieu thereof, "ten calendar."

Amendment adopted.

Assembly Bill No. 811 read second time, ordered engrossed, to print, and third reading.

Assembly Bill No. 11—An Act to abate the gopher and squirrel nuisance upon or adjacent to cultivated lands and for the protection of agriculture and horticulture from destruction by said gophers and squirrels, and to provide for the enforcement of this Act.

Read second time.

The following committee amendment was submitted:

Amend by striking out Section 14 of the printed bill.

Amendment adopted.

Assembly Bill No. 11 read second time, ordered engrossed, to print, and third reading.

Assembly Bill No. 362—An Act to add a new section to the Penal Code of the State of California, under Title XVI thereof, to be numbered 679, prohibiting the use of cruel and unusual punishments in State prisons and reformatory institutions.

Read second time, ordered engrossed, and to third reading.

Assembly Bill No. 426—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 209—An Act to amend Title V of Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by revising Sections 4458 and 4459 of said title and adding two new sections thereto, to be numbered 4460 and 4461, relating to and regulating publications of notices authorized or required to be given or made by public officers, or by law providing that such publications or notices shall be given or made in newspapers of general circulation, defining what is a newspaper of general circulation, and providing a penalty for violation.

Passed on file.

#### LINCOLN EXERCISES POSTPONED.

Mr. Goodrich moved that the exercises in honor of Abraham Lincoln's birthday, set for Saturday, be postponed until Monday, February 13, 1905, at eleven o'clock A. M., the Senate having taken similar action this day.

Motion carried.

#### ADJOURNMENT.

At eight o'clock and twenty-five minutes P. M., on motion of Mr. Transue, Speaker pro tem. Hon. T. E. Atkinson, in the chair, declared the Assembly adjourned until ten o'clock and thirty minutes A. M., Friday, February 10, 1905.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,

Friday, February 10, 1905.

The Assembly met at ten o'clock and thirty minutes A. M., pursuant to adjournment.

Hon. T. E. Atkinson, of San Francisco, Speaker pro tem. of the Assembly, in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Cullen, Drew, Ells, Estudillo, Gans, Gates, Hartman, Held, Houser, John, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitchell, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rollev, Severance, Slaven, Stanton, Stobridge, Strohl, Thompson, Transue, Tripp, Vogel, Walsh, Whiting, and Wickersham—59.

Quorum present.

## LEAVES OF ABSENCE.

Leave of absence for the day was granted to Messrs. Duryea, Arnerich, Espey, and Goodrich.

Leave of absence from Saturday until Monday, February 13, 1905, was granted to Messrs. Espey, Cooper, Estudillo, Jury, McCartney, Jones of San Francisco, and Hartman.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal of Thursday, February 9, 1905, on motion of Mr. King, its further reading was dispensed with.

## APPROVAL OF JOURNAL.

The Journal of Wednesday, February 8, 1905, was corrected, and, as corrected, approved.

## REPORTS OF STANDING COMMITTEES.

Reports from standing committees were received and read, as follows:

## ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1905.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 262—An Act to amend Sections 94, 106, 136, 137, and 146, and to repeal Section 144 of the Civil Code, all relating to divorce—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn by the author.

DURYEA, Chairman

## BILL WITHDRAWN.

Mr. Drew was granted permission to withdraw Assembly Bill No. 262—An Act to amend Sections 94, 106, 136, 137, and 146, and to repeal Section 144 of the Civil Code, all relating to divorce.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

## ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1905

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 458—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same, and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885, approved March 23, 1901," by amending Section 14 and repealing Section 11—reports the same back, with the recommendation that it do pass as amended by Committee on Public Health and Quarantine, by a majority vote.

Also: Assembly Bill No. 518—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," providing penalties for the violation thereof, and to repeal an Act now in force relating to the same, and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885—reports the same back, with the recommendation that it do not pass.

Also: Assembly Bill No. 411—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered 2370, relating to the duties of factors—reports the same back, with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 830—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 537 and 538 thereof, relating to the cases in which a writ of attachment shall issue, and to the contents of the affidavit for attachment—reports the same back, with the recommendation that it do not pass, by a majority vote.

Also: Assembly Bill No. 352—An Act to amend Section 1185 of the Code of Civil Procedure, relating to mechanics' liens—reports the same back, with five amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 711—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 271a, providing for the taking down and transcribing of instructions to jurors by judges of the superior court and for opinions rendered in cases before said superior court—reports the same back, with the recommendation that it do not pass.

Also: Assembly Bill No. 680—An Act to amend Section 92 of the Civil Code, relating to causes for divorce—reports the same back, with one amendment, and with the recommendation that it do not pass.

Also: Assembly Bill No. 681—An Act to add a new section to the Civil Code, to be known as Section 108, relating to proceedings in actions for divorce—reports the same back, with the recommendation that it do not pass.

Also: Assembly Bill No. 761—An Act to regulate the selling of stock in wheat, barley, oats, and other cereals, and to prohibit the sale thereof on margin or for future delivery—reports the same back, with five amendments, and with the recommendation that it be re-referred to the Committee on Public Morals.

Also: Assembly Bill No. 524—An Act to amend Sections 3671 and 3748 of the Political Code of the State of California, both relating to revenue and taxation—reports the same back, with two amendments, and with the recommendation that it do pass as amended, by a majority vote.

Also: Assembly Bill No. 814—An Act to add a new section, to be numbered 273, to Chapter II, of Title IX, Part I of the Penal Code of the State of California—reports the same back, with five amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 807—An Act to repeal an Act entitled "An Act to regulate fees in the City and County of San Francisco," approved February 9, 1866 (Stats. of Cal., 1865-6, Chap. XCI, p. 66-68)—reports the same back, with three amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 877—An Act to amend Section 1365 of the Code of Civil Procedure of the State of California, relating to the order in which and to whom letters of administration upon the estate of a deceased person may be issued, and further relating to the method of identification of certain persons interested in such estates—reports the same back, with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 850—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery, and wagons, buggies, vehicles, and other articles, providing for the collection thereof, and making the violation of this Act a misdemeanor—reports the same back, with the recommendation that it do pass, by a majority vote.

Also: Assembly Bill No. 843—An Act to amend Sections 3, 7, and 10 of an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897—reports the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 845—An Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money



therefor," relating to the appointment and term of office of the members of said Board—reports the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 836—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 412 thereof, relating to the service of summons by publication, and as to the nature of the judgment in such cases—reports the same back, with three amendments, and without recommendation.

Also: Senate Bill No. 92—An Act adding a new section to the Penal Code, to be numbered 273, relating to the protection of children under eighteen years of age—reports the same back, with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 747—An Act to amend Section 945 of the Penal Code, relating to the joinder of charges in one indictment or information—reports the same back, with the recommendation that it do pass.

Also: Senate Bill No. 98—An Act to amend Section 625 of the Code of Civil Procedure, relating to verdicts of juries—reports the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 838—An Act to amend Section 1547 of the Penal Code by adding a new subdivision thereto, and to repeal all Acts or Statutes in conflict therewith—reports the same back, with two amendments, and with the recommendation that it do pass as amended.

DURYEA, Chairman.

Assembly Bills Nos. 458, 518, 411, 830, 352, 711, 680, 681, 524, 814, 807, 877, 850, 843, 845, 836, 747, and 838 ordered on second-reading file.

Senate Bills Nos. 92 and 98 were ordered on special Senate file.

Assembly Bill No. 761 ordered on second-reading file, and re-referred to Committee on Public Morals.

#### ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1905.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 702—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 13, 1885.

Also: Assembly Bill No. 636—An Act to amend Section 2 of Chapter I of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, relating to the manner of procedure in organizing a municipal corporation.

Also: Assembly Bill No. 816—An Act to amend Section 874 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 445—An Act to amend Section 806, of Article VI, of Chapter VI of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, with amendments to March 1, 1903, relating to the recorder's court—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Assembly Bill No. 751—An Act to prescribe a method of electing boards of education in cities controlled by charters other than those controlled by the city and county government—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

BEARDSLEE, Chairman.

Assembly Bills Nos. 702, 636, 816, 445, and 751 ordered on second-reading file.

#### ON ELECTIONS AND ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1905.

MR. SPEAKER: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 525—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage, by prohibiting certain acts, etc., providing punishment, etc., and relating to witnesses in election cases"—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 440—An Act to amend Section 10 of an Act entitled "An Act creating a State commission on voting or ballot machines, etc.," approved March 20, 1903—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 706—An Act to amend Sections 1359 and 1367 of the Political Code of the State of California, relating to primary elections.

Also: Assembly Constitutional Amendment No. 1—Proposed amendment to Article II of the Constitution, relative to the right of suffrage—have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 527—An Act to add a new section, to be known as Section 42½, to an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage, etc., extending the provisions of Sections 19 to 33, inclusive, and Sections 39 to 42, inclusive, of said Act to primary elections, and so providing for punishment of offenses at primary elections—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

ROLLEY, Chairman

Assembly Bills Nos. 525, 440, 706, and 527 ordered to second reading, and on special file.

Assembly Constitutional Amendment No. 1 was ordered on the special file.

#### ON COUNTY AND TOWNSHIP GOVERNMENTS

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1905.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 839—An Act to amend Section 12 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897; amended March 23, 1901.

Also: Assembly Bill No. 802—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 183 thereof, relating to salaries and fees of county and township officers in counties of the twenty-sixth class.

Also: Assembly Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Also: Assembly Bill No. 536—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 177 of the said Act, relating to salaries of officers of counties of the twentieth class.

Also: Assembly Bill No. 697—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

BURKE, Chairman.

Assembly Bills Nos. 839, 802, 793, 536, and 697 ordered on special file.

#### ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1905.

MR. SPEAKER: Your Committee on Education to whom was referred Assembly Bill No. 237—An Act to amend Section 1670 of the Political Code, relating to the establishment and maintenance of high schools.

Also: Assembly Bill No. 744—An Act to amend Section 1577 of the Political Code, relating to the formation of school districts.

Also: Assembly Bill No. 752—An Act to amend the Political Code by adding thereto a new section, to be numbered 1874a, creating the office of Secretary to the State Text-Book Committee, defining the duties pertaining to said office, authorizing the said Text-Book Committee to elect a secretary to fill said office, and fixing his compensation and to repeal all Acts and parts of Acts in conflict with this Act.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SLAVEN, Chairman.

Assembly Bills Nos. 237, 744, and 752 ordered on second-reading file.

#### MESSAGES FROM THE SENATE.

The following messages from the Senate were read:

SENATE CHAMBER, SACRAMENTO, February 8, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 60—An Act to repeal an Act entitled "An Act for the further

protection of stockholders in mining companies," approved April 23, 1880, and the Act amendatory thereof, approved March 9, 1897, relating to the protection of stockholders in mining companies.

Also: Assembly Bill No. 101—An Act to amend Section 1489 of the Political Code, relating to State normal schools.

Also: Assembly Bill No. 6—An Act to amend Section 849 of the Code of Civil Procedure, relating to service of summons issued out of the justice court.

Also: Senate Bill No. 266—An Act amending Section 9 of an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution."

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 60 read first time, and referred to Committee on Judiciary.

Senate Bill No. 266 read first time, and referred to Committee on Education.

Assembly Bills Nos. 6 and 101 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 8, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 30—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of boards of trustees of cities of the fifth class.

Also: Senate Bill No. 529—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Also: Senate Bill No. 363—An Act to add a new section, to be known as Section 42½, to an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893; extending the provisions of Sections 19 to 33, inclusive, and Sections 38 to 42, inclusive, of said Act to primary elections, and so providing for punishment of offenses at primary elections.

Also: Senate Bill No. 79—An Act to amend Section 16 of an Act to establish a State reform school for juvenile offenders, and to make an appropriation therefor.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 30 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 529 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 363 read first time, and referred to Committee on Elections and Election Laws.

Senate Bill No. 79 read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also:

SENATE CHAMBER, SACRAMENTO, February 8, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 844—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bill No. 844 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bills Nos. 146 and 114.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly Concurrent Resolution No. 14—Relative to Lincoln Memorial. The President appointed Senators Keane and Sanford as the Senate committee in accordance with the same

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Concurrent Resolution No. 14 ordered to enrollment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

Leave was granted to the Committee on Ways and Means to submit (out of order) the following report:

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 87—An Act making an appropriation of \$5,075 to repay the Regents of the University of California for moneys appropriated by them to repair, maintain, and erect necessary buildings for a forestry station at Santa Monica, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 291—An Act making an appropriation to pay the claim of John Burr

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 564—An Act making an appropriation for traveling and contingent expenses of the Department of Highways for the remainder of the fifty-sixth fiscal year.

Have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that the same do pass as amended.

STANTON, Chairman.

Assembly Bills Nos. 87, 291, and 564 ordered on second-reading file.

INTRODUCTION AND REFERENCE OF BILLS.

Bills were introduced and referred, as follows:

By Mr. Transue: Assembly Bill No. 927—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Beardslee: Assembly Bill No. 928—An Act to create a fireman's relief, health and life insurance and pension fund in the several counties, cities and counties, cities, and towns of the State.

Read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Jury: Assembly Bill No. 929—An Act to amend an Act entitled "An Act to amend Section 36 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901, relating to counties of the thirty-second class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the county surveyor," approved March 19, 1903, and in this Act relating to the compensation of the county recorder, auditor, treasurer, county surveyor, county clerk, district attorney, and members of the board of supervisors.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Coyle: Assembly Bill No. 930—An Act to amend Section 181 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments, approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto,'" approved March 23, 1901, relating to counties of the twenty-fourth class, and in the amendment to the compensation of justices of the peace and constables.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Cromwell: Assembly Bill No. 931—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Read first time, and referred to Committee on County and Township Governments.

By Mr. McKenney: Assembly Bill No. 932—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

Read first time, and referred to Committee on County and Township Governments.

#### MOTION TO ADJOURN OVER SATURDAY.

Mr. Slaven moved that when the House adjourns at the close of this day's legislative session it stand adjourned until Monday, February 13, 1905, at ten o'clock and thirty minutes A. M.

Mr. Stanton moved to lay the motion on the table.

Motion lost.

The question recurred on Mr. Slaven's motion to adjourn until Monday, at the close of to-day's session.

Messrs. Stanton, Houser, and Coyle demanded the ayes and noes.

The roll was called, and Mr. Slaven's motion was declared carried by the following vote:

**AYES**—Messrs. Anthony, Americh, Atkinson, Beckett, Bliss, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Coghlan, Couper, Cullen, Ellis, Gates, Hartman, Held, Jarvis, John, Jones of San Francisco, Jury, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, Pfaeffe, Rolley, Slaven, Strohl, Transue, Tripp, Vogel, Wulsh, and Wickersham—40.

**NOES**—Messrs. Amerige, Barnes, Beardslee, Burge, Coyle, Cromwell, Drew, Gans, Houser, Johnson, Jones of Tuolumne, King, Perkins, Pryor, Pyle, Severance, Stanton, Thompson, and Whiting—19.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Capital and Labor was granted leave to introduce (out of order) the following report, which was read:

##### ON CAPITAL AND LABOR.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1905.

**MR. SPEAKER:** Your Committee on Capital and Labor, to whom was referred Assembly Bill No 546—An Act to regulate the daily hours of service or labor to be performed by women employed by any person, firm, or corporation, at any kind of service or manual labor, except as nurses or household servants.

Also: Assembly Bill No. 571—An Act to regulate the placing, installing, and maintaining of electrical work, wiring, and appliances in buildings and other structures.

Have had the same under consideration, and respectfully report the same back, without recommendation.

MINDHAM, Chairman.

Assembly Bills Nos. 546 and 571 ordered on second-reading file.

## SPECIAL ORDERS.

Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employes of the Senate and Assembly.

Passed on file.

Assembly Bill No. 46—An Act to amend an Act entitled "An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Passed on file.

Assembly Bill No. 48—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Passed on file.

Assembly Bill No. 49—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Passed on file.

## ASSEMBLY RULE No. 17 AMENDED.

Mr. McCartney called up and moved the adoption of the change in Assembly Rule 17, as recommended in the report of the Committee on Rules and Regulations, submitted on yesterday, as follows:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1905.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred Rule 17 of the Standing Rules of the Assembly--have had the same under consideration, and recommend that it be amended so as to read as follows:

*"Committees—When to Report."*

"17. All committees shall act upon all bills as soon as practicable, and, when acted upon, shall be reported back to the Assembly forthwith, and the chairman of each committee is charged with the observance of this rule; *provided*, that the Assembly may at any time order a bill reported back from any committee by a majority vote."

McCartney, Chairman.

The roll was called on the motion to amend Assembly Rule 17, with the following result:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Busick, Chandler, Coghlan, Cooper, Coyle, Cromwell, Cullen, Drew, Ellis, Gans, Gates, Hartman, Held, Houser, Jarvis, John, Jones of San Francisco, Jury, Lucey, Lumley, Lynch, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Moore, Olmsted, Perkins, Pryor, Rolley, Slaven, Strohl, Transue, Tripp, and Whiting—45.

NOES—Messrs. Burge, Burke, Cleveland, Johnson, King, Mindham, Pfaffle, Pyle, Severance, Stanton, Strobbridge, Thompson, Vogel, and Walsh—14.

The motion to adopt Mr. McCartney's motion that Rule 17 be amended to read as recommended by the committee was declared adopted.

## SPECIAL FILE.

Assembly Bill No. 555 (Substitute for Assembly Bill No. 116)—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavits of registration.

Passed on file.

Assembly Constitutional Amendment No. 10—An Act relating to proposing an amendment to the State Constitution providing for free public school books.

Passed on file.

Assembly Constitutional Amendment No. 15—For the recall of officials by electors.

Passed on file.

Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 17 of Article VI of said Constitution, relating to the compensation of justices of the Supreme Court and judges of the superior court.

Passed on file.

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution by adding thereto a new section to Article IX, to be known as Section 13, relating to the exemption from taxation of the property now or hereafter belonging to the Cogswell Polytechnic College.

Passed on file.

Assembly Bill No. 87—An Act making an appropriation of \$5,075 to repay the Regents of the University of California for moneys appropriated by them to repair, maintain, and erect necessary buildings for a forestry station at Santa Monica, and prescribing the duties of the Controller and Treasurer in relation thereto.

Passed on file.

Assembly Bill No. 68—An Act making an appropriation of \$10,000 for the establishing at the Lick Observatory of a light and power plant, and prescribing the duties of the Controller and Treasurer in relation thereto.

Passed on file.

Assembly Bill No. 865—An Act to prohibit the sale of spirits, liquors, or wines without a State license, to provide for the issuance of such a license, and for the violation of the provisions of this Act, and prescribing the duties of certain officers in connection therewith.

Passed on file.

Assembly Bill No. 623—An Act to appropriate \$25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such appropriation.

Passed on file.

Assembly Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 61 of said Act, relating to county officers.

Passed on file.

Assembly Bill No. 456—An Act to amend Section 21 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Passed on file.

Assembly Bill No. 299—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class.

Read second time.

The Committee on County and Township Governments submitted the following amendments:

AMENDMENT No. 1.

In line 21, page 2, of printed bill, amend by striking out the period after the word "annum," and inserting a comma in lieu thereof, and the following words: "and such commissions as are now or may hereafter be allowed by law."

Amendment adopted.

AMENDMENT No. 2.

In line 103, page 4, of printed bill, amend by striking out, after the words "per annum," the word "two," and inserting in lieu thereof the words "three deputies."

Amendment adopted.

AMENDMENT No. 3.

In line 122, page 4, of printed bill, after the word "each," amend by inserting the words "and one deputy for the purpose of serving papers, and for other emergency, to be paid not to exceed \$3.50 per diem."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out all of Section 2, at the bottom of page 4 of printed bill.

Amendment adopted.

Assembly Bill No. 299 ordered to engrossment, print, and on third-reading special file.

Assembly Bill No. 818—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 25 of said Act a new subdivision, to be known as Section 6½, and relating to coöperation by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services.

Read second time.

The Committee on County and Township Governments submitted the following amendment:

Amend by striking out all after the word "therewith," on page 2, line 2, Section 2 of printed bill.

Amendment adopted.

Assembly Bill No. 818 ordered to engrossment, print, and on third-reading special file.

Assembly Bill No. 177—An Act to provide for the classification of supervisors in counties of the fifteenth class where they are not now classified, so that not all of them shall go out of office at the same time.

Read second time.

The Committee on County and Township Governments submitted the following amendments:

AMENDMENT No. 1.

On page 1, line 4 of the title of printed bill, amend by striking out the word "not," after the word "that," and by inserting the word "not," after the word "shall," in the same line

Amendment adopted.

AMENDMENT No. 2.

In line 5, page 1, of printed bill, amend by striking out after the word "qualified" the period, and inserting the following, "and thereafter shall be regularly elected and hold office for the term of four years"

Amendment adopted.



Assembly Bill No. 177 ordered to engrossment, print, and on third-reading special file.

Assembly Bill No. 619—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.

Read second time.

The Committee on County and Township Governments submitted the following amendment:

Amend by striking out all of Subdivision 19, on page 4 of the printed bill.

Amendment adopted.

Assembly Bill No. 619 ordered to engrossment, print, and on third-reading special file.

Assembly Bill No. 742—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 201 thereof, relating to salaries and fees of county and township officers in counties of the forty-fourth class.

Read second time.

The Committee on County and Township Governments submitted the following amendments:

AMENDMENT No. 1.

On page 1, line 1 of printed bill, amend by striking out the figures "48," and inserting in lieu thereof the figure "1"

Amendment adopted.

AMENDMENT No. 2

On page 2, in line 48 of printed bill amend by striking out the words "This Act shall take effect immediately."

Amendment adopted.

Assembly Bill No. 742 ordered to engrossment, print, and on third-reading special file.

Assembly Bill No. 421—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relating to salaries and fees of county officers in counties of the thirty-ninth class.

Read second time.

The Committee on County and Township Governments submitted the following amendments:

AMENDMENT No. 1.

On page 1, line 1 of printed bill, amend by striking out the figures "43," and inserting in lieu thereof the figure "1"

Amendment adopted.

AMENDMENT No. 2.

On page 4, line 96 of printed bill, amend by striking out the words: "This Act shall take effect immediately."

Amendment adopted.

Assembly Bill No. 421 ordered to engrossment, print, and on third-reading special file.

Assembly Bill No. 873—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, by amending Section 167, relating to counties

of the tenth class, and providing for certain increases of salaries and deputies.

Read second time.

The Committee on County and Township Governments submitted the following amendment:

Amend by striking out all of subdivision 18 of printed bill.

Amendment adopted.

Assembly Bill No. 873 ordered engrossed, to print, and on third-reading special file.

Assembly Bill No. 700—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 16, 1903, by amending Section 23 thereof.

Read second time.

The Committee on County and Township Governments submitted the following amendments:

AMENDMENT No. 1.

Amend by inserting in line 16, page 2 of printed bill, after the words "thirty-two," and before the word "and," the word "hundred."

Amendment adopted.

AMENDMENT No. 2.

In line 17, page 2 of printed bill, after the word "deputy," insert the word "county."

Amendment adopted.

AMENDMENT No. 3.

In line 31, page 2 of printed bill, amend by striking out the figures "7½" and the letter "C," after the word "of," and before the word "per," and insert in lieu thereof "37½ cents."

Amendment adopted.

AMENDMENT No. 4.

In line 40, page 2 of printed bill, after the word "index," amend by striking out "the cost thereof shall be a charge against the county, and payable out of the general fund," and insert in lieu thereof the following: "and ten cents for each and every mortgage, trust deed, and tax sale abstracted in preparing abstract of mortgage and tax sales for the assessor; the cost thereof shall be a charge against the county, and payable out of the general fund."

Amendment adopted.

AMENDMENT No. 5.

In line 58, page 3 of printed bill, amend by striking out the letter "n" in the word "hundred," and insert in lieu thereof the letter "u."

Amendment adopted.

AMENDMENT No. 6.

In line 156, page 5 of printed bill, amend by striking out the word "each," before the word "transportation," and insert in lieu thereof the word "such."

Amendment adopted.

Assembly Bill No. 700 ordered to engrossment, print, and on third-reading special file.

Assembly Bill No. 848—An Act to amend Section 57 of an Act entitled "An Act to establish a uniform system of county and township governments, approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.

Read second time.

The Committee on County and Township Governments submitted the following amendment:

Amend by striking out all of Section 2, at bottom of page 3 of printed bill.

Amendment adopted.

Assembly Bill No. 848 ordered to engrossment, print, and on third-reading special file.

Assembly Bill No. 849—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof, relating to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices.

Read second time.

The Committee on County and Township Governments submitted the following amendment:

Amend by striking out all of Section 2, at bottom of page 5 of printed bill.

Amendment adopted.

Assembly Bill No. 849 ordered to engrossment, print, and on third-reading special file.

Assembly Bill No. 664—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to the designation of one of the prisons of the State as a reformatory, relating to the powers of the State Board of Prison Directors, relating to the selection and duties of the wardens, relating to the transfer of prisoners, and to other matters incident thereto.

Read second time, ordered to engrossment and third reading.

Assembly Bill No. 56—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justice courts and justices.

Passed on file.

Assembly Bill No. 301—An Act to amend Subdivision 20 of Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to health officers and health regulations, and the powers of boards of supervisors in connection therewith.

Passed on file.

Assembly Bill No. 364—An Act giving to superior judges the right to impose indeterminate sentences, and prescribing the method of imposing the same.

Passed on file.

Assembly Bill No. 541—An Act fixing the salaries of three assistant reporters of the decisions of the Supreme Court and District Courts of Appeal.

Passed on file.

Assembly Bill No. 212—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act providing for the sale of railroad and other franchises in municipalities, and relative to the granting of franchises,'" approved March 23, 1893.

Passed on file.

Assembly Bill No. 176—An Act to amend Section 3788 of the Political Code of the State of California, relating to redemption of lands from tax sales.

Passed on file.

Assembly Bill No. 72—An Act to amend Section 595 of the Civil Code, relating to the amount of real estate which may be held by certain corporations.

Passed on file.

Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Passed on file.

Assembly Bill No. 155—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Passed on file.

Assembly Bill No. 410—An Act to amend Section 2653 of the Political Code, relating to highways.

Passed on file.

Assembly Bill No. 443—An Act to provide for the location and acquirement of mining claims on salt marsh and tide lands owned by the State of California.

Passed on file.

Assembly Bill No. 185—An Act to provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects

Passed on file.

Assembly Bill No. 439—An Act to provide for the disposition of the funds which may hereafter be collected by the State of California from the United States in payment of the claims arising out of the War of the Rebellion.

Passed on file.

Assembly Bill No. 353—An Act to amend Section 6 of an Act entitled "An Act to provide for compiling, electrotyping, printing, binding, copy-righting, and distributing a State series of school text-books, and appropriating money therefor," approved March 15, 1887.

Passed on file.

Assembly Bill No. 171—An Act to amend Section 1617 of the Political Code, relating to boards of school trustees and city boards of education.

Passed on file.

Assembly Bill No. 172—An Act to amend Section 1634 of the Political Code, relating to school census marshal.

Passed on file.

Assembly Bill No. 173—An Act confirming the organization of school districts.

Passed on file.

Assembly Bill No. 249—An Act to amend Section 1621 of the Political Code, relating to boards of school trustees and city boards of education.

Passed on file.

Assembly Bill No. 532—An Act protecting the claims of those who may furnish materials or labor for the working or developing of mining properties under powers which are obtained by bond or a trust deed.

Passed on file.

Assembly Bill No. 125—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of State and county school funds.

Passed on file.

Assembly Bill No. 273—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 3788½, relating to the time within which deeds must be executed for property sold for delinquent taxes to purchasers other than the State of California.

Passed on file.

Mr. Held was granted permission to substitute Assembly Bill No. 583 (No. 75 on file) in place of Assembly Bill No. 585 (No. 60 on file).

Also: To substitute Assembly Bill No. 584 (No. 76 on file) in place of Assembly Bill No. 218 (No. 62 on file).

#### THIRD-READING FILE.

Assembly Bill No. 583—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered and known as Section 1163, relating to the recording of certificates of residence.

Read third time.

The question being on the passage of the bill

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Drew, Espey, Estudillo, Gans, Gates, Hartman, Held, Houser, John, Jones of Tuolumne, Jones of San Francisco, King, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Olmsted, Perkins, Pfaeffle, Pryor, Rolley, Severance, Slaven, Stanton, Strohl, Thompson, Transue, Vogel, Walsh, Whiting, and Wickersham—52

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 584—An Act to amend Section 412 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the publication of summons when the defendant is absent from the State, concealed, or is a foreign corporation having no agent in this State, or is a person who can not be found within this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Cullen, Drew, Estudillo, Gans, Gates, Hartman, Held, Houser, John, Johnson, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Thompson, Transue, Tripp, Vogel, Walsh, Whiting, and Wickersham—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 590—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1365, relating to the persons who shall be entitled to administer estates of deceased persons, and the order in which such persons shall be so entitled.

Passed on file.

Assembly Bill No. 522—An Act creating the office of Public Defender, fixing his duties and compensation, and providing him with a contingent fund with which to properly carry out the duties thereof.

Passed on file.

Assembly Bill No. 462—An Act to amend Sections 1917 and 1920 of the Civil Code, relating to legal interest.

Passed on file.

Assembly Bill No. 350—An Act to prevent the payment of municipal officers out of the funds of the county.

Passed on file.

Assembly Bill No. 401—An Act to amend Section 6 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations, and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895.

Title, as amended, read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 95—An Act to amend Section 890 of the Code of Civil Procedure, relating to proceedings in justices' courts.

Passed on file.

Assembly Bill No. 349—An Act to create and maintain a public highway between the counties of Los Angeles and Kern.

Passed on file.

Assembly Bill No. 533—An Act to provide for the Inspector of Mines, to define his duties, and provide for his compensation, the liability of mining operators, and the Inspector of Mines.

Passed on file.

Assembly Bill No. 709 (Committee Substitute for Assembly Bill No. 174)—An Act to amend Section 1893 of the Political Code, relating to the manner of conducting elections for the issuance of bonds in school districts.

Passed on file.

Assembly Bill No. 79—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3652, and by adding a new section, to be numbered 3652½, relating to the time of completion of assessment roll, and the giving of notice by the assessor of the amount of the assessment, and the date of meeting of boards of equalization.

Passed on file.

Assembly Bill No. 24—An Act to add a new section to the Code of Civil Procedure, to be known as Section 637, relating to causes in the superior court in equity and at law, without a jury, in which testimony shall at request of a party be reduced to writing, and upon appeal be heard *de novo*.

Passed on file.

Assembly Bill No. 234—An Act amending Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Passed on file.

Assembly Bill No. 317—An Act to amend Section 813 of "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof. Passed on file.

Assembly Bill No. 318—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof. Passed on file.

Assembly Bill No. 325—An Act to amend Sections 2, 3, 5, 7, 10, and 13, and to repeal Section 14 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in, the State of California to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Passed on file.

Assembly Bill No. 710 (Committee Substitute for Assembly Bill No. 190)—An Act to amend an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution," approved March 2, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Bliss, Boyle, Burge, Burke, Busick, Chandler, Coghlan, Coyle, Cromwell, Drew, Ells, Estudillo, Gans, Gates, Held, Houser, Jarvis, John, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, Meincke, Mindham, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Tripp, Vogel, Walsh, Whiting, and Wickersham—63.

**NOES**—Messrs. Americh, Cullen, McNamara, and Severance—4.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 435—An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Americh, Atkinson, Barnes, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Cromwell, Drew, Ells, Gans, Gates, Held, Houser, Jarvis, John, Johnson, Jones of Tuolumne, Jones of San Francisco, King, Lucey, Lumley, Lynch, Manwell, McCartney, McNamara, Meincke, Mindham, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Stanton, Strobridge, Thompson, Transue, Tripp, Vogel, Walsh, Whiting, and Mr. Speaker—53.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### RESOLUTION—(OUT OF ORDER).

Mr. Beckett was granted permission to submit the following resolution (out of order):

(To return excess money by committee to the State Treasurer.)

*Resolved*, That the Controller of the State of California be hereby authorized to receive from N. C. Coghlan, chairman of the Committee on Public Charities and Corrections,

the sum of \$294, paid to said N. C. Coghlan, under resolution of this House, as mileage for members of said committee, it having been paid to said N. C. Coghlan in excess of the amount due the members of said committee, as the result of a clerical error;

*Resolved, further,* That the said sum of \$294 revert to and be paid and deposited into the Contingent Fund of the Assembly, from which fund it was drawn.

Mr. Transue moved the adoption of the resolution.

Motion carried.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

Leave was granted to the Committee on Ways and Means to submit (out of order) the following report:

##### ON WAYS AND MEANS.

(Showing bills referred to committee.)

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1905

MR. SPEAKER: Your Committee on Ways and Means begs leave to submit its report for the two weeks ending February 10, 1905, as follows:

Bills have been referred to this committee as follows:

Jan. 27—Senate Bill No. 220—An Act to amend Sections 684 and 685 of the Political Code .....	\$12,800 00
Jan. 27—Assembly Bill No. 66—An Act to provide for the construction of a new hotel in the Yosemite Valley .....	300,000 00
Jan. 27—Assembly Bill No. 67—An Act to appropriate the sum of \$20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon the Sonora and Mono road, a State highway .....	20,000 00
Jan. 27—Assembly Bill No. 201—An Act authorizing the directors of the Veterans' Home of California to purchase and take over for the State of California, to be used and controlled by said board in the interests of the Veterans' Home of California, a certain piece of land adjoining the premises of the said Veterans' Home of California, in the County of Napa .....	3,000 00
Jan. 27—Assembly Bill No. 279—An Act to provide for the location, construction, and management of a State highway from a point on the Lake Tahoe State wagon road at or near Meyer's Station, thence past Tallac .....	25,000 00
Jan. 27—Assembly Bill No. 378—An Act to provide for the fencing and improvement of the grounds of the Mendocino State Hospital ..	7,500 00
Jan. 27—Assembly Bill No. 402—An Act to appropriate the sum of \$520 to pay the claim of William Saunders .....	520 00
Jan. 27—Assembly Bill No. 413—An Act to amend Section 1 of an Act approved March 20, 1899 .....	65,000 00
Jan. 27—Assembly Bill No. 465—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building .....	952 50
Jan. 27—Assembly Bill No. 474—An Act to appropriate \$7,500 to sink artesian wells and to develop artesian water on the lands of the Mendocino State Hospital .....	7,500 00
Jan. 27—Assembly Bill No. 534—An Act to appropriate the sum of \$2,000 to pay the claim of W. C. Van Fleet .....	2,000 00
Jan. 27—Assembly Bill No. 550—An Act making an appropriation for the purchase of land adjoining the Napa State Hospital .....	60,000 00
Jan. 27—Assembly Bill No. 554—An Act to provide for completing the survey, locating, and constructing a State highway from a point on the Trinity River .....	15,000 00
Jan. 30—Assembly Bill No. 303—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children .....	5,000 00
Jan. 30—Assembly Bill No. 304—An Act to provide for the completion of certain buildings at the California Home for the Care and Training of Feeble-Minded Children .....	8,000 00
Jan. 30—Assembly Bill No. 305—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children .....	6,500 00
Jan. 30—Assembly Bill No. 306—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children .....	20,000 00
Jan. 30—Assembly Bill No. 307—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children .....	15,000 00
Jan. 30—Assembly Bill No. 308—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children .....	



Jan. 30—Assembly Bill No. 309—An Act to provide for the completion of the main building at the California Home for the Care and Training of Feeble-Minded Children .....	\$55,000 00
Jan. 30—Assembly Bill No. 424—An Act to pay the claim of E. A. Duhp .....	3,906 35
Jan. 30—Assembly Bill No. 660—An Act to pay the claim of Lawrence J. Dunningan .....	10,000 00
Jan. 31—Assembly Bill No. 616—An Act to provide for the investigation of the nature and prevention of the disease known as "pear blight." .....	8,500 00
Jan. 31—Assembly Bill No. 641—An Act making an appropriation of \$5,000, to be used by the Governor, Attorney-General, and the Secretary of State (comprising the Board of Examiners) in defense of the interest of the State, and political subdivisions thereof, in suits involving the right to use oil upon the public highways .....	5,000 00
Feb. 1—Senate Bill No. 94—An Act to provide for the payment of the claim of John F. Forward .....	4,333 75
Feb. 1—Senate Bill No. 261—An Act transferring the sum of \$80,000 from the General Fund to the Estate of Deceased Persons Fund .....	80,000 00
Feb. 1—Assembly Bill No. 200—An Act to pay the claim of James Touhey .....	3,500 00
Feb. 1—Assembly Bill No. 438—An Act making an appropriation to pay the claim of W. F. Gornuley .....	300 00
Feb. 1—Assembly Bill No. 610—An Act making an appropriation to pay the claim of Dr W. J. Hanna .....	1,000 00
Feb. 1—Assembly Bill No. 723—An Act to provide for the survey, location, plans, and estimate of cost of a highway from the northern boundary of the State to the southern boundary of San Diego County .....	15,000 00
Feb. 2—Assembly Bill No. 68—An Act making an appropriation of \$10,000 for the establishing at the Luck Observatory of a light and power plant .....	10,000 00
Feb. 2—Assembly Bill No. 241—An Act making an appropriation for the State Polytechnic School .....	35,000 00
Feb. 2—Assembly Bill No. 242—An Act to provide for certain improvements at the California Polytechnic School .....	25,000 00
Feb. 2—Assembly Bill No. 210—An Act making an appropriation for repairs and improvements on buildings and ground of the Woman's Relief Corps Home .....	2,500 00
Feb. 2—Assembly Bill No. 235—An Act to provide for the improvement of the campus of the State Normal School at San Diego .....	10,000 00
Feb. 2—Assembly Bill No. 422—An Act to provide for the appointment of a board of trustees to be known as the "Trustees of Fort Humboldt" .....	35,000 00
Feb. 2—Assembly Bill No. 471—An Act to establish and maintain a State hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health .....	4,000 00
Feb. 2—Assembly Bill No. 561—An Act to establish and maintain a home for the aged and disabled miners of the State of California .....	30,000 00
Feb. 2—Assembly Bill No. 595—An Act making an appropriation for the care of the insane suffering from tuberculosis in the State hospitals of California .....	20,000 00
Feb. 2—Assembly Bill No. 596—An Act providing for an appropriation of \$3,000 for the purpose of improving the grounds and repairing the buildings of Sutter's Fort .....	3,000 00
Feb. 3—Assembly Bill No. 291—An Act making an appropriation to pay the claim of John Burr .....	126 70
Feb. 3—Assembly Bill No. 464—An Act to pay the claim of D. D. McLaren .....	400 00
Feb. 3—Assembly Bill No. 538—An Act making an appropriation to pay the claims of W. H. Scott .....	580 22
Feb. 3—Assembly Bill No. 552—An Act providing for the establishment of a branch agricultural experiment station of the University of California .....	50,000 00
Feb. 3—Assembly Bill No. 562—An Act appropriating the sum of \$2,160 for rental of a building or buildings for the use of the San Francisco State Normal School .....	2,160 00
Feb. 3—Assembly Bill No. 373—An Act to provide for the payment of the claim of Fred A. Treat .....	181 61
Feb. 3—Assembly Bill No. 608—An Act making an appropriation for the erection and construction of buildings and equipping the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society .....	180,950 00
Feb. 3—Assembly Bill No. 609—An Act making an appropriation to the Board of Directors of the California State Agricultural Society for the purpose of paying certain indebtedness .....	25,000 00
Feb. 3—Assembly Bill No. 745—An Act making an appropriation to pay assessments for sewers on street frontage at the Industrial Home of Mechanical Trades for the Adult Blind .....	855 18
Feb. 3—Assembly Bill No. 760—An Act to amend Sections 418, 419, 456, and 485, of the Political Code, relating to the salaries of appointees in the offices of the Secretary of State, of the State Treasurer, and the Surveyor-General .....	3,400 00

Feb 4—Assembly Bill No. 83—An Act directing the Regents and President of the University of California to cause to be prosecuted experimental research work in the field of viticulture, directing publication of the results of such experiments and investigations.....	\$10,000 00
Feb. 4—Assembly Bill No. 520—An Act to appropriate money to protect the banks of Bel River from erosion by means of riprap and jetty work along the banks thereof.....	32,000 00
Feb 4—Assembly Bill No 629—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville.....	7,000 00
Feb 4—Assembly Bill No. 661—An Act appropriating money to pay the claim of A. S. Bosquit.....	1,807 26
Feb. 4—Assembly Bill No 712—An Act to provide for the regulation of fires on, and the protection and management of public and private forest lands.....	50,000 00
Feb 4—Assembly Bill No. 722—An Act making an appropriation to pay the claim of the County of El Dorado.....	2,500 00
Feb 4—Assembly Bill No. 776—An Act to amend that certain Act of the Legislature of the State of California, entitled "An Act to protect domestic live stock from contagious and infectious diseases".....	8,000 00
Feb. 4—Assembly Bill No. 808—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence.....	6,000 00
Feb. 6—Assembly Bill No. 280—An Act providing for the purchase of a university farm for the college of agriculture of the University of California.....	250,000 00
Feb. 6—Assembly Bill No. 349—An Act to create and maintain a public highway between the counties of Los Angeles and Kern.....	20,000 00
Feb 9—Assembly Bill No. 51—An Act to prevent the sale of dairy products from unhealthy animals and under unsanitary conditions.....	24,000 00
Feb. 9—Assembly Bill No. 623—An Act to appropriate \$25,000 for the establishment and support of a school of forestry in the University of California.....	25,000 00
Feb. 9—Assembly Bill No. 730—An Act to appropriate \$9,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles.....	9,000 00
Feb. 9—Assembly Bill No 731—An Act appropriating \$50,000 for the repair of the building of the State Normal School at Los Angeles.....	50,000 00
Feb. 9—Assembly Bill No. 453—An Act to appropriate \$20,000 for the improvement of the Big Basin Park.....	20,000 00
Feb. 9—Assembly Bill No. 779—An Act making an appropriation of \$900 to be used by the Board of Trustees of the Whittier State School at Whittier.....	900 00
Feb. 9—Assembly Bill No. 780—An Act making an appropriation of \$1,000 to be used by the Board of Trustees of the Whittier State School.....	1,000 00
Feb. 9—Assembly Bill No. 781—An Act making an appropriation of \$5,000 to be used by the Board of Trustees of the Whittier State School.....	5,000 00
Feb. 9—Assembly Bill No. 782—An Act making an appropriation of \$2,000 to be used by the Board of Trustees of the Whittier State School.....	2,000 00
Feb. 9—Assembly Bill No. 783—An Act making an appropriation of \$500 to be used by the Board of Trustees of the Whittier State School.....	500 00
Feb. 9—Assembly Bill No. 785—An Act making an appropriation of \$350 to be used by the Board of Trustees of the Whittier State School.....	350 00
Feb. 9—Assembly Bill No. 786—An Act making an appropriation of \$650 to be used by the Board of Trustees of the Whittier State School.....	650 00
Feb. 9—Assembly Bill No. 787—An Act making an appropriation of \$600 to be used by the Board of Trustees of the Whittier State School.....	600 00
Feb. 9—Assembly Bill No 854—An Act to appropriate \$2,000 to erect a monument on the summit of Mount Shasta.....	2,000 00
Feb. 9—Assembly Bill No 862—An Act making an appropriation of \$10,000 for the purpose of building a photograph laboratory in combination with a fire-proof vault for the purpose of storing the large and crowding collection of astronomical photographs and plates at the Lick Observatory.....	10,000 00
Feb 9—Assembly Bill No 866—An Act to appropriate the sum of \$1,000 for the purpose of erecting a monument to permanently designate the place where the treaty of Cahuenga was effected.....	1,000 00
Total.....	\$1,752,753 57

*Bills Reported Favorably.*

Jan. 27—Senate Bill No. 220.....	\$1,500 00
Jan. 27—Assembly Bill No. 435.....	12,800 00
Jan. 30—Assembly Bill No. 282.....	4,125 00
Jan. 30—Assembly Bill No. 283.....	451 45
Jan. 30—Assembly Bill No. 284.....	119 15
Jan. 30—Assembly Bill No. 285.....	111 23
Jan. 30—Assembly Bill No. 287.....	27 00

Jan. 30—Assembly Bill No. 288	\$5,500 00
Jan. 30—Assembly Bill No. 289	20,000 00
Jan. 30—Assembly Bill No. 93	260 71
Jan. 30—Assembly Bill No. 105	150 00
Jan. 30—Assembly Bill No. 531	
Jan. 30—Assembly Bill No. 245	3,131 00
Feb. 9—Assembly Bill No. 87	5,075 00
Feb. 9—Assembly Bill No. 564	90 00
Feb. 9—Assembly Bill No. 291	126 70

\$53,467 24

Total amount of appropriations referred to this committee to date.....\$3,149,750 42

Total appropriations reported favorably ..... 292,486 95

Bills withdrawn ..... 220,000 00

Total appropriations remaining in hands of the committee ..... 2,637,263 47

Respectfully submitted.

STANTON, Chairman.

The report was ordered printed in the Journal.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

Leave was granted to the Committee on Revision and Reform of Laws to submit the following report, out of order:

##### ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1905.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was re-referred Assembly Bill No. 483—An Act to repeal Title XV of Part IV of Division I of the Civil Code, and to substitute therefor in said Code a new Title XV, relating to corporations formed for the purpose of furnishing light for public use—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DREW, Chairman

Assembly Bill No. 483 ordered on second-reading special Code Revision file.

##### BILL ORDERED TRANSMITTED TO SENATE.

Mr. Cromwell moved that Assembly Bill No. 435 be immediately transmitted to the Senate.

Motion carried.

##### INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

Leave was granted to Mr. Busick to introduce a bill out of order.

By Mr. Busick: Assembly Bill No. 933—An Act to amend Section 633 of the Political Code of the State of California, relative to life insurance agents.

Read first time, and referred to Committee on Revenue and Taxation.

##### RECESS.

At twelve o'clock and twenty-five minutes P. M., Mr. McCartney moved that the Assembly take a recess until two o'clock and thirty minutes P. M.

Motion carried, and recess ordered.

##### REASSEMBLED.

The Assembly reconvened at two o'clock and thirty minutes P. M.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following report:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 204—An Act to amend Section 634 of the Political Code, relating to the registration of life insurance policies and deposit of security with Insurance Commissioner therefor.

Assembly Bill No. 646—An Act to prohibit boycotting, unfair lists, picketing, or other interference with the lawful business or occupation of others, and to provide a penalty therefor.

Assembly Bill No. 658—An Act to amend Section 1278 of the Code of Civil Procedure of the State of California, relating to hearing application for change of names, and remonstrance, and requiring production of the certificate of the Secretary of State, by corporations, that name desired is not the name of any other corporation, or so closely resembles the same as will tend to deceive.

Assembly Bill No. 659—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section to said Code of Civil Procedure, to be numbered 1760, relating to the removal of guardianship proceedings from the superior court of any county in this State to the superior court of any other county thereof, and providing for the payment of the fees thereon.

Assembly Bill No. 639—An Act authorizing the bringing of actions on behalf of the State for the purpose of enforcing the lien or liens of taxes under an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, and the several Acts amendatory thereof; and to authorize the bringing and prosecution of actions against the State, for the purpose of quieting title against claims of liens made by or upon behalf of the State under the said Act, and the Acts amendatory thereof, and to regulate the procedure in such actions.

Assembly Bill No. 677—An Act to add a new section to the Penal Code, to be numbered Section 526, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theater or other public place of amusement for more than the original price thereof.

Assembly Bill No. 383—An Act to amend Sections 360 and 362, and to repeal Sections 361 and 363 of the Civil Code, all relating to the powers of corporations.

DEVLIN, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reengrossed:

Assembly Bill No. 249—An Act to amend Section 1621 of the Political Code, relating to boards of school trustees and city boards of education

Assembly Bill No. 273—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 3783½, relating to the time within which deeds must be executed for property sold for delinquent taxes to purchasers other than the State of California or a municipal corporation within said State.

Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Assembly Bill No. 590—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1365, relating to the persons who shall be entitled to administer estates of deceased persons, and the order in which such persons shall be so entitled.

DEVLIN, Chairman.

## SPECIAL SENATE FILE.

Senate Bill No. 53—An Act to amend Section 3457 of the Political Code of California, relating to the nature and legal life of warrants of reclamation districts in the State of California.

Passed on file.

Senate Bill No. 143—An Act to amend Section 850 of the Code of Civil Procedure, relating to notice of trial or hearing thereof in justices' courts.

Passed on file.

Senate Bill No. 31—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Read third time.

The question being on the final passage of the bill.  
The roll was called.

## CALL OF THE HOUSE.

Pending the announcement of the result, Mr. Barnes, at three o'clock P. M., moved for a call of the House.

Motion carried.

The doors were ordered closed.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Boyle, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Duryea, Ells, Estudillo, Held, Houser, Jones of Tuolumne, King, Lynch, Manwell, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Thompson, Transue, Vogel, Whiting, and Wickersham—38.

NOES—None.

## FURTHER PROCEEDINGS UNDER THE CALL DISPENSED WITH.

At three o'clock and fourteen minutes P. M., Mr. Transue moved that further proceedings under the call of the House be dispensed with.

Motion carried.

The Speaker directed the doors to be reopened.

Thereupon the Speaker declared the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Duryea, Ells, Estudillo, Gans, Gates, Held, Houser, Jarvis, Johnson, Jones of Tuolumne, King, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobidge, Thompson, Transue, Vogel, Walsh, Whiting, and Wickersham—52

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

## LEAVE OF ABSENCE

Leave of absence was granted for the afternoon to Messrs. Dorsey, Hartman, and Meincke.

Senate Bill No. 241—(Substitute for Assembly Bill No. 205)—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Read third time.

## SELECT COMMITTEE AMENDMENT.

Mr. Transue moved that a select committee of one be appointed to amend Senate Bill No. 241, as follows:

After the word "made," on line 61, page 3, by inserting the words "nothing in this section contained shall be construed as in anywise affecting the provisions of section four hundred and forty-four of this Code."

Also, strike out all of subdivision 8.

Motion carried.

Mr. Transue was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 241—(Substitute for Assembly Bill No. 205)—An Act to amend Section 427 of the Act

entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested—with instructions, does now report that the instructions of the Assembly have been carried out.

TRANSUE, Committee.

Report adopted.

Senate Bill No. 241 ordered to reprint, and on special Senate file.

Senate Bill No. 190 (Substitute for Assembly Bill No. 193)—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

Passed on file.

Senate Bill No. 193 (Substitute for Assembly Bill No. 194)—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts.

Passed on file.

Senate Bill No. 195 (Substitute for Assembly Bill No. 195)—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

Passed on file.

Senate Bill No. 125—An Act to amend Section 2955 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

Read second time, and ordered on special Senate file for third reading.

Senate Bill No. 116—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

Passed on file.

Senate Bill No. 117—An Act to amend Sections 773 and 871 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the assessment and collection of taxes in municipalities of the fifth and sixth classes.

Passed on file.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Contingent Expenses and Accounts was granted leave to introduce a report (out of order), which was read, as follows:

##### ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1905.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

*Resolved*, That for and by reason of services rendered the Assembly by Emil Ney from January 18, 1905, to February 1, 1905, both days inclusive, as an Assistant Sergeant-at-Arms, general utility man and messenger between the Clerk's desk and the office of the Superintendent of State Printing, the Controller of State is hereby directed to draw his warrant in favor of said Emil Ney for the sum of forty-five (\$45) dollars for said services, said sum being for fifteen days at the rate of three dollars (\$3) per diem, and the State Treasurer is hereby directed to pay the same out of the appropriation for the contingent expenses of the Assembly, and the said Emil Ney is hereby discharged from further service.

Have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

CROMWELL, Chairman.

## REPORT AND RESOLUTION ADOPTED.

Mr. Anthony moved that the report and resolution be adopted.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Coghlan, Coyle, Creighton, Cullen, Drew, Duryea, Ellis, Gans, Held, Jarvis, John, Johnson, Jones of Toulumne, King, Lumley, Lynch, Manwell, McGowan, McKenney, Moore, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobbridge, Vogel, Walsh, Whiting, and Wickersham—43.

NOES—None.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

## ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1905.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No 382—An Act making an appropriation of \$915.94 to pay the claim of George H. Shaw against the State of California

Also: Assembly Bill No 762—An Act making an appropriation to pay the claim of John V. Powers.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No 342—An Act making an appropriation of \$250 to pay the bounty claim of Daniel Dougherty—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Assembly Bill No. 467—An Act making an appropriation to pay the claim of J. W. Sibole.

Also: Assembly Bill No. 418—An Act to pay the claim of H. M. Sitton and to make an appropriation therefor, for the sum of \$1,856.78 on bond of the State of California, numbered 592, issued July 9, 1858.

Also: Assembly Bill No. 544—An Act making an appropriation of \$45,616.30 to pay the claim of John Mullan against the State of California, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

SEVERANCE, Chairman.

Assembly Bills Nos. 382, 762, 342, 467, 418, and 544 ordered on second-reading file, and to Committee on Ways and Means.

## THIRD-READING FILE—(RESUMED).

Assembly Bill No. 739 (Committee Substitute for Assembly Bills Nos. 3, 178, and 319)—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, relating to powers of boards of trustees of cities of the fifth class.

Read third time.

Mr. Olmsted moved that a select committee of one be appointed to amend Assembly Bill No. 739, as follows:

Amend by inserting after subdivision 18, page 4, of printed bill:

"19 To require, upon notice, any lots or portion of lots, within the city, which may be covered with stagnant water a portion of the year, to be filled up to such level or grade as will prevent the same from being so covered, and to assess the cost of such filling upon such real estate, and to provide that it shall be a lien thereon. The notice herein provided for shall be for such a period as the board may direct, but not less than thirty days, and shall be served on the record owner of the lot, personally, if his residence within the State can be ascertained, and if he does not reside within the State, or so residing, his residence cannot be ascertained, then by posting on a conspicuous place on the lot a copy of such notice, and also sending a copy through the mail addressed to such owner at his place of residence, if known; if unknown, then addressed to the owner at the place where the property is situated."

Motion lost.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote :

AYES—Messrs Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Burge, Burke, Busick, Chandler, Coghlan, Coyle, Creighton, Cullen, Drew, Duryea, Ells, Estudillo, Gates, Held, Houser, Jarvis, John, Johnson, Jones of Tuolumne, King, Lumley, Lynch, Manwell, McCartney, McGowan, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Thompson, Transue, Vogel, Walsh, and Whiting—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 433—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, relating to compensation of officers in cities of the fifth class.

Passed on file.

Assembly Bill No. 611—An Act to amend an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

Passed on file.

Assembly Bill No. 604—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 382b, relating to the refusal of sale of goods, wares, merchandise, or supplies by retail dealers therein to any person offering to purchase the same for cash, and upon conviction thereof fixing the penalty therefor.

Passed on file.

Assembly Bill No. 478—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualifications of persons following such business, and the sanitary conditions of barber-shops in the State of California.

Passed on file.

Assembly Bill No. 268—An Act directing the Commissioner of the Bureau of Labor Statistics to collect certain statistics, and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote :

AYES—Messrs Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Coyle, Creighton, Drew, Duryea, Ells, Estudillo, Gans, Gates, Held, Jarvis, John, Johnson, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Thompson, Transue, Vogel, Walsh, Whiting, and Wickersham—46.

NOES—Mr. Houser—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 400—An Act to amend the Political Code by adding a new section, to be numbered 642a, relating to the powers and authorities of the Fish Commissioners and their assistants.

Passed on file.



Assembly Bill No. 559—An Act to amend Section 1844 of the Code of Civil Procedure of the State of California, relating to the evidence necessary for the proof of certain facts.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burke, Busick, Cleveland, Coyle, Creighton, Cullen, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Held, Houser, Jarvis, John, Johnson, King, Lumley, Lynch, Manwell, McCartney, McGowan, Moore, Olmsted, Perkins, Pfaffle, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Thompson, Transue, Vogel, Walsh, Whiting, and Wickersham—47.

NOES—Mr. Chandler—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 560—An Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to witnesses.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cullen, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Held, Houser, Jarvis, Johnson, Jones of Tuolumne, King, Lumley, Lynch, Manwell, McCartney, McGowan, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Thompson, Transue, Whiting, and Wickersham—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 261—An Act to amend Section 2924 of the Civil Code, relating to the distinction between mortgages and pledges.

Passed on file.

Assembly Bill No. 420—An Act to amend the Code of Civil Procedure of the State of California by amending Section 851 thereof, relating to form of pleadings.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burke, Busick, Chandler, Coghlan, Coyle, Creighton, Cullen, Drew, Duryea, Estudillo, Gans, Gates, Held, Jarvis, John, Johnson, Jones of Tuolumne, King, Lynch, Manwell, McCartney, McGowan, McKenney, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Thompson, Transue, Vogel, Walsh, Whiting, and Wickersham—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 704—An Act to amend Sections 199 and 200 of the Code of Civil Procedure, relating to the qualifications and exemptions of jurors.

Passed on file.

GREETING TO UNITED STATES SENATOR-ELECT HON. FRANK P. FLINT.

Mr. Rolley moved that Hon. Frank P. Flint, United States Senator-elect, who was among the spectators in the Assembly, be invited in, and that the privileges of the House be extended to him.

Motion carried.

The Speaker pro tem. appointed Messrs. Stanton and Rolley as a committee to call upon United States Senator-elect Hon. Frank P. Flint, and escort him to a seat at the Speaker's desk.

When the committee appeared with Mr. Flint within the rails of the Assembly Chamber an outburst of applause greeted the United States Senator-elect, who was invited to a seat with the Speaker.

### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 621—An Act to amend Section 1 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880, and amended March 9, 1897.

Passed on file.

Assembly Bill No. 340—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 857, relating to the purposes for which express trusts may be created.

Passed on file.

Assembly Bill No. 327—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, relating to advertising estrays, and the costs and expenses of redeeming them.

Passed on file.

### MOTION TO RECOMMIT ASSEMBLY BILL No. 830.

Mr. Estudillo moved that Assembly Bill No. 830 be recommitted to the Committee on Judiciary.

Motion carried.

### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The Committee on Ways and Means was granted leave to introduce reports out of order, which were read, as follows:

#### ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 464—An Act to pay the claim of D. D. McLaren against the State of California.

Also: Assembly Bill No. 641—An Act making an appropriation of \$5,000, to be used by the Governor, Attorney-General, and Secretary of State (comprising the Board of Examiners) in defense of the interest of the State, and political subdivisions thereof, in suits involving the right to use oil upon the public highways.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Assembly Bill No. 210—An Act making an appropriation for repairs and improvements on buildings and grounds of the Woman's Relief Corps Home (located at Evergreen, Santa Clara County), for ex-army nurses, and indigent widows, wives, mothers, and dependent maiden daughters and sisters of Union veterans who served honorably in the War of the Rebellion.

Also: Assembly Bill No. 286—An Act making an appropriation to pay for bituminous pavement of the street in front of the Industrial Home of Mechanical Trades for the Adult Blind, Oakland, California.

Also: Assembly Bill No. 530—An Act making an appropriation of \$4,371.20 for the transportation of officers and members of the National Guard of California.

Also: Assembly Bill No. 745—An Act making an appropriation to pay assessments for sewers on street frontage at the Industrial Home of Mechanical Trades for the Adult Blind.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 201—An Act authorizing the Directors of the Veterans' Home of California to purchase and take over for the State of California, to be used and controlled by said Board in the interests of the Veterans' Home of California, a certain piece

of land adjoining the premises of the said Veterans' Home of California, in the County of Napa, and appropriating the sum of \$3,000 to pay for the purchase of same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass by majority vote.

STANTON, Chairman.

Assembly Bills Nos. 464, 641, 210, 286, 530, 745, and 201 ordered on second-reading file.

#### SENATOR FLINT ADDRESSES THE ASSEMBLY.

United States Senator-elect Hon. Frank P. Flint was, on motion of Mr. Stanton, invited to address the Assembly.

Mr. Flint briefly addressed the Assembly, returning thanks for the greeting extended to him, stating that he was on a tour of the State to learn the needs of all localities, and giving his assurance that when he entered upon his duties as United States Senator he would be unremitting in his efforts to promote the best interests of every section of the State.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 50—An Act requiring the marking of packages of butter containing less than six pounds and more than one-half pound, so as to advise the purchaser or others as to the weight of butter contained in such packages.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Coghlan, Coyle, Creighton, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Held, Houser, Johnson, Jones of Tuolumne, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Thompson, Transue, Vogel, Whiting, and Wickersham—46

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 737—An Act to amend Section 3819 of the Political Code, relating to the recovery of taxes paid under protest.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Burge, Busick, Chandler, Coghlan, Coyle, Creighton, Cullen, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Held, Houser, Jarvis, Johnson, King, Lynch, Manwell, McCartney, McGowan, McKenney, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Slaven, Stanton, Strobridge, Thompson, Transue, Vogel, and Whiting—43.

NOES—Messrs. Burke, Moore, and Wickersham—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 219—An Act to repeal Sections 3824 and 3825 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Read third time.

## MOTION TO CHANGE ON FILE.

Mr. Held moved that Assembly Bill No. 219 be placed on the file for unfinished business.

Motion carried, and such was the order.

Assembly Bill No. 788—An Act providing for a method of obtaining plans for public buildings.

Passed on file.

Assembly Bill No. 558—An Act fixing a bounty on coyote scalps.

Passed on file.

Assembly Bill No. 645—An Act to amend Section 1737 of the Political Code, relating to salaries of superior court judges.

Passed on file.

Assembly Bill No. 344—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 339 thereof, relating to the time of commencing actions other than for the recovery of real property.

Passed on file.

Assembly Bill No. 714—An Act to amend Sections 285, 290, 292, and 305 of the Civil Code, all relating to the formation of corporations.

Passed on file.

Assembly Bill No. 686—An Act to amend Section 1600 of the Political Code of the State of California, in regard to challenges of electors in elections for school trustees.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**Ayes**—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Coghlan, Coyle, Creighton, Cullen, Drew, Duryea, Ellis, Gans, Gates, Held, Houser, Jarvis, Johnson, Jones of Tuolumne, King, Lumley, Lynch, Maxwell, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Slaven, Strobbridge, Thompson, Transue, Vogel, Walsh, Whiting, and Wickersham—48.

**Noes**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 685—An Act to amend Section 1598 of the Political Code of the State of California, prescribing the qualifications of electors voting for school trustees.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**Ayes**—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Coghlan, Coyle, Creighton, Cullen, Drew, Ellis, Gans, Gates, Held, Houser, Johnson, Jones of Tuolumne, Lynch, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Strobbridge, Thompson, Transue, Vogel, Walsh, and Whiting—43.

**Noes**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

## MOTION TO PLACE ON SPECIAL FILE.

Mr. Slaven moved that Assembly Bill No. 297 be made a special order for Wednesday, February 15, 1905, at three o'clock and thirty minutes p. m.  
Motion carried.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on County and Township Governments was granted permission to introduce reports out of order, as follows:

## ON COUNTY AND TOWNSHIP GOVERNMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1905.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 832—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 25 of said Act a new subdivision to be known as Section 6½, and relating to cooperation by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 188—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved March 23, 1901, by amending Section 208 thereof, relating to counties of the fifty-first class.

Also: Assembly Bill No. 840—An Act to amend an Act entitled "An Act to establish a uniform system of county government," by amending Section 179 thereof.

Also: Assembly Bill No. 618—An Act to authorize the appointment of an interpreter of the Spanish language in counties of the first and one-half class.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

BURKE, Chairman.

Assembly Bills Nos. 832, 188, 840, and 618 ordered on second-reading file.

## SPECIAL FILE ON CODE REVISION.

On motion of Mr. Drew, Assembly Bill No. 216 (No. 285 on file) was taken up.

Assembly Bill No. 216—An Act to amend Sections 47 and 49 of the Civil Code, and to add four new sections thereto, to be numbered 51, 52, 53, and 54, all relating to personal rights.

Read third time.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 216, as follows:

## AMENDMENT No. 1.

Strike out the whole of Section 1, on pages 1 and 2 of the printed bill, and renumber the remaining sections of said bill accordingly.

## AMENDMENT No. 2.

Strike out of line 1 of the title of said bill the following: "Amend Section 47 of the Civil Code and."

## AMENDMENT No. 3.

Strike out of line 2 of the title of said bill the word "thereto," and insert in lieu thereof the words "to the Civil Code."

Motion carried.

Mr. Drew was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 216—An Act to amend Sections 47 and 49 of the Civil Code, and to add four new sections thereto, to be numbered 51, 52, 53, and 54, all relating to personal rights—with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

Report adopted.

Assembly Bill No. 216 ordered to engrossment, reprint, and on file for passage.

## RECESS.

At four o'clock and forty minutes P. M., Mr. McCartney moved that a recess be taken until eight o'clock P. M.

Motion carried, and recess declared.

## REASSEMBLED.

The Assembly reconvened at eight o'clock P. M.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Constitutional Amendments was granted leave to introduce the following report, out of order:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1905.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 12 of Article XIII, relating to revenue and taxation—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California, amending Section 19, of Article V of said Constitution, relating to the compensation of State officers.

Also: Assembly Constitutional Amendment No. 13—A resolution proposing to the people of the State of California an amendment to Article XI of the Constitution of the State of California, by adding a new section thereto, to be numbered Section 13½, of Article XI, relating to the making of public bonds payable at any place within the United States.

Also: Assembly Constitutional Amendment No. 14—A resolution proposing to the people of the State of California an amendment to Section 8, Article XI of the Constitution of the State of California, relating to charters.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HOUSER, Chairman

Assembly Constitutional Amendments Nos. 9, 12, 13, and 14 ordered on special file.

## SENATE MESSAGES.

On motion of Mr. Boyle, the following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 10, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 344—An Act making it a misdemeanor to sell or exchange property under the representation, advertisement, notice, or inducement that an unidentified, unknown, unselected, or chance prize, premium or premium-gift, or that a stamp, trading-stamp, coupon, or other like device entitling the holder to receive such a prize, premium, or premium-gift, or that the redemption of such a stamp, trading-stamp, coupon, or other like device so given is to be part of the transaction, or to sell or exchange any trading-stamp, stamp, coupon, or other like device to aid such sale or exchange, as aforesaid, and providing a penalty therefor.

Also: Senate Bill No. 40—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatement of private and public nuisances.

Also: Senate Bill No. 105—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State; for the construction of sewers and other sanitary purposes, the acquisition of property thereby; the calling and conducting of elections in such districts, the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 344 read first time, and ordered placed on special Senate file, without reference to committee.

Senate Bill No. 40 read first time, and referred to Committee on Judiciary.

Senate Bill No. 105 read first time, and referred to Committee on Municipal Corporations.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1905

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 246—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Also: Senate Bill No. 519—An Act to provide one additional judge of the Superior Court of the County of San Joaquin, State of California, for the manner of his appointment, and for his compensation.

Also: Senate Bill No. 461—An Act to amend Section 1372 of the Political Code, relating to primary elections.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 246 read first time, and referred to Committee on Education.

Senate Bill No. 519 read first time, and referred to Committee on Judiciary.

Senate Bill No. 461 read first time, and referred to Committee on Election Laws.

#### ASSEMBLY CONSTITUTIONAL AMENDMENTS RE-REFERRED.

Mr. McCartney moved that Assembly Constitutional Amendments Nos. 1, 16, 18, 19, and 20 be re-referred to Committee on Constitutional Amendments.

Motion carried.

#### TEMPORARY LEAVE OF ABSENCE.

Mr. Houser moved that the Los Angeles delegation be excused for a brief period to attend a committee meeting.

Motion carried.

#### MOTION.

Mr. Beardslee moved that second-reading file be taken up.

Motion carried.

#### SECOND-READING FILE.

Assembly Bill No. 351—An Act to amend Section 637 of the Penal Code of the State of California, relating to the taking and killing of meadow larks and wild birds other than game birds.

Read second time.

The Committee on Fish and Game submitted the following amendments:

#### AMENDMENT No. 1.

Amend by inserting after the word "take," in line 2, first page of printed bill, the words "sell, or offer for sale."

Amendment adopted.

#### AMENDMENT No. 2.

Amend by striking out the colon after the word "premises," in line 16, second page of printed bill, and inserting in lieu thereof a comma and the words "but the birds so killed shall not be shipped or sold."

Amendment adopted.

Assembly Bill No. 351 ordered to engrossment, print, and to third-reading file.

Mr. Duryea was granted permission to substitute Assembly Bill No. 695 (No. 261 on file) in place of Assembly Bill No. 696 (No. 221 on file).

Assembly Bill No. 695—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by adding a new section thereto, relating to the powers and duties of boards of supervisors.

Read second time, ordered engrossed and to third reading.

Mr. King was granted permission to take up Assembly Bill No. 201 (No. 185 on file).

Assembly Bill No. 201 (No. 185 on file)—An Act authorizing the Directors of the Veterans' Home of California to purchase and take over for the State of California, to be used and controlled by said board, in the interests of the Veterans' Home of California, a certain piece of land adjoining the premises of the said Veterans' Home of California, in the County of Napa, and appropriating the sum of \$3,000 to pay for the purchase of same.

Read second time.

#### MOTION.

Mr. King moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem., Hon. T. E. Atkinson, in the chair, for the purpose of considering Assembly Bill No. 201.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

Assembly Bill No. 201 was considered in Committee of the Whole.

Mr. King moved that the Committee of the Whole do now rise, and report back Assembly Bill No. 200, with a recommendation that it do pass.

#### IN ASSEMBLY.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 201—An Act authorizing the Directors of the Veterans' Home of California to purchase and take over for the State of California, to be used and controlled by said board, in the interests of the Veterans' Home of California, a certain piece of land adjoining the premises of the said Veterans' Home of California, in the County of Napa, and appropriating the sum of \$3,000 to pay for the purchase of same—and do now report the same back, and recommend that it do pass.

ATKINSON, Chairman.

Report adopted.

Assembly Bill No. 201 ordered engrossed and on third-reading file.

Assembly Bill No. 689—An Act to amend Section 1238 of the Code of Civil Procedure, relating to eminent domain.

Read second time.

The Committee on Judiciary submitted the following amendments:

#### AMENDMENT No. 1.

Amend by striking out the title, and inserting in lieu thereof the following: "An Act to amend Sections 1238, 1240, 1241, 1244, 1247, and 1248 of the Code of Civil Procedure, all relating to eminent domain."

Amendment adopted.

#### AMENDMENT No. 2.

Amend by striking out all after the figures "1238," in line 3, page 1 of the printed bill, and insert the following: "Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses—"



"1. Fortifications, magazines, arsenals, navy yards, navy and army stations, light-houses, range and beacon lights, coast surveys, and all other public uses authorized by the Government of the United States.

"2. Public buildings and grounds for the use of the State, and all other public uses authorized by the Legislature of the State.

"3. Public buildings and grounds for the use of any county, incorporated city, or city and county, village, town or school districts; canals, aqueducts, reservoirs, tunnels, flumes, ditches, or pipes, for conducting or storing water for the use of the inhabitants of any county, incorporated city, or city and county, village or town, or for draining any county, incorporated city, or city and county, village or town; raising the banks of streams, removing obstructions therefrom, and widening and deepening or straightening their channels, roads, streets, and alleys; public mooring places for watercraft, public parks, including parks and other places covered by water, and all other public uses for the benefit of any county, incorporated city, or city and county, village or town, or the inhabitants thereof, which may be authorized by the Legislature, but the mode of apportioning and collecting the costs of such improvements shall be such as may be provided in the statutes by which the same may be authorized.

"4. Wharves, docks, piers, chutes, booms, ferries, bridges, toll-roads, by-roads, plank, and turnpike roads; paths and roads, either on the surface, elevated, or depressed, for the use of bicycles, tricycles, motor-cycles, and other horseless vehicles, steam, electric, and horse railroads, canals, ditches, dams, pondings, flumes, aqueducts, and pipes, for irrigation, public transportation, supplying mines and farming neighborhoods with water, and draining and reclaiming lands, and for floating logs and lumber on streams not navigable.

"5. Roads, tunnels, ditches, flumes, pipes, and dumping place for working mines; also outlets, natural or otherwise, for the flow, deposit, or conduct of tailing or refuse matter from the mines; also an occupancy in common by the owners or possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines.

"6. By-roads, leading from highways to residences, farms, mines, mills, factories, and buildings for operating machinery, or necessary to reach any property used for public purposes.

"7. Telegraph lines

"8. Sewerage of any incorporated city, city and county, or of any village or town, whether incorporated or unincorporated, or of any settlement consisting of not less than ten families, or of any public buildings belonging to the State, or to any college or university.

"9. Water, for the use of the inhabitants of any incorporated city, city and county, or of any village or town, whether incorporated or unincorporated, or of any sanitary district, or of any school district, or of any settlement consisting of not less than twenty-five families.

"10. Roads for transportation by traction engines or road locomotives

"11. Oil pipe lines.

"12. Roads and flumes for logging or lumbering purposes.

"13. Canals, reservoirs, dams, ditches, flumes, aqueducts, and pipes for supplying and storing water for the operation of machinery for the purpose of generating and transmitting electricity for the supplying of mines, quarries, railroads, tramways, mills, and factories with electrical power, and also for the supplying electricity to light or heat mines, quarries, mills, factories, incorporated cities, cities and counties, villages or towns, together with lands, buildings, and all other improvements in or upon which to erect, install, place, use, or operate machinery for the purpose of generating and transmitting electricity for any of the purposes or uses above set forth.

"14. Electric light lines, electric power lines, electric heat lines, and electric light, heat and power lines.

Section 2. Section 1240, of the Code of Civil Procedure of California is hereby amended to read as follows:

"Section 1240. The private property which may be taken under this title includes.

"1. All real property belonging to any person.

"2. Lands belonging to this State, including tide and submerged lands not within the corporate limits of any city, or city and county, or to any county, incorporated city, or city and county, village or town, not appropriated to some public use.

"3. Property appropriated to public use; but such property shall not be taken unless for a more necessary public use than that to which it has been already appropriated.

"4. Water stored in reservoirs or flowing in pipes, the property of any person, firm or corporation supplying water for domestic or other purposes, except irrigation, outside the county where such water is collected and stored, when taken to be used by the inhabitants of any city, town, village, sanitary district, school district, or settlement in the county where such water is collected and stored.

"5. Franchises for toll-roads, toll-bridges, and ferries, and all other franchises; but such franchises shall not be taken unless for free highways, railroads, or other more necessary public use.

"6. All rights of way for any and all the purposes mentioned in section twelve hundred and thirty-eight, and any and all structures and improvements thereon, and the lands held or used in connection therewith shall be subject to be connected with, crossed, or intersected by any other right of way or improvements, or structures thereon. They shall also be subject to a limited use, in common with the owner thereof, when necessary,

but such uses, crossings, intersections and connections shall be made in manner most compatible with the greatest public benefit and least private injury. All railroad main-track crossings, when physically practicable, shall be made either under or over the existing railroad which it is desired to cross, *provided*, that any such crossing may be made at grade if protected by the installation and maintenance of an automatic switch and signal service, with derailing switches to be installed and thereafter maintained at the expense of the owner of the railroad desiring to make such crossing, and if such crossing, in any case, shall be physically impracticable, then the proposed level or grade crossing shall be protected by the installation and maintenance of an automatic switch and signal service, with derailing switches, to be installed and thereafter maintained at the expense of the owner of the railroad desiring to make such crossing.

"7. All classes of private property not enumerated may be taken for public use, when such taking is authorized by law.

"8. Proceedings to condemn lands belonging to this State are hereby authorized, and must be maintained and conducted in the same manner as are other condemnation proceedings provided for in this title, except, that in such proceedings the summons and a copy of the complaint must be served on the Governor, Attorney-General, and Surveyor-General of this State.

"Section 3. Section 1241 of the Code of Civil Procedure of California is hereby amended to read as follows:

"Section 1241. Before property can be taken it must appear.

"1. That the use to which it is to be applied is a use authorized by law.

"2. That the taxing is necessary to such use.

"3. If already appropriated to some public use, that the public use to which it is to be applied is a more necessary public use; *provided*, that water collected and stored to be sold for domestic or other use, except irrigation, outside the county in which it is collected and stored may be taken for the use of the inhabitants of the county, or a portion thereof, wherein the same is collected and stored.

"Section 4. Section 1244 of the Code of Civil Procedure of California is hereby amended to read as follows:

"Section 1244. The complaint must contain:

"1. The name of the corporation, association, commission, or person in charge of the public use for which the property is sought, who must be styled the plaintiff.

"2. The names of all the owners and claimants of the property, if known, or a statement that they are unknown, who must be styled defendants.

"3. A statement of the right of the plaintiff.

"4. If a right of way be sought, the complaint must show the location, general route, and terminus, and must be accompanied with a map thereof, so far as the same is involved in the action or proceeding.

"5. A description of each piece of land sought to be taken, and whether the same includes the whole or only a part of an entire parcel or tract. All parcels lying in the county, and required for the same public use, may be included in the same or separate proceedings, at the option of the plaintiff, but the court may consolidate or separate them to suit the convenience of the parties.

"When application for the condemnation of a right of way for the purposes of sewerage is made on behalf of a settlement, or of an unincorporated village or town, the board of supervisors of the county may be named as plaintiff.

"When application for the condemnation of water stored in reservoirs or flowing in pipes is made on behalf of a settlement, sanitary district, school district, or unincorporated village or town, the board of supervisors of the county may be named as plaintiff.

"Section 5. Section 1247 of the Code of Civil Procedure is hereby amended to read as follows:

"Section 1247. The court shall have power:

"1. To regulate and determine the place and manner of making connections and crossings, or of enjoying the common use mentioned in the fifth subdivision of section twelve hundred and forty.

"2. To hear and determine all adverse or conflicting claims to the property sought to be condemned, and to the damages therefor.

"3. To regulate and determine the manner of connecting with reservoirs or water pipes for the taking of water mentioned in the fourth subdivision of section twelve hundred and forty, and to regulate and determine the manner of assuring and the manner of paying for water to be taken.

"4. To determine the respective rights of different parties seeking condemnation of the same property.

"Section 6. Section 1248 of the Code of Civil Procedure of California is hereby amended to read as follows:

"Section 1248. The court, jury or referee must hear such legal testimony as may be offered by any of the parties to the proceeding and thereupon must ascertain and assess.

"1. The value of the property sought to be condemned, and all improvements thereon, pertaining to the realty, of each and every separate estate or interest therein; if it consists of different parcels, the value of each parcel and each estate or interest therein shall be separately assessed.

"2. If the property sought to be condemned constitutes only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff.

"3. Separately, how much the portion not sought to be condemned, and each estate or interest therein, will be benefited, if at all, by the construction of the improvement proposed by the plaintiff; and if the benefit shall be equal to the damages assessed under subdivision two, the owner of the parcel shall be allowed no compensation except the value of the portion taken, but if the benefit shall be less than the damages, so assessed, the former shall be deducted from the latter, and the remainder shall be the only damages allowed in addition to the value.

"4. If the property sought to be condemned be water or the use of water, belonging to riparian owners, or appurtenant to any lands, how much the lands of the riparian owner, or the lands to which the property sought to be condemned is appurtenant, will be benefited, if at all, by a diversion of the water from its natural course, by the construction and maintenance, by the person or corporation in whose favor the right of eminent domain is exercised, of works for the distribution and convenient delivery of water upon said lands, and such benefit, if any, shall be deducted from any damages awarded to the owner of such property."

"5. If the property sought to be condemned is water stored in reservoirs or flowing in pipes, the value per thousand gallons of water to be taken.

"6. If the property sought to be condemned be for a railroad, the cost of good and sufficient fences along the line of such railroad and the cost of cattle guards where fences may cross the line of such railroad.

"7. As far as practicable, compensation must be assessed for each source of damages separately."

Amendment adopted.

Assembly Bill No. 689 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 376—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1873, by amending Section 1624, prescribing what contracts must be in writing.

Passed on file.

Assembly Bill No. 777—An Act to regulate the purchase of supplies for State institutions and for public officials, and to encourage the use of articles of domestic manufacture.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 676—An Act providing pay for holidays for employes of the State of California, or of any political subdivision thereof.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 821—An Act amending an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalty therefor," approved February 12, 1903.

Read second time, ordered engrossed and to third reading.

Mr. Pyle was granted permission to take up Assembly Bill No. 458 (No. 214 on the file).

Assembly Bill No. 458—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California; providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,'" approved March 12, 1885, approved March 23, 1901, by amending Section 14, and repealing Section 11.

Read second time.

The Committee on Public Health and Quarantine submitted the following amendments:

Amend by striking out Section 2

Amendment adopted.

Also: Amend by striking out after 1901, in the title, the words "by amending Section 14 and "

Amendment adopted.

Assembly Bill No. 458 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 766—An Act to repeal Chapter I, of Title IV, of the Political Code of California, and to substitute therefor a new Chapter I, relating to the State militia.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 767—An Act to repeal Sections 725, 728, 729, 730, 731, 732, and 733, all of Chapter V, Title I, Part II of the Penal Code of California, relating to suppression of riots.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 768—An Act to amend the Penal Code of the State of California by adding thereto new sections, numbered 421 and 422, providing for punishment of persons and associations conniving against and attempting to injure the National Guard of California, and members thereof.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 769—An Act to repeal Section 443, Title XII of the Penal Code of California.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 770—An Act to amend Section 442, Title XII of the Penal Code of California, relating to crimes against the revenue and property of this State.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 765—An Act to repeal Chapter II of Title IV of the Political Code of California, and to substitute therefor a new Chapter II, relating to the State militia.

Read second time.

The Committee on Military Affairs submitted the following amendments:

#### AMENDMENT No. 1.

On page 13, line 10 of the printed bill, strike out the word "men" and insert in lieu thereof the word "boys."

Amendment adopted.

#### AMENDMENT No. 2.

On page 17, line 11 of the printed bill, strike out the period (.) and insert a comma (,) and add "or of the commander-in-chief."

Amendment adopted.

#### AMENDMENT No. 3.

On page 18, in first line of Section 2009, strike out the word "smal-arms" and insert in lieu thereof, the correct spelling, "small-arms."

Amendment adopted.

#### AMENDMENT No. 4.

On page 21, line 14, at the top of page of printed bill, strike out the period (.) after the word "captain" and insert "in the National Guard, or the corresponding rank in the Naval Militia."

Amendment adopted.

#### AMENDMENT No. 5.

On page 21, of the printed bill, strike out all of Section 2021, and insert in lieu thereof the following:

"Section 2021. *Revision and Approval of Sentence.* The officer appointing a court-martial must review the proceedings and approve or disapprove the sentence of such court-martial, and must direct the execution of such sentence, or mitigate the punishment, or may remit the sentence of the person convicted; *provided*, that an officer so sentenced may, within fifteen days after official publication of the action of the reviewing officer, appeal to the commander-in-chief to review the proceedings, and to disapprove them or pardon the offense, in which case the officer approving the sen-

tence will forward the proceedings in the case to the commander-in-chief, and the execution of the sentence must be suspended until the proceedings are returned with the decision thereon, *provided*, that no commissioned officer shall be dismissed from the service without the approval of the commander-in-chief; *provided, further*, that an enlisted man belonging to an organization attached to a brigade may appeal in like manner to the brigade commander, and, if to an unattached organization, to the commander-in-chief, and the sentence must be suspended in the same manner as provided for in the case of commissioned officers."

Amendment adopted.

AMENDMENT No. 6.

On page 26, line 14, of the printed bill (in Section 2045), strike out the word "value," and insert in lieu thereof, correct spelling, the word "value."

Amendment adopted.

AMENDMENT No. 7.

On page 28 of the printed bill, in line 33, after the word "drills," insert the words "and parades," and after the word "drill," near the end of said line 33, insert the words "or parade."

Amendment adopted.

AMENDMENT No. 8.

On page 29, in line 41 of the printed bill, strike out the word "month," and insert in lieu thereof the word "quarter," and in line 42 of said page strike out the word "month," and insert in lieu thereof the word "quarter."

Amendment adopted.

AMENDMENT No. 9.

On page 29 of printed bill, in line 3 of Section 2080, strike out the words "adjutant-general," and insert in lieu thereof the words "lessors of armories."

Amendment adopted.

AMENDMENT No. 10.

On page 29 of printed bill, in line 9 of Section 2080, strike out the word "forty," and insert in lieu thereof the words "seventy-five."

Amendment adopted.

Assembly Bill No. 765 ordered to engrossment, reprint, and on third-reading file.

Mr. Anthony was granted permission to take up Assembly Bill No. 807.

Assembly Bill No. 807—An Act to repeal an Act entitled "An Act to regulate fees in the City and County of San Francisco," approved February 9, 1866 (Stats. of Cal., 1865-6, Chap. XCI, pp. 66-68).

The Committee on Judiciary submitted the following amendments:

AMENDMENT No. 1.

Amend by striking out the comma (,) at the end of line 3 of the title and insert in lieu thereof a period (.).

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all of line 4 of the title.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out all of line 3 except the word "is."

Amendment adopted.

Assembly Bill No. 807 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 441—An Act making it a misdemeanor to sell or exchange property under the representation, advertisement, notice or inducement that an unidentified, unknown, unselected, or chance prize,

premium, or premium-gift, or that a stamp, trading-stamp, coupon, or other like device entitling the holder to receive such a prize, premium, or premium-gift, or that the redemption of such stamp, trading-stamp, coupon, or other like device so given is to be part of the transaction, or to sell or exchange any trading-stamp, stamp, coupon, or other like device to aid such sale or exchange, as aforesaid, and providing a penalty therefor.

Read second time.

The Committee on Public Morals submitted the following amendment:

Amend by striking out the words "This Act shall take effect immediately," all of Section 2, page 3, printed bill.

Amendment adopted.

Assembly Bill No. 441 ordered to engrossment, print, and on third-reading file.

#### SPECIAL FILE ON CODE REVISION.

Mr. Drew moved to take up the special file of Code Revision bills, beginning with File No. 289.

Motion carried.

Assembly Bill No. 395—An Act to add a new section to the Civil Code, to be numbered 524, relating to franchises for the construction of paths and roads for the use of horseless vehicles.

Read third time.

The question being on the passage of the bill.

The roll was called.

#### CALL OF THE HOUSE.

Pending the announcement of the result, Mr. Drew, at eight o'clock and twenty minutes p. m., moved for a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Held, John, Johnson, Jones of Tuolumne, King, Manwell, McGowan, McKenney, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Strobridge, Vogel, and Walsh.

The doors were ordered closed.

The Sergeant-at-Arms was furnished with a warrant to bring all unexcused members before the bar of the House.

#### FURTHER PROCEEDINGS DISPENSED WITH.

Mr. Drew, at nine o'clock and eight minutes p. m., moved that further proceedings under the call of the House be dispensed with.

Motion carried.

Thereupon the Speaker pro tem. declared the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Jones of Tuolumne, King, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Thompson, Transue, Vogel, Walsh, and Wickersham—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 396—An Act to amend Sections 528, 529, and 550 of the Civil Code, relating to bridge, ferry, wharf, chute, and pier corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Held, Houser, John, Johnson, King, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pryor, Pyle, Rolley, Stanton, Strobridge, Thompson, Transue, Vogel, Walsh, and Wickersham—41

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 399—An Act to add a new section to the Civil Code, to be numbered 583b, and to repeal an Act entitled "An Act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1893, both relating to statements to be made and notices to be given by depositaries of money.

Passed on file.

Assembly Bill No. 479—An Act to repeal Title XI of Part IV of Division I of the Civil Code, and each and every section of said title, and to substitute a new Title XI to take the place thereof in said Code, relating to mining corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Jones of Tuolumne, King, Lynch, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pryor, Pyle, Rolley, Stanton, Strobridge, Thompson, Transue, Vogel, Walsh, and Wickersham—41.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 480—An Act to add a new title to Part IV of Division I of the Civil Code, to be known as Title XIa, relating to corporations, for the formation of chambers of commerce, boards of trade, mechanics' institutes, and other kindred associations.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Houser, John, Johnson, Jones of Tuolumne, King, Lynch, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Vogel, Walsh, and Wickersham—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 481—An Act to add a title to Part IV of Division I of the Civil Code, to be known as Title XIIa, relating to societies for the prevention of cruelty to animals.

Passed on file.

Assembly Bill No. 516—An Act to amend Section 3451 of the Civil Code, relating to assignments for the benefit of creditors.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Bliss, Branstetter, Busick, Chandler, Cleveland, Coyle, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Jones of Tuolumne, King, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobbridge, Thompson, Transue, Vogel, and Wickersham—43.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 515—An Act to amend Section 3366 of the Civil Code, relating to specific and preventive relief.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Jones of Tuolumne, King, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobbridge, Thompson, Transue, Vogel, and Wickersham—43.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 514—An Act to add a new section to the Civil Code, to be numbered 3346a, relating to damages for negligently firing woods.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Held, John, Johnson, Jones of Tuolumne, King, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobbridge, Thompson, Transue, Vogel, and Wickersham—42.  
NOES—Mr. Houser—1

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 513—An Act to amend Section 3294 of the Civil Code, relating to exemplary damages.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Jones of Tuolumne, King, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobbridge, Thompson, Transue, Vogel, and Wickersham—43.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 512—An Act to amend Sections 3131, 3176, 3197, and 3235 of the Civil Code, all relating to negotiable instruments.

Read third time.



The question being on the passage of the bill.

The roll was called and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Drew, Duryea, Ellis, Estudillo, Gans, Held, Houser, John, Johnson, King, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pfaffle, Prior, Pyle, Rolley, Severance, Stanton, Strobridge, Thompson, Transue, Vogel, and Wickersham—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 511—An Act to amend Section 3052 of the Civil Code, and to add five new sections thereto, to be numbered 3061, 3062, 3063, 3064, and 3065, all relating to liens on personal property.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Jones of Tuolumne, King, Lynch, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Thompson, Transue, Vogel, and Wickersham—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 510—An Act to add a new section to the Civil Code, to be numbered 2973, relating to mortgages of personal property.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Jones of Tuolumne, King, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Thompson, Transue, Vogel, and Wickersham—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 509—An Act to amend Sections 2903 and 2913 of the Civil Code, both relating to liens.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Jones of Tuolumne, King, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Thompson, Transue, and Wickersham—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 508—An Act to amend Section 2541 of the Civil Code, relating to the insurance of mortgaged property.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Drew, Duryea, Ells, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Jones of Tuolumne, King, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Thompson, Transue, Vogel, and Wickersham—43.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 507—An Act to amend Section 2334 of the Civil Code, relating to the liability of principals for the acts of their agents.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Drew, Duryea, Ells, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Jones of Tuolumne, King, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Thompson, Transue, Vogel, and Wickersham—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 506—An Act to amend Section 2236 of the Civil Code, relating to the obligations of trustees.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Drew, Duryea, Ells, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Jones of Tuolumne, King, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Thompson, Transue, Vogel, and Wickersham—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 505—An Act to amend Sections 2170, 2172, 2180, and 2195 of the Civil Code, all relating to common carriers.

Passed on file.

Assembly Bill No. 504—An Act to amend Sections 1929, 1930, and 1932 of the Civil Code, all relating to the hiring of property.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Drew, Duryea, Ells, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Jones of Tuolumne, King, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Thompson, Transue, Vogel, and Wickersham—42.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 503—An Act to amend Sections 1865 and 1871 of the Civil Code, both relating to finders and savers of property.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Held, John, Johnson, Jones of Tuolumne, King, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Thompson, Transue, Vogel, and Wickersham—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 502—An Act to add an Article IIIa to Chapter II of Title III of Part IV of Division III of the Civil Code, relating to warehouses.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Jones of Tuolumne, King, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Thompson, Transue, Vogel, and Wickersham—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 501—An Act to amend Sections 1624 and 1625 of the Civil Code, both relating to the manner of creating contracts.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Jones of Tuolumne, King, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Thompson, Transue, Vogel, and Wickersham—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 500—An Act to add a new section to the Civil Code, to be numbered 1468, relating to covenants running with land.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Jones of Tuolumne, King, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Thompson, Transue, Vogel, and Wickersham—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 499—An Act to amend Sections 1386, 1388, 1395, 1399, 1405, and 1406 of the Civil Code, and to add a new section thereto, to be numbered 1409, all relating to succession to the property of deceased persons.

Passed on file.

Assembly Bill No. 498—An Act to amend Sections 1275, 1276, 1285, 1300, 1306, 1307, 1327, 1360, 1364, and 1376 of the Civil Code, and to add a new section thereto, to be numbered 1314, all relating to wills.

Read third time.

Assembly Bill No. 498 ordered on unfinished business file for further consideration.

Assembly Bill No. 497—An Act to add a chapter to Title V, of Part IV, of Division II of the Civil Code, relating to the homesteads of insane persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Jones of Tuolumne, King, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pfaffie, Pryor, Pyle, Rolley, Stanton, Strobridge, Thompson, Transue, Vogel, and Wickersham—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 496—An Act to amend Section 1263 of the Civil Code, relating to declaration of homestead.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Jones of Tuolumne, King, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pfaffie, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Vogel, and Wickersham—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### SUBSTITUTION ON COMMITTEE.

The Speaker pro tem. appointed Mr. Burke in place of Mr. O'Brien on the Committee on Fish and Game, authorized to visit the State Hatchery at Sisson.

#### ADJOURNMENT.

Mr. John, at ten o'clock and fifteen minutes P. M., moved that the Assembly adjourn.

Motion carried.

The Speaker pro tem., Hon. T. E. Atkinson, thereupon declared the Assembly adjourned until Monday, February 13, 1905, at ten o'clock and thirty minutes A. M.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,

Monday, February 13, 1905. }

The Assembly met at ten o'clock and thirty minutes A. M., pursuant to adjournment.

Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Drew, Duryea, Espey, Estudillo, Gans, Gales, Goodrich, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, Lucey, Lumley, Manwell, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Wickersham, and Mr. Speaker—60.

Quorum present.

## LEAVES OF ABSENCE.

Leave of absence for the day was granted to Messrs. King and Devlin. Messrs. Strohl, Hartman, Jarvis, and Slaven were excused for the morning session.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Espey, further reading was dispensed with.

## APPROVAL OF JOURNALS.

The Journals of Thursday, February 9, and Friday, February 10, 1905, were corrected, and, as corrected, approved.

## PRIVILEGES OF THE FLOOR.

On motion of Mr. Manwell, the privileges of the floor were extended to Hon. C. G. Raub, an ex-member of the Assembly.

## PETITION.

The Speaker submitted the following petition, which was ordered printed in the Journal without the signatures:

LONG BEACH, CAL., February 10, 1905.

To the Honorable Speaker of the House

DEAR SIR I shall consider it a favor if you will vote for the bills (Senate Bills Nos. 528 and 772) legalizing the practice of naturopathy, introduced by Hon. P. A. Stanton.

Yours truly,

DR MARY CHASE ROCKWELL, and others.

## REPORTS OF STANDING COMMITTEES.

Reports from standing committees were presented and read, as follows:

## ON INSURANCE AND INSURANCE LAWS—MAJORITY REPORT.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905.

MR. SPEAKER: The undersigned, a majority of your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 734—An Act to prevent any

combination, agreement, confederation, compact, or understanding, directly or indirectly, by or between two or more fire insurance companies transacting business in this State, or between officers, agents, or employes of any such companies relating to the rates to be charged for insurance, regulating and fixing the minimum price or premium to be paid for insuring property located within this State, and providing the punishment for a violation thereof, and providing certain requirements to be had for insurance companies desiring to transact business within this State in addition to the requirements now provided by law—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

BATES.  
WALSH.  
ATKINSON.  
O'BRIEN.

#### MINORITY REPORT.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905.

MR. SPEAKER: The undersigned, a minority of your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 734—An Act to prevent any combination, agreement, confederation, compact, or understanding, directly or indirectly, by or between two or more fire insurance companies transacting business in this State, or between officers, agents, or employes of any such companies relating to the rates to be charged for insurance, regulating and fixing the minimum price or premium to be paid for insuring property located within this State, and providing the punishment for a violation thereof, and providing certain requirements to be had for insurance companies desiring to transact business within this State in addition to the requirements now provided by law—have had the same under consideration, and respectfully report the same back, without recommendation.

JARVIS.  
McNAMARA.

Assembly Bill No. 734 ordered on second-reading file.

#### INTRODUCTION AND REFERENCE OF BILLS.

Bills were introduced and referred as follows:

By Mr. Tripp: Assembly Bill No. 934—An Act to provide for a uniform system of administration for public roads and highways, and to provide for building, repairing, and maintaining the same, and to provide revenue for said purposes.

Read first time, and referred to Committee on Roads and Highways.

By Mr. McCartney: Assembly Bill No. 935—An Act to add a new section to the Penal Code, to be numbered Section 499b, relating to the unauthorized taking for temporary use for operation of automobiles, bicycles, motor-cycles, and other vehicles.

Read first time, and referred to Committee on Judiciary.

By Mr. Gans: Assembly Bill No. 936—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 207 thereof, relating to the compensation of officers of counties of the fiftieth class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Manwell: Assembly Bill No. 937—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 198 thereof, relating to the compensation of officers of counties of the forty-first class.

Read first time, and referred to Committee on County and Township Governments.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Public Health and Quarantine was granted leave to submit a report, out of order, which was read, as follows:

## ON PUBLIC HEALTH AND QUARANTINE

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1905.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 301—An Act to amend subdivision 20 of Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to health officers and health regulations and the powers of boards of supervisors in connection therewith—have had the same under consideration, and respectfully report the same back, and recommend that the following bill be substituted therefor.

GATES, Chairman

Assembly Bill No. 301 was ordered withdrawn.

## INTRODUCTION AND REFERENCE OF BILLS RESUMED.

Bills were introduced and referred as follows:

By Committee on Public Health and Quarantine: Assembly Bill No. 938 (Substitute for Assembly Bill No. 301)—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to health officers and health regulations, and the powers of boards of supervisors in connection therewith.

Read first time, and ordered on second-reading file.

By Mr. Waste: Assembly Bill No. 939—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered and designated Section 616a, relating to the granting of licenses to persons to act as agents to procure, in certain cases, policies of insurance from persons not authorized to transact insurance business in this State, regulating the proceedings for procuring the same, fixing fees and percentages upon premiums, and providing penalties for the violation thereof.

Read first time, and referred to Committee on Judiciary.

By Mr. Espey: Assembly Bill No. 940—An Act to amend Sections 1323 and 1324 of the Code of Civil Procedure of the State of California.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 941—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for the violation of the Act," approved March 24, 1903.

Read first time, and referred to Committee on Education.

## REPORTS OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following reports, which were read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reengrossed.

Assembly Bill No. 96—An Act adding a new section to the Civil Code to be known as Section 434, relating to corporations transacting business in insuring titles to real estate, and providing the terms and conditions of policies issued by such corporations.

Assembly Bill No. 499—An Act to amend Sections 1386, 1388, 1395, 1399, 1405, and 1406 of the Civil Code, and to add a new section thereto, to be numbered 1409, all relating to succession to the property of deceased persons.

Assembly Bill No. 505—An Act to amend Sections 2130 and 2195 of the Civil Code, all relating to common carriers.

Assembly Bill No. 399—An Act to add a new section to the Civil Code, to be numbered 5837, to repeal an Act entitled "An Act to compel all depositaries of money and commercial banks to publish a sworn statement of all unclaimed deposits," approved February 25, 1897, and to repeal an Act entitled "An Act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1895, both relating to statements to be made, and notices to be given by depositaries of money.

Assembly Bill No. 393—An Act to amend Sections 497, 498, 504, and 507 of the Civil Code, all relating to street railway corporations.

Assembly Bill No. 486—An Act to add a Title XX to Part IV of Division First of the Civil Code, relating to co-operative business associations.

Assembly Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 61 of said Act, relative to county officers.

Assembly Bill No. 23—An Act to add a new section to the Civil Code of the State of California, to be known as Section 183, relating to the appointment of an attorney by the court in divorce actions to contest the action and inquire into the merits of the case and prevent collusion and fraud, when defendant fails to appear or contest the proceeding, and providing for the fee of such attorney in such cases.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1905.

MR SPEAKER Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 664—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to the designation of one of the prisons of the State as a reformatory, relating to the powers of the State Board of Prison Directors, relating to the selection and duties of the wardens, relating to the transfer of prisoners, and to other matters incident thereto.

Assembly Bill No. 461—An Act to establish a California State dairy school and experiment farm and to appropriate money therefor.

Assembly Bill No. 17—An Act to repeal Chapter II, of Title IV, of Part III of the Code of Civil Procedure of the State of California, and to substitute therefor a new Chapter II, relating to liens of mechanics and others upon real property.

Assembly Bill No. 362—An Act to add a new section to the Penal Code of the State of California, under title 16 thereof, to be numbered 679, prohibiting the use of cruel and unusual punishments in State prisons and reformatory institutions.

Assembly Bill No. 426—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Assembly Bill No. 557—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals," relating to the acquisition and disposal of property, real and personal.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 635—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 736 of said Act, relative to the salary of justices of the supreme court.

Assembly Bill No. 535—An Act to amend Sections 3897 and 3898 of the Political Code of the State of California, relating to the sale by the State of property sold to the State for taxes.

Assembly Bill No. 599—An Act to amend an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses, in this State," approved March 28, 1895, by amending Section 2 of said Act, establishing the fees to be charged by county clerks for issuing citizenship papers and providing no fees for filing candidate's affidavit.

Assembly Bill No. 110—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 338 thereof, relating to "the time of commencing actions other than for the recovery of real property."

Assembly Bill No. 238—An Act to amend Section 1188 of the Civil Code of the State of California, relating to certificates of acknowledgments.

Assembly Bill No. 236—An Act to amend Section 792 of the Political Code of the State of California, relating to notaries public.

Assembly Bill No. 12—An Act to amend Section 1416 of the Civil Code of the State of California, relative to the time of commencing work on water appropriations and providing that in certain cases that the time for commencing work may be extended.

Assembly Bill No. 589—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to change the site thereof, to provide better facilities and to construct new and more commodious buildings for said school and to furnish and equip the same, and for this purpose to authorize and empower the said board of trustees to sell and convey the lands and buildings of said school and to use the proceeds therefrom for the construction of said new buildings and to purchase furniture and equip the same.

Assembly Bill No. 274—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 172, relating to conveyances of real property by married men, and limiting the time in which to commence actions for the recovery of community property by wives.

Assembly Bill No. 652—An Act to amend Sections 1521, 1772, and 1775 of the Political Code, relating to the certification of teachers.

Assembly Bill No. 602—An Act to amend Sections 1817, 1818, and 1820 of the Political Code, all relating to county and city and county school tax.



Assembly Bill No. 601—An Act to amend Sections 1330, 1331, 1332, 1335, 1336, 1337, and 1339 of the Political Code, relating to district school tax.

Assembly Bill No. 389—An Act to add a Chapter VI of Title II, of Part II, of Division I of the Civil Code, relating to life, health, accident, and annuity or endowment insurance on the assessment plan.

Assembly Bill No. 208—An Act entitled "An Act to amend Section 1861 of the Political Code of the State of California," relating to the use of the State School Fund.

Assembly Bill No. 232—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known and numbered as Section 381b, relating to duties of the State Dairy Bureau.

Assembly Bill No. 233—An Act to prevent deception in the sale of renovated butter and to license manufacturers and dealers in the same.

Assembly Bill No. 631—An Act to amend an Act entitled "An Act to protect and promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to promote horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and, March 31, 1891," approved March 31, 1897, relating to the destruction of the Russian thistle, or salt wort.

Assembly Bill No. 638—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

DEVLIN, Chairman.

#### BILL RE-REFERRED.

At the request of Mr. Jones of Tuolumne, Assembly Bill No. 518 was referred to the Committee on Public Health and Quarantine.

#### RESOLUTION.

Mr. Atkinson offered the following resolution, which was read:

(To pay E. J. Smith.)

*Resolved*, That for and by reason of services rendered the Assembly at the desk by E. J. Smith, from February 2, 1905, to February 12, 1905, both days inclusive, as an Assistant Clerk, at the request of the Chief Clerk, and the Controller of the State is hereby directed to draw his warrant in favor of said E. J. Smith for the sum of sixty-six dollars (\$66) for said services, said sum being at the same rate per diem as is paid the other Assistant Clerks at the desk, and the State Treasurer is hereby directed to pay said warrant out of the appropriation for the contingent expenses of the Assembly, be it further

*Resolved*, That said E. J. Smith be and he is hereby appointed an Assistant Clerk at the desk, at the same per diem as is paid the other Assistant Clerks at the desk, said per diem being payable out of the appropriation for the contingent expenses of the Assembly.

Mr. Anthony moved the adoption of the resolution, without reference to committee.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs Anthony, Arnerch, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Coyle, Cronwell, Drew, Duryea, Espey, Gans, Goodrich, Hartman, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, Lumley, McCartney, McGowan, McNamara, Meincke, Mitchellree, Moore, Perkins, Pryor, Pyle, Rolley, Severance, Strobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—52.

NOES—None.

#### BILLS TAKEN UP FOR AMENDMENT—(OUT OF ORDER).

Mr. Walsh moved that Assembly Bill No. 472 (No. 65 on the file) be now taken up for the purpose of amendment.

Motion carried.

Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

#### SELECT COMMITTEE AMENDMENT.

Mr. Walsh moved that a select committee of one be appointed to amend Assembly Bill No. 472, as follows:

Strike out all words after the word "injury," on line 26, Section 5, page 2 of printed bill, down to and including the word "crossing," on line 39, Section 5, page 2 of printed bill, and insert in lieu thereof the following: "No railroad main

track crossing shall be at grade, except under the following conditions: The company proposing such crossing shall be entitled to make same at grade, provided it protects such crossing by the construction, operation and maintenance, at its sole cost and expense, of an interlocking plant, with suitable signals and derails; provided, further, that the company whose track is proposed to be crossed may insist upon a separation of the grades at such crossing by paying one-half of the cost of constructing such crossing with separate grades; and, provided further, that where any crossing has been constructed at grade, as above provided, either company may, at any time thereafter, require a separation of the grades at such crossing, each company paying one-half of the expense of such separation, and provided further, that any dispute or controversy as to such crossing, or the operation or maintenance thereof, shall be determined by the superior court of the county in which said crossing is situated in an action or proceeding brought by either party for that purpose."

Motion carried.

Mr. Walsh was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses—with instructions, does now report that the instructions of the Assembly have been carried out.

WALSH, Committee.

Report adopted.

Assembly Bill No. 472 ordered to engrossment, print, and on file for passage.

Mr. Drew moved to take up Assembly Bills Nos. 494 and 498 (Nos. 340 and 341 on file) for the purpose of amendment.

Motion carried.

Assembly Bill No. 494—An Act to amend Sections 1181, 1185, 1901, 1202, and 1203 of the Civil Code, all relating to the proof or acknowledgment of instruments in writing.

Read third time.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 494, as follows:

#### AMENDMENT No. 1.

On page 2, Section 2, lines 9 and 10 of printed bill, strike out the words "person who executed it on behalf of such corporation," and in lieu thereof insert the following: "president or secretary of such corporation, or other person who executed it on its behalf."

#### AMENDMENT No. 2.

On page 2, Section 3 of printed bill, strike out all of lines 11 to 13, inclusive, and in lieu thereof insert the following: "of \_\_\_\_\_) to be the president (or the secretary) of the corporation that executed the within instrument, (where, however, the instrument is executed in behalf of the corporation by some one other than the president or secretary, insert: Known to me (or proved to me on the oath of \_\_\_\_\_) to be the person who executed the within instrument on behalf of the corporation therein named) and acknowledged to me that such corporation executed the same."

Motion carried.

Mr. Drew was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 494—An Act to amend Sections 1181, 1185, 1190, 1202, and 1203, of the Civil Code, all relating to the proof or acknowledgment of instruments in writing—with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

Report adopted.

Assembly Bill No. 494 ordered to engrossment, print, and on file for passage.

Assembly Bill No. 493—An Act to amend Section 1161 of the Civil Code, relating to the recording of instruments in writing.

Read third-time.

#### SELECT COMMITTEE AMENDMENT.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 493, as follows:

On page 1, Section 1, line 8, printed bill, after the punctuation comma, strike out the words "by the," and insert in lieu thereof the following: "by its president or secretary or other."

Motion carried.

Mr. Drew was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 493—An Act to amend Section 1161 of the Civil Code, relating to the recording of instruments in writing—with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

Report adopted.

Assembly Bill No. 493 ordered to engrossment, print, and on file for passage.

#### TIME FOR RECESS.

Mr. Burke, at ten o'clock and fifty-five minutes A. M., moved that the Assembly, after the exercises in honor of Abraham Lincoln set for this forenoon, take a recess until two o'clock and thirty minutes P. M.

Motion carried.

#### EXERCISES IN HONOR OF LINCOLN'S BIRTHDAY.

In compliance with Assembly Concurrent Resolution No. 14, adopted February 6, 1905, relating to Lincoln memorial exercises—

*Resolved by the Assembly, the Senate concurring, That the hour between eleven and twelve o'clock A. M. Saturday, February 11, 1905, be devoted to exercises in memory of Abraham Lincoln, to the end that his life may be honored and that the Legislature may derive the advantage and pleasure of recalling some of the events of a great period of American history, and be it further*

*Resolved, That a joint Senate and Assembly committee, consisting of three Assemblymen, be appointed by the Speaker of the Assembly and that two Senators be appointed by the President of the Senate to have charge of such exercises.*

The Senate and Assembly convened in joint assembly for the purpose of holding exercises in honor of the anniversary of the ninety-sixth birthday of Abraham Lincoln.

At eleven o'clock A. M. the Sergeant-at-Arms of the Assembly announced that His Excellency, Governor George C. Pardee, Lieutenant-Governor Alden Anderson, President of the Senate, and the Senate were at the bar of the House.

The Speaker of the Assembly, Hon. Frank C. Prescott, in a few appropriate remarks, welcomed the Governor and the Senate.

The following programme was carried out:

#### ORDER OF EXERCISES.

1. National Airs ..... Orchestra.
2. Greeting to Governor George C. Pardee and the Senate of California, by Hon. Frank C. Prescott, Speaker of the Assembly.
3. Invocation ..... Rev. W. S. Hoskinson, Chaplain of the Senate.

4. Introductory ..... Hon. Alden Anderson.  
Lieutenant-Governor, President of the Senate.
- ABRAHAM LINCOLN.
5. "His Boyhood" ..... Senator M. L. Ward.  
6. "The Man" ..... Assemblyman A. M. Drew.  
7. "The President" ..... Senator Thomas H. Selvage.  
8. Reading of Lincoln's Gettysburg Address .....  
Assemblyman John A. Goodrich.  
9. "The Representative American" ..... Assemblyman Nathan C. Coghlan.  
10. "America" ..... By Audience and Orchestra.

EXCERPTS FROM CONCURRENT RESOLUTION OF THE TWO HOUSES OF THE CALIFORNIA  
LEGISLATURE.

(Adopted April 4, 1862, during Lincoln's administration).

"Resolved, That the attachment of the people of California to the union of the States in one undivided nation, as designed by our patriotic forefathers in the adoption of the present Constitution, is firm, unabated, and unalterable.

"That we are in favor of the most thorough and vigorous prosecution of the war for the suppression of the rebellion, the maintenance of the Union, and the enforcement of the laws of the country over the whole national domain.

"That we view with pride and admiration the conservative and patriotic course pursued by the Chief Magistrate of the nation in this crisis". \* \* \*

GEO. B. KEANE,  
J. B. SANFORD,  
J. A. GOODRICH,  
R. H. E. ESPEY,  
GUS HARTMAN,

Joint Legislative Committee of Arrangements.

RECESS.

At twelve o'clock and twenty minutes P. M., the Assembly was called to order, whereupon the Speaker declared a recess until two o'clock and thirty minutes P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock and thirty minutes P. M.  
The Speaker, Hon. Frank C. Prescott, in the chair.

PRESENTATION TO HON. JOHN A. BLISS.

Mr. McGowan, on behalf of the members of the Assembly and its officers, in a few well-chosen words, extended congratulations to Hon. John A. Bliss (known as the Father of the House), on his sixty-second birthday, and presented Mr. Bliss with a handsome silver and glass testimonial of their affection and esteem.

Mr. Bliss briefly returned his thanks for the marked compliment paid to him.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

Mr. McCartney, on behalf of the special committee to investigate charges against Lucas F. Smith, Superior Judge of Santa Cruz County, submitted the following report and resolutions, which were read:

(To investigate charges against Lucas F. Smith, requesting leave of absence and appropriation for witness fees, and for full power to act.)

SACRAMENTO, CAL., February 13, 1905.

To the HON. FRANK C. PRESCOTT, Speaker of Assembly of the State of California

We, your committee, appointed to investigate the specific charges of misdemeanor in office on the part of the Hon. Lucas F. Smith, Judge of the Superior Court in and for the County of Santa Cruz, State of California, beg leave to preliminarily report as follows:

We have had under consideration the specific charges presented to this body against the Hon. Lucas F. Smith, and are of the opinion that to fully and fairly investigate the said charges and the facts in relation thereto it will be necessary for said committee to go to the City of Santa Cruz, California, for the purpose of taking testimony in relation to said charges.

And it will be necessary for this committee to have at their disposal and assistance a sergeant-at-arms and a shorthand reporter

And it will be necessary for this committee to have a sum of money at their disposal, with which to pay witnesses who may demand witness fees, and with which to pay incidental expenses incurred by said committee, and your committee is of the opinion that the sum of two hundred and fifty dollars (\$250) should be allowed for this purpose.

This committee therefore asks for a leave of absence for the purpose herein stated, and that they be granted the sum of \$250 with which to pay incidental expenses of said committee.

McCARTNEY, Chairman.

#### RESOLUTION.

By Mr. McCartney:

WHEREAS, Certain specific charges preferred against the Hon. Lucas F. Smith, Judge of the Superior Court of the State of California in and for the County of Santa Cruz, have been presented to, and filed with this Assembly, and

WHEREAS, In compliance with the petition of John H. Leonard, Esq., and others, making said charges, and the petition of said Lucas F. Smith, asking that investigation of said charges be made, a select committee of five members of this House has been appointed by the Speaker to investigate said charges; and

WHEREAS, Said committee has, or is about to make a preliminary report to this Assembly, therefore, be it

*Resolved*, That H. S. G. McCartney, chairman, T. E. Atkinson, R. S. Beardslee, J. J. Burke, and A. M. Lumley, members of the committee heretofore appointed, are hereby given leave of absence from this Assembly, for such time as they may deem necessary for the purpose of going to such places as may be necessary to investigate the specific charges as above mentioned, that the said committee be and is hereby empowered to issue all necessary subpoenas, and to have full power to send for persons, books, and papers and to compel the attendance of any and all necessary witnesses before said committee within this State, and require the production of any and all necessary papers, books or documents, in order that the powers herein given may be fully carried out; and that it shall report its investigation to this Assembly at the earliest possible moment, and be it

*Resolved*, That the said committee shall be invested with all powers granted to legislative committees by the Constitution and the laws of this State, and said committee in conducting said investigation shall be governed by the rules and procedure of trial courts of this State; and be it

*Further resolved*, That the expenses of said committee be paid out of the Contingent Fund of the Assembly, and be it also

*Further resolved*, That said committee above named be given the sum of two hundred and fifty dollars (\$250) with which to pay witness fees and other incidental expenses incurred in said investigation.

The Controller is hereby authorized to draw his warrant in favor of H. S. G. McCartney for the sum of \$250, and the Treasurer is hereby directed to pay the same

Mr. McCartney moved the adoption of the resolution presented by him.  
The roll was ordered called on the motion to adopt the resolution.

#### CALL OF THE HOUSE.

Pending the roll call and the announcement of the result, Mr. Goodrich, at three o'clock and eight minutes P. M., moved for a call of the House.

Motion carried.

The roll was called, and the following members answered to their names

Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Burke, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Duryea, Estudillo, Gans, Gates, Hartman, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tirolimne, Jury, Lucey, Maxwell, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Prvor, Pyle, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Weyand, Whiting, and Mr. Speaker—49.

The doors were ordered closed.

At three o'clock and fifteen minutes P. M., on motion of Mr. McCartney, the further proceedings under the call of the House were dispensed with.

The roll was then called on Mr. McCartney's motion to adopt the resolution presented by him:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Bliss, Branstetter, Burge, Burke, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Duryea, Ellis, Estudillo, Gans, Gates, Hartman, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, Lumley, Manwell, McCartney, McGowan, McNamara, Meincke, Mitchell-tree, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Weyand, Whiting, Wickersham, and Mr. Speaker—54.  
 NOES—None.

Resolution adopted.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Rules and Regulations was granted leave to present the following report, out of order, which was read:

##### ON RULES AND REGULATIONS.

(Giving statistics of bills acted on for various sessions.)

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905.

MR. SPEAKER. Your Committee on Rules and Regulations, to whom was referred a resolution concerning the progress of the business of this House, have had the same under consideration, and report as follows:

TO THE SPEAKER. I respectfully suggest that you read the accompanying statistics of the sessions of the Assembly for the years 1901, 1903, and 1905.

The figures set forth as totals, third, second, and first readings, have been carefully compiled from the printed Assembly Journals for those years, and the printed Senate Journals for the present year.

I submit that the members of this body who have been censured for non-action and lack of industry as State officers were unjustly so censured, and I ask that they be given those figures and comparisons that they may be able to disprove further misstatements regarding our legislative work.

Total number of readings of bills by the Assembly during its thirty-fourth, thirty-fifth, and thirty-sixth sessions, respectively (during the first forty days):

1901—1,241 readings.

1903—1,271 readings.

1905—1,659 readings.

The present body in total number of readings for first forty days exceeded that of the Assembly of 1901 during the same length of time by 418, or 34 per cent, and that of the Assembly of 1903 by 388, or 30 per cent.

During the said period the Assembly of 1901 had 191 second readings of Assembly bills and 61 second readings of Senate bills.

The Assembly of 1903 had 253 second readings of Assembly bills and 35 second readings of Senate bills.

While the present Assembly had 367 second readings of Assembly bills and 34 second readings of Senate bills.

This body exceeding that of 1901 in second readings of bills by 149, or 60 per cent, and that of 1903 by 113, or 40 per cent.

In the third reading of bills the records for the first forty days show:

That the Assembly of 1901 had 130.

That the Assembly of 1903 had 105.

That the Assembly of 1905 had 251, or 16 more than the two bodies of 1901 and 1903 combined, during such first 40 days of their sessions.

Compared with the present Senate this body has to its credit the following comparisons:

Assembly (1905), first readings of bills, 1007.

Senate (1905), first readings of bills, 948 (of which 190 were Assembly Bills transmitted it, and were therefore forced first readings, against but 74 Senate Bills transmitted for first reading to this body).

Assembly (1905), second readings of bills, 401.

Senate (1905), second readings of bills, 227, or 174 more, equaling 76 per cent more than the Senate.

Assembly (1905), third readings of bills, 251.

Senate (1905), third readings of bills, 101, or 150 more, equaling 150 per cent more than the Senate.

McCARTNEY, Chairman.

## RESOLUTION—(OUT OF ORDER).

Mr. Transue was granted permission to introduce (out of order) the following resolution:

(To appoint Mrs. J. Krimminger Secretary to the Speaker.)

*Resolved*, That Mrs. Jennie Krimminger be and she is hereby elected an employé of the Assembly, to serve during the thirty-sixth session of the Legislature, beginning January 2, 1905, in the capacity of Secretary to the Speaker, at a per diem of eight dollars, said per diem to be paid out of the appropriation for contingent expenses of the Assembly.

Mr. Transue moved the adoption of the resolution.

The roll call was ordered on the adoption of the resolution.

## CALL OF THE HOUSE.

Pending the roll call, and the announcement of the result, Mr. Transue, at three o'clock and twenty-six minutes P. M., moved for a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Anthony, Americh, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Burke, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Duryea, Estudillo, Gans, Gates, Hartman, Held, Houser, Jarvis, Johnson, Jones of Tuolumne, Jury, Lucey, Lumley, McCartney, McNamara, Meincke, Mitcheltree, Moore, Perkins, Pfaffle, Pryor, Pyle, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Weyland, Whiting, and Mr. Speaker—48.

## FURTHER PROCEEDINGS DISPENSED WITH.

At three o'clock and thirty-two minutes P. M., on motion of Mr. Transue, further proceedings under the call of the House were dispensed with.

## RESOLUTION ADOPTED.

The roll was then called on the motion to adopt Mr. Transue's resolution, with the following result:

*Ayes*—Messrs. Anthony, Americh, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Burke, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Duryea, Estudillo, Gans, Gates, Hartman, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, Lumley, Manwell, McCartney, McNamara, Meincke, Mitcheltree, Moore, Perkins, Pfaffle, Pryor, Pyle, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Weyand, Whiting, and Mr. Speaker—50.  
*Noes*—None.

The resolution was declared adopted.

## BILLS TAKEN UP OUT OF ORDER.

Mr. Pryor moved to take up Assembly Bill No. 524 (No. 201 on file) for the purpose of amendment.

Motion carried.

Assembly Bill No. 524—An Act to amend Sections 3671 and 3746 of the Political Code of the State of California, both relating to revenue and taxation.

Read second time.

The Committee on Revenue and Taxation submitted the following amendments:

## AMENDMENT No 1.

Amend by striking out all after the word "sections," in line 2 of the title, and insert in lieu thereof the following: "Four hundred and thirty-five, thirty-six hundred and

sixty-eight, and thirty-seven hundred and forty-six of the Political Code of the State of California, all relating to revenue and taxation."

### Amendment adopted.

#### AMENDMENT No. 2.

Amend by striking out all after the enacting clause, and insert in lieu thereof the following:

"Section 1. Section four hundred and thirty-five of the Political Code is hereby amended to read as follows:

"Section 435. The Controller must keep a separate account of the school fund and income thereof, together with such moneys as may be raised by special tax or otherwise, for school purposes. He must, on the first Monday in January in each year, report to the Superintendent of Public Instruction, a statement of the securities belonging to the School Fund, of the moneys in the treasury subject to apportionment, and the several sources from which they accrue. He must draw his warrant on the State Treasurer in favor of any County Treasurer, whenever such County Treasurer presents with his indorsement, an order drawn by the Superintendent of Public Instruction in favor of such county; and the warrants so drawn are not subject to the provisions of article eighteen of this chapter.

"Section 2. Section thirty-six hundred and sixty-eight of the Political Code is hereby amended to read as follows:

"Section 3668. Within ten days after the second Monday in October, the Controller must publish a notice for two weeks in one daily newspaper of general circulation at the State capital, and in two daily newspapers of general circulation, published in the City of San Francisco, specifying—

"1. That he has received from the State Board of Equalization the 'duplicate record of assessments of railways' and the 'duplicate record of apportionment of railway assessments.'

"2. That the taxes on all personal property and all the taxes for school purposes and one half of the remaining taxes on all real property are now payable, and will be delinquent on the last Monday in November next, at six o'clock p. m., and that unless paid to the State Treasurer at the State Capitol prior thereto, five per cent will be added to the amount thereof, and unless so paid on or before the last Monday in April next, at six o'clock p. m., an additional five per cent will be added to the amount thereof. That the remaining one half of the taxes on all real property will be due and payable at any time after the first Monday in January next, and will be delinquent on the last Monday in April next, at six o'clock p. m., and that unless paid to the State Treasurer, at the Capitol prior thereto, five per cent will be added to the amount thereof.

"On the last Monday in April of each year, at six o'clock p. m., all unpaid taxes are delinquent, and thereafter there must be collected by the State Treasurer, or other proper officer, an addition of ten per cent upon those taxes which became delinquent the preceding November and have not been paid prior to the said time on the last Monday in April of each year, and an addition of five per cent upon all taxes for the preceding year, which became delinquent on the said last Monday in April, which sum, when collected, must be set aside by the Treasurer as a fund with which to pay the contingent expenses of actions against any delinquents, the said expenses to be audited by the Board of Examiners, and any surpluses remaining shall go into the general school fund of the State. When any taxes are paid to the State Treasurer by order of the Controller, upon assessments made and apportioned by the State Board of Equalization, the Controller must forthwith notify the Auditor and Treasurer, respectively, of each county, and city and county, that such taxes have been paid, and of the amount thereof to which each county, and city and county interested, is entitled. The State's portion of the taxes must be distributed by the Treasurer to each fund entitled thereto, and the portion belonging to the counties, and cities and counties, must be placed in a fund, to be called 'Railway Tax Fund', to the credit of each county, and city and county, entitled thereto.

"When any taxes are placed in 'Railway Tax Fund' to the credit of a county, or city and county, the Controller, at the next settlement with the Controller by the Treasurer of such county, or city and county, must draw and deliver to such Treasurer his warrant upon the State Treasurer for the amount in the fund to the credit of such county, or city and county.

"Section 3. Section thirty-seven hundred and forty-six of the Political Code is hereby amended to read as follows:

"Section 3746. Within ten days after the receipt of the assessment book, the tax collector must publish a notice specifying:

"1. That the taxes on all personal property secured by real property, and all taxes for school purposes and one half of the remaining taxes on all real property, will be due and payable upon the second Monday in October, and will be delinquent on the last Monday in November, next thereafter, at six o'clock p. m., and that unless paid prior thereto, fifteen per cent will be added to the amount thereof, and that if said one half be not paid before the last Monday in April next, at six o'clock p. m., an additional five per cent will be added thereto. That the remaining one half of the taxes on all real property will be payable on and after the first Monday in January next, and will be delinquent on the last Monday in April next, thereafter, at six o'clock p. m., and that unless paid prior thereto, five per cent will be added to the amount thereof.



"2. That all taxes may be paid at the time the first installment, as herein provided, is due and payable.

"3. The times and places at which payment of taxes may be made."

Amendment adopted.

Assembly Bill No. 524 ordered to engrossment, print, and on third-reading file.

BILL WITHDRAWN.

Mr. Jury was granted leave to withdraw Assembly Bill No. 166 (No. 273 on file), it being identical with Senate Bill No. 117 (No. 327 on file).

BILL RECALLED FROM COMMITTEE.

Mr. Whiting moved that Assembly Bill No. 649 (No. 265 on file) be recalled from the Committee on Ways and Means, and retain its place on file.

Motion carried.

ASSEMBLY CONCURRENT RESOLUTIONS—(OUT OF ORDER).

Leave was granted for the introduction (out of order) of Assembly concurrent resolutions, as follows:

By Mr. Cleveland: Assembly Concurrent Resolution No. 17—Relative to the adjusting of freight rates in the State of California.

Referred to Committee on Corporations.

Also: Assembly Concurrent Resolution No. 18—Approving eight certain amendments to the charter of the City of Pasadena, County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Pasadena at the special municipal election held therein for that purpose on the 4th day of February, 1905.

On motion of Mr. Goodrich, ordered on file without reference to a committee, and with a rush order to the printer.

BILLS TAKEN UP OUT OF ORDER.

Mr. Atkinson moved to take up, out of order, Assembly Bill No. 602 (No. 141 on file) for the purpose of amendment.

Motion carried.

Assembly Bill No. 602—An Act to amend Sections 1817, 1818, and 1820 of the Political Code, all relating to county, and city and county school tax.

Read third time.

Mr. Atkinson moved that a select committee of one be appointed to amend Assembly Bill No. 602, as follows:

AMENDMENT No. 1.

Strike out lines 3, 4, 5, 6, 7, of printed bill, and the last part of word "furnish," on line 8 of Section 1, and insert in lieu thereof the words "Section 1817. The County Superintendent of every county and every city and county, must, at least fifteen days before the first day of the month in which the board of supervisors of such county, or city and county, is required by law to levy the amount of taxes required for county, or city and county purposes, furnish."

Amendment adopted.

AMENDMENT No. 2.

Also: On line 11 of Section 1 of printed bill change the word "they" to read "he"

Amendment adopted.

## AMENDMENT No. 3.

Also: Strike out the word "respectively," on line 11 of Section 1 of printed bill.

Amendment adopted.

## AMENDMENT No. 4.

Also: Strike out the words "the Board of Education," on lines 13 and 14, Section 1 of printed bill.

Amendment adopted.

## AMENDMENT No. 5.

Also: Strike out on said line 14 the word "respectively."

Amendment adopted.

## AMENDMENT No. 6.

Also: Strike out the words "the Board of Education," on lines 18 and 19 of Section 1 of printed bill.

Amendment adopted.

## AMENDMENT No. 7.

Also: Strike out the word "respectively," on said line 19, Section 1 of printed bill.

Amendment adopted.

## AMENDMENT No. 8.

Also: On line 21, Section 1 of printed bill, change the word "they" to read "he."

Amendment adopted.

## AMENDMENT No. 9.

Also: On lines 21 and 22, Section 1 of printed bill, strike out the word "respectively."

Amendment adopted.

## AMENDMENT No. 10.

Also: On line 27, Section 1 of printed bill, change the word "seven" to read "eight."

Amendment adopted.

## AMENDMENT No. 11.

Also on line 29, Section 1 of printed bill, change the word "seven" to read "eight."

Amendment adopted.

## AMENDMENT No. 12.

Add on line 30, Section 1 of printed bill, the following, after the word "county," striking out the period: "but in no case shall the rate of tax levied for county or city and county school purposes in any one year exceed fifty cents on each one hundred dollars of taxable property in the county or city and county"

Amendment adopted.

## AMENDMENT No. 13.

Also: Strike out in lines 12 and 13, Section 2, of printed bill, the words "by the board of education."

Amendment adopted.

## AMENDMENT No. 14.

Also: Add a new section to the bill to read as follows:

"Section 4. This Act shall take effect and be in force from and after its passage."

Amendment adopted.

Mr. Atkinson was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 602—An Act to amend Sections 1817, 1818, and 1820 of the Political Code, all relating to county, and city and county school tax—with instructions, does now report that the instructions of the Assembly have been carried out.

ATKINSON, Committee.

Report adopted.

Assembly Bill No. 602 ordered to engrossment, print, and on file for passage.

Mr. Transue moved to take up Senate Bill No. 241 (No. 320 on the file) for the purpose of amendment.

Motion carried.

Senate Bill No. 241—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Read third time.

Mr. Transue moved that a select committee of one be appointed to amend Senate Bill No. 241, as follows.

Amend Senate Bill No. 241, as amended February 10, 1905, by striking out all of lines 58, 59, 60, and 61 of page 3, and insert in lieu thereof the following:

"7. Life insurance companies, or corporations, no matter when organized, may loan upon their own policies; *provided*, that the amount so loaned upon each policy shall not exceed the reserve against said policy at the time said loan is made; *provided, further*, that no policy loans whatever shall ever be used as security which may be deposited with the Insurance Commissioner under section six hundred and thirty-four of the Political Code; *and, provided, further*, that whenever any such loan in any amount is made on a policy registered with the Insurance Commissioner under said section six hundred and thirty-four of the Political Code, such registration shall be forthwith canceled."

Motion carried.

Mr. Transue was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 241—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested—with instructions, does now report that the instructions of the Assembly have been carried out

TRANSUE, Committee.

Report adopted.

Senate Bill No. 241 ordered to print and on file for passage.

#### CONSTITUTIONAL AMENDMENT RECALLED FROM COMMITTEE.

Mr. Treadwell moved that Assembly Constitutional Amendment No. 1 be recalled from the Committee on Constitutional Amendments.

Motion carried.

#### PRIVILEGES OF THE FLOOR.

On motion of Mr. Cleveland, the privileges of the floor were extended to Hon. G. G. Radcliff, an ex-member of the Assembly.

#### CONSTITUTIONAL AMENDMENTS RE-REFERRED TO COMMITTEES.

Mr. Estudillo moved that Assembly Constitutional Amendment No. 1 be re-referred to the Committee on Constitutional Amendments.

Motion carried.

Mr. Anthony moved that Assembly Constitutional Amendment No. 15 be re-referred to the Committee on Constitutional Amendments.

Motion carried.

#### SPECIAL FILE.

Bills on the special file were considered, as follows:

Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California, an amendment to the

Constitution of the State of California, amending Section 17 of Article VI of said Constitution, relating to the compensation of justices of the Supreme Court and judges of the superior court.

Passed on file.

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution by adding thereto a new section to Article IX, to be known as Section 13, relating to the exemption from taxation of the property now or hereafter belonging to the Cogswell Polytechnic College.

Passed on file.

Assembly Bill No. 87—An Act making an appropriation of \$5,075 to repay the Regents of the University of California for moneys appropriated by them to repair, maintain, and erect necessary buildings for a forestry station at Santa Monica, and prescribing the duties of the Controller and Treasurer in relation thereto.

Passed on file.

Assembly Bill No. 68—An Act making an appropriation of \$10,000 for the establishing at the Lick Observatory of a light and power plant, and prescribing the duties of the Controller and Treasurer in relation thereto.

Passed on file.

Assembly Bill No. 865—An Act to prohibit the sale of spirits, liquors, or wines without a State license, to provide for the issuance of such a license, and for the violation of the provisions of this Act, and prescribing the duties of certain officers in connection therewith.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 61 of said Act, relating to county officers.

Passed on file.

Assembly Bill No. 664—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to the designation of one of the prisons of the State as a reformatory, relating to the powers of the State Board of Prison Directors, relating to the selection and duties of the wardens, relating to the transfer of prisoners and to other matters incident thereto.

Passed on file.

Assembly Bill No. 525—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.

Read second time.

The Committee on Elections and Election Laws submitted the following amendment:

Amend by striking out all of Section 1 of the printed bill, page 2, line 18, after the word "testifying," and insert in lieu thereof the following: "Except for perjury in giving such testimony, and he shall not thereafter be liable to indictment or presentment by information, nor to prosecution or punishment for the offense with reference to which his testimony was given. No person shall be exempt from indictment, presentment by information, prosecution or punishment for the offense with reference to which he may have testified as aforesaid when such person so testifying does so voluntarily, or when such person so testifying fails to ask to be excused from testifying on the ground that

his testimony may incriminate himself, but in all such cases the testimony so given may be used in any prosecution or proceeding, civil or criminal, against the person so testifying. Any person shall be deemed to have asked to be excused from testifying under this section unless, before any testimony is given by such witness, the judge, foreman or other person presiding at such trial, hearing, proceeding or investigation shall distinctly read this section to such witness, and also state to such witness the purpose thereof; and the form of the objection by the witness shall be immaterial if he in substance makes objection that his testimony may incriminate himself, and he shall not be obliged to object to each question, but one objection shall be sufficient to protect such witness from prosecution for any offense concerning which he may testify on such trial, hearing, proceeding or investigation."

Amendment adopted.

Assembly Bill No. 525 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 440—An Act to amend Section 10 of an Act entitled "An Act creating a State commission on voting or balloting machines; defining their powers, and providing for the use, at the option of indicated local authorities, of voting or balloting machines for receiving or registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result of such elections, and providing for the punishment of all violations of the provisions of this Act relating to voting machines."

Passed on file.

Assembly Bill No. 706—An Act to amend Sections 1359 and 1367 of the Political Code of the State of California, relating to primary elections.

Read second time, ordered engrossed, and to third reading.

Assembly Bill No. 527—An Act to add a new section, to be known as Section 42½, to an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893; extending the provisions of Sections 19 to 33, inclusive, and Sections 39 to 42, inclusive, of said Act, to primary elections, and so providing for punishment of offenses at primary elections.

Read second time.

The Committee on Elections and Election Laws submitted the following amendments:

AMENDMENT No. 1.

Amend by striking out the figures " $\frac{1}{2}$ " on line 1 of the title of printed bill, page 1, and insert in lieu thereof the letter "a."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the figures " $\frac{1}{2}$ " on line 1, Section 1, page 1 of printed bill, and insert in lieu thereof the letter "a."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the figures " $\frac{1}{2}$ " on line 8, page 2 of printed bill, and insert in lieu thereof the letter "a."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out all of Section 2 of said bill.

Amendment adopted.

Assembly Bill No. 527 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 839—An Act to amend Section 12 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901.

Passed on file.

Assembly Bill No. 802—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Passed on file.

Assembly Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 183 thereof, relating to salaries and fees of county and township officers in counties of the twenty-sixth class.

Passed on file.

Assembly Bill No. 536—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 177 of said Act, relating to salaries of officers of counties of the twentieth class.

The Committee on County and Township Governments submitted the following amendment:

Amend by striking out all of Section 2, on lines 164 and 165, sixth page, printed bill.

Amendment adopted.

Assembly Bill No. 536 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 697—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.

Read second time.

The Committee on County and Township Governments submitted the following amendments:

AMENDMENT No. 1.

Amend by striking out all of lines 12 and 13, page 2 of printed bill, the words "three hundred dollars with which to pay extra deputies for said work" and insert in lieu thereof the following: "four hundred dollars to be paid field deputies for taking affidavits at the rate of ten cents each."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "not to exceed per annum for the pay of a deputy when actually employed by him," on lines 36, 37, and 38, second page, printed bill, and inserting in lieu thereof the following: "one deputy whose salary shall be fifty dollars per month, payable the same as the salaries of county officers; *provided*, that he shall keep his office open from 9 o'clock A. M. to 5 o'clock P. M. of each business day."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out all of line 104, page 4 of printed bill, beginning with the word "Provided," and all of lines 106, 107, 108, 109, 110, 111, 112, and 113.

Amendment adopted.

Assembly Bill No. 697 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 832—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 25 of said Act a new subdivision, to be known as Section 6½, and relating to cooperation by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 188—An Act to amend an Act entitled "An Act to amend an Act entitled an Act to establish a uniform system of county and township governments," approved March 23, 1901, by amending Section 208 thereof, relating to counties of the fifty-first class.

Read second time.

The Committee on County and Township Governments submitted the following amendments:

AMENDMENT No. 1.

In line 4, page 1 of title, amend by striking out, in printed bill, the word and figures "March 23, 1901," and insert in lieu thereof the word and figures "April 1, 1897."

Amendment adopted.

AMENDMENT No. 2.

In line 4, of title, page 1 of printed bill, after the figures "1897" amend by inserting the following: "and amended March 23, 1901."

Amendment adopted.

AMENDMENT No. 3.

In line 5 of title, page 1 of printed bill, amend by inserting after the word "class" the following: "The People of the State of California, represented in Senate and Assembly, do enact as follows:

"Section 1. Section 208 of an Act entitled 'An Act to establish a uniform system of county and township governments' approved April 1, 1897, and amended March 23, 1901, is hereby amended to read as follows:

"Section 208. In counties of the fifty-first class."

Amendment adopted.

AMENDMENT No. 4.

On page 2, in line 36 of subdivision II of printed bill, amend by striking out the word "six" after the word "school," and insert in lieu thereof the word "fifteen."

Amendment lost.

Mr. Creighton offered the following amendment:

Amend Assembly Bill No. 188 as follows: Strike out of line 36, on page 2 of printed bill, the word "six," and insert in lieu thereof the word "nine."

Amendment adopted.

Assembly Bill No. 188 ordered to engrossment, print, and on third-reading file.

Assembly Bill No. 840—An Act to amend an Act entitled "An Act to establish a uniform system of county government," by amending Section 179 thereof.

Read second time.

The Committee on County and Township Governments submitted the following amendments:

AMENDMENT No. 1.

In line 2 of title, page 1 of printed bill, amend by inserting after the word "county" the words "and township."

Amendment adopted.

## AMENDMENT No. 2.

Amend by inserting after the word "government" the following: "Approved April 1, 1897, and amended March 23, 1901."

Amendment adopted.

## AMENDMENT No. 3.

In line 2, page 1 of printed bill, after the word "county" insert the words "and township."

Amendment adopted.

## AMENDMENT No. 4.

In line 3 of page 1 of printed bill, after the word "government," insert the following: "approved April 1, 1897, and amended March 23, 1901."

Amendment adopted.

## AMENDMENT No. 5.

In line 65, page 3, of printed bill, after the word "township," amend by striking out the word "and" and insert in lieu thereof the word "in."

Amendment adopted.

## AMENDMENT No. 6.

On page 7, line 234 of the printed bill, strike out after the word "courts" the following: "the monthly salary of seventy-five dollars payable out of the county treasury at the same time and in the same manner as the salary of county officers," and insert in lieu thereof "the per diem of ten dollars, said per diem in criminal cases to be audited and allowed by the board of supervisors as other claims against the county are allowed and paid out of the county treasury."

Amendment lost.

Mr. Creighton offered the following amendment:

Amend Assembly Bill No. 840 as follows: Strike out all of Section 16 of pages 2 and 3 of printed bill.

Amendment adopted.

Assembly Bill No. 840 ordered to engrossment, print, and on third reading file.

Assembly Bill No. 618—An Act to authorize the appointment of an interpreter of the Spanish language in counties of the first and one-half class.

Passed on file.

Assembly Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 12 of Article XIII, relating to revenue and taxation.

Passed on file.

Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Section 19, of Article V of said Constitution, relating to the compensation of State officers.

Passed on file.

Assembly Constitutional Amendment No. 13—A resolution proposing to the people of the State of California an amendment to Article XI of the Constitution of the State of California, by adding a new section thereto to be numbered Section 13 $\frac{1}{2}$ , of Article XI, relating to the making of public bonds payable at any place within the United States.

Passed on file.

Assembly Constitutional Amendment No. 14—A resolution proposing to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters.

Passed on file.



## REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following report:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 653—An Act to provide one additional judge of the superior court of the County of San Joaquin, State of California; for the manner of his election, and for his compensation.

Also: Assembly Bill No. 456—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Assembly Bill No. 777—An Act to regulate the purchase of supplies for the State Institutions and for public officials, and to encourage the use of articles of domestic manufacture.

Also: Assembly Bill No. 821—An Act amending an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

Also: Assembly Bill No. 676—An Act providing for holidays for employes of the State of California or any political subdivision thereof.

Also: Assembly Bill No. 695—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by adding a new section thereto, relating to the powers and duties of boards of supervisors.

Also: Assembly Bill No. 201—An Act authorizing the Board of Directors of the Veterans' Home of California to purchase and take over, for the State of California, to be used and controlled by said board in the interests of the Veterans' Home of California, a certain piece of land adjoining the premises of the said Veterans' Home of California in the County of Napa, and appropriating the sum of three thousand dollars to pay for the purchase of the same.

Also: Assembly Bill No. 766—An Act to repeal Chapter I of Title IV of the Political Code of California, and to substitute therefor a new Chapter I, relating to the State militia.

Also: Assembly Bill No. 770—An Act to amend Section 442, Title XII, of the Penal Code of California, relating to crimes against the revenue and property of this State.

Also: Assembly Bill No. 769—An Act to repeal Section 443, Title XII, of the Penal Code of California.

Also: Assembly Bill No. 767—An Act to repeal Sections 725, 728, 729, 730, 731, 732, and 733, all of Chapter V, Title I, Part 11 of the Penal Code of California, relating to suppression of riots.

Also: Assembly Bill No. 768—An Act to amend the Penal Code of the State of California by adding thereto new sections, numbered 421 and 422, providing for punishment of persons and associations conniving against and attempting to injure the National Guard of California and members thereof.

DEVLIN, Chairman.

## THIRD-READING FILE.

The third-reading file was then taken up.

Assembly Bill No. 56—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relation to justice courts and justices.

Passed on file.

Assembly Bill No. 364—An Act giving to superior judges the right to impose indeterminate sentences, and prescribing the method of imposing the same.

Passed on file.

Assembly Bill No. 541—An Act fixing the salaries of three assistant reporters of the decisions of the Supreme Court and District Courts of Appeal.

Passed on file.

## SECOND-READING FILE.

Mr. Atkinson moved to take up the second-reading file.

Motion carried.

The following bills were called up:

Assembly Bill No. 210—An Act making an appropriation for repairs and improvements on buildings and grounds of the Woman's Relief

Corps Home (located at Evergreen, Santa Clara County) for ex-army nurses, and indigent widows, wives, mothers, and dependent maiden daughters and sisters of Union veterans who served honorably in the War of the Rebellion.

Read second time.

MOTION.

Mr. Atkinson moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 210.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Assembly Bill No. 210 was considered in Committee of the Whole.

Mr. Atkinson moved that the Committee of the Whole do rise and report Assembly Bill No. 210 back, with a recommendation that it do pass.

Motion carried.

IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 210—An Act making an appropriation for repairs and improvements on buildings and ground of the Woman's Relief Corps Home (located at Evergreen, Santa Clara County) for ex-army nurses and indigent widows, wives, mothers, and dependent maiden daughters and sisters of Union veterans who served honorably in the War of the Rebellion—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

Report adopted.

Assembly Bill No. 210 ordered to engrossment and on third-reading file.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 376—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1873, by amending Section 1624, prescribing what contracts must be in writing.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 291—An Act making an appropriation to pay the claim of John Burr.

Read second time.

MOTION.

Mr. Goodrich moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 291.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Assembly Bill No. 291 was considered in Committee of the Whole.

Mr. Goodrich moved that the Committee of the Whole rise and report back Assembly Bill No. 291, with a recommendation that it do pass.

Motion carried.

IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 291—An Act making an appropriation to pay the claim of John Burr—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

Report adopted.

Assembly Bill No. 291 ordered to engrossment and on third-reading file.

## SECOND-READING FILE—(RESUMED).

An Act to pay the claim of D. D. McLaren against the State of California.

Passed on file.

Assembly Bill No. 819 (Committee Substitute for Assembly Bills Nos. 231, 455, 570)—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628a, 628b, 628c, 628d, and 632a, all relating to the protection and preservation of fish.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 820 (Committee Substitute for Assembly Bills Nos. 14, 425, 568)—An Act to amend Sections 626, 626c, 626d, 626f, 626g, 626i, 626k, 627a, 627b, 631, and 631a of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631c, all relating to the protection and preservation of game.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 588—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to purchase lands in the City of Los Angeles for a new site for said school, and provide plans, drawings, and specifications for a new normal school building or buildings and improvements to be located thereon, and making an appropriation of \$60,000 with which to purchase and improve said new site, procure said plans and specifications, and defray other expenses necessary to carry out the provisions of this Act.

Passed on file.

## SENATE BILL ORDERED ON FILE.

On motion of Mr. Chandler, Senate Bill No. 266 was ordered on the special Senate file.

## BILL REFERRED TO COMMITTEE.

On motion of Mr. Goodrich, Assembly Bill No. 752 (No. 301 on file) was referred to the Committee on Ways and Means, to retain its place on file.

## RECESS.

Mr. Atkinson, at four o'clock and twenty-five minutes P. M., moved that the Assembly take a recess until seven o'clock and thirty minutes P. M. Motion carried, and recess declared.

## EVENING SESSION.

The Assembly reconvened at seven o'clock and thirty minutes P. M. The Speaker, Hon. Frank C. Prescott, in the chair.

## PRIVILEGES OF THE FLOOR.

On motion of Mr. Anthony the privileges of the floor were extended to Hon. W. W. Allen, Jr., an ex-member of the Assembly.

## RESOLUTION—(OUT OF ORDER).

Mr. Waste was granted leave to submit (out of order) the following resolution :

WHEREAS, On the 6th day of February, 1905, a memorial in writing on the part of John H. Leonard, Esq., et al, charging therein the Hon Lucas F. Smith, Judge of the Superior Court of the County of Santa Cruz, State of California, with the commission of certain misdemeanors in office, in that said memorial does contain twelve specific charges of misdemeanors in office by the said Judge Lucas F. Smith, and was presented to and filed in this Assembly; and

WHEREAS, This Assembly did, on the 7th day of February, 1905, adopt a resolution wherein and whereby the Speaker of this Assembly was duly authorized to appoint a select committee of five members thereof to investigate said charges, and to report to this Assembly whether the said Lucas F. Smith has so acted in his judicial capacity or otherwise, as to require the exercise of the constitutional power of this Assembly to remove him by impeachment, or otherwise; and

WHEREAS, On the 7th day of February, 1905, in pursuance of said resolution, the Hon. Frank C. Prescott, Speaker of the Assembly, did appoint Assemblymen McCartney, chairman; Atkinson, Beardslee, Burke, and Lumley as such committee, and

WHEREAS, Said committee has since been engaged in the performance of its duties in the manner provided by law and as required by said resolution; and

WHEREAS, One Arthur A. Taylor, a resident of the County of Santa Cruz, State of California, is the proprietor and publisher of a newspaper of general circulation printed and published at Santa Cruz in the County of Santa Cruz, State of California, which paper is known and designated as the "Santa Cruz Surf," and which said newspaper is a newspaper of general circulation in the said County of Santa Cruz and elsewhere in the State of California, and on the 8th day of February, 1905, the said Arthur A. Taylor did with the intent and purpose to interrupt and interfere with the due course of the investigation, by said committee, of the charges preferred against the said Lucas F. Smith, cause to be published in the said "Santa Cruz Surf," the newspaper hereinbefore referred to, the following article:

## "WILL DO NO HARM.

"The Speaker appointed McCartney, Atkinson, Beardslee, Burke, and Lumley a committee to investigate the charges against Superior Judge Smith of Santa Cruz. Legislative proceedings.

"McCartney, chairman of the committee, is a Los Angeles judge, who has had previous experience in the Assembly, and is regarded as a reliable programmer. The same can be said of Lumley, a Kern County member of established reputation.

"Atkinson is one of Ruef's men from San Francisco; Beardslee is from Stockton, and Burke from Alameda. They are new members, but undoubtedly can be trusted to sign the proposed report.

"The Surf" is not informed as to what day the committee will honor Santa Cruz by accepting the local hospitalities."

And that on the tenth day of February, 1905, the said Arthur A. Taylor, with the intent and purpose to interrupt and interfere with the due course of the investigation by said committee of the charges preferred against the said Lucas F. Smith, did cause to be published in the said "Santa Cruz Surf," the newspaper hereinbefore referred to, the following article:

"There is much talk about the proper entertainment to be offered the visiting statesmen. A citizen of more levity than dignity inquires of the 'Surf' whether the Board of Trade or the Retail Liquor Dealers' Association should sustain the relation of hosts, but such ribald suggestions are not worthy of serious attention"; and

WHEREAS, The following statements contained in said article, to wit:

"McCartney, the chairman of the committee, is a Los Angeles judge, who has had previous experience in the Assembly, and is regarded as a reliable programmer. The same can be said of Lumley, a Kern County member of established reputation" "Atkinson is one of Ruef's men from San Francisco; Beardslee is from Stockton, and Burke from Alameda. They are new members, but undoubtedly can be trusted to sign the proposed report"—are maliciously false and untrue, and intended by the said Arthur A. Taylor to interrupt and interfere with the due and orderly progress of this committee in the investigation of the charges against said Lucas F. Smith hereinbefore referred to; and

WHEREAS, The said Arthur A. Taylor, by causing the printing, publishing, and circulating of the articles in said newspaper at the times as herebefore mentioned, did disturb the due and orderly course of proceeding of the investigation of the charges, and did thereby have for the object and purpose thereof the belittling of such committee in

public estimation, and to discredit any report that this committee might make of the matter by it being investigated, and the same is a contempt of the lawful authority, dignity, and proceeding of this Assembly; and

WHEREAS, The proceedings of said Assembly, acting through said committee, have been interrupted and the respect due said authority impaired by the said A. A. Taylor causing to be printed, published, and circulated said articles in all portions of said State of California, and particularly in the County of Santa Cruz, in which county the said committee will sit, and hear evidence in said matter, and that proceedings of the Legislature, through the said committee, will be disturbed, impaired, and held up to ridicule by reason of the publishing, printing, and circulating of the aforesaid articles; therefore, be it

Resolved, That this Assembly do issue a subpoena whereby the said A. A. Taylor is required to appear before this Assembly on the 20th day of February, 1905, then and there to show cause, if any there be, why he should not be punished for contempt of this Assembly, committed by him, the said Arthur A. Taylor, in the publication of the articles hereinbefore referred to, and that the Sergeant-at-Arms of the Assembly be and he is hereby authorized and directed to serve said subpoena upon the said Arthur A. Taylor in the manner required by law.

Resolution read.

Mr. Waste moved that the resolution be printed in the Journal and made a special order for to-morrow (Tuesday) morning, immediately after the reading of the Journal.

Mr. Walsh moved to lay the motion on the table.

Messrs. Stanton, Cleveland, and Transue demanded the ayes and noes.

The roll was called and the motion to lay on the table lost by the following vote:

AYES—Messrs. Arnerich, Chandler, Cleveland, Espey, Goodrich, Houser, Johnson, Johnstone, Strobbridge, and Walsh—10.

NOES—Messrs. Anthony, Barnes, Bates, Beardslee, Branstetter, Coghlan, Coyle, Gans, Hartman, Hawkins, Held, Jarvis, John, Jury, Lucey, McCartney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Slaven, Stanton, Transue, Tripp, Vogel, Waste, Whiting, and Mr. Speaker—34.

The question then recurring on the motion of Mr. Waste, the same was put.

Motion carried, and resolution set as a special order for consideration immediately after the reading of the Journal on Tuesday, February 14, 1905.

#### SECOND READING OF BILLS.

The regular order being the second reading of bills, the following were considered:

Assembly Bill No. 640—An Act to amend Sections 1444, 1445 and 1449 of the Code of Civil Procedure, relating to the appraisement of estates, and providing for the appointment of an official appraiser in each county in the State.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 581—An Act to add a new section to the Civil Code of the State of California, to be numbered 328, relating to lost or destroyed certificates of stock or of shares in a corporation.

Read second time.

The following committee amendment was read:

Amend by striking out all of Section 2, on second page, printed bill.

Amendment adopted.

Bill ordered engrossed, to reprint, and on third-reading file.

Assembly Bill No. 649—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended

under his direction in the discharge of his duties as such commissioner," approved March 24, 1893.

Read second time, ordered engrossed and to third reading.

SPEAKER PRO TEM. CALLED TO THE CHAIR.

At seven o'clock and forty-five minutes P. M., Speaker pro tem. Hon. T. E. Atkinson was called to the chair.

Assembly Bill No. 442—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation of property may be imposed upon and performed by county and State officers; and making county officers in certain cases ex-officio officers of the State.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 94—An Act to amend Section 1618 of the Code of Civil Procedure, relating to the compensations of executors and administrators, and to add a new section to said Code, to be known as Section 1619, relating to the compensation of executors and administrators.

Read second time.

The following amendments were read:

AMENDMENT No. 1.

Amend by striking out of line 7, page 1 of printed bill the word "five," and insert in lieu thereof the word "seven."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting at the end of the printed bill the following: "Section 3. Nothing in this Act shall be construed to apply to any estate in course of administration at time this Act goes into effect"

Amendment adopted.

Bill ordered to print, engrossment, and on third-reading file.

Assembly Bill No. 170—An Act to amend Sections 1769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

Read second time.

The following committee amendments were read:

AMENDMENT No. 1.

Amend by striking out the period (.) after the second word "city," on line 4, page 2, printed bill, and inserting in lieu thereof a comma (,) and the following words, to wit: "provided, that the provisions of this section as to the establishment of recorders' courts and recorders in such city shall not apply to any such city in which a city justice's court or a city justice of the peace is now or may hereafter be established, and any recorder's court now existing in any such last-mentioned city is hereby abolished."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all of Section 4, third page, printed bill.

Amendment adopted.

Bill ordered to print, engrossment, and on third-reading file.

Assembly Bill No. 918—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 919—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justices' courts.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 836—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 412 thereof, relating to the service of summons by publication, and as to the nature of the judgment in such cases.

Read second time.

The following committee amendments were read:

AMENDMENT No. 1.

Amend by striking out of line 27, page 2 of printed bill, the word "without," and insert in lieu thereof the word "without."

Amendment adopted.

AMENDMENT No. 2

Amend by inserting after the title, the following: "The People of the State of California, represented in Senate and Assembly, do enact as follows:"

Amendment adopted.

AMENDMENT No. 3.

After the word "served," in line 2 of the printed bill, insert: "or where such foreign corporation has designated some person upon whom such process may be served, and such person has departed from the State, or can not, after due diligence, be found within the State, or conceals himself to avoid the service of summons."

Amendment adopted.

Assembly Bill No. 836 was ordered to print, engrossment, and on third-reading file.

Assembly Bill No. 747—An Act to amend Section 945 of the Penal Code, relating to the joinder of charges in one indictment or information.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 445—An Act to amend Section 806 of Article VI of Chapter VI of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, with amendments to March 1, 1903, relating to the recorder's court.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 237—An Act to amend Section 1670 of the Political Code, relating to the establishment and maintenance of high schools.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 744—An Act to amend Section 1577 of the Political Code, relating to the formation of school districts.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 571—An Act to regulate the placing, installing, and maintaining of electric works, wiring, and appliances in buildings and other structures.

Read second time, ordered engrossed, and on third-reading file.

Assembly Bill No. 564—An Act making an appropriation for traveling and contingent expenses of the Department of Highways for the remainder of the fifty-sixth fiscal year.

Read second time.

The following committee amendments were read:

AMENDMENT No. 1.

Amend by making Section 2 read as follows: "The State Controller is hereby authorized and directed to draw his warrant for the above-named amount in favor of Nathaniel Ellery, and the State Treasurer is directed to pay the same."

Amendment adopted.

## AMENDMENT No. 2.

Amend by making "Section 2" read: "Section 3."

Amendment adopted.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole, with Speaker pro tem. Atkinson in the chair, to consider Assembly Bill No. 564.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Atkinson in the chair.

Assembly Bill No. 564 was considered in Committee of the Whole.

Mr. Rolley moved that the Committee of the Whole do now rise and report back Assembly Bill No. 564 with a recommendation that it do pass, as amended.

Motion carried.

## IN ASSEMBLY.

Speaker pro tem. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 564—An Act making an appropriation for traveling and contingent expenses of the Department of Highways for the remainder of the fifty-sixth fiscal year—and do now report and recommend that the same do pass as amended.

ATKINSON, Chairman.

Report of the Committee of the Whole adopted.

Assembly Bill No. 564 ordered to print, engrossment, and on third-reading file.

## SECOND-READING FILE—(RESUMED).

Assembly Bill No. 816—An Act to amend Section 874 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 286—An Act making an appropriation to pay for bituminous pavement of the street in front of the Industrial Home of Mechanical Trades for the Adult Blind, Oakland, California.

Read second time.

Mr. Stanton moved that the Assembly resolve itself into the Committee of the Whole, with Speaker pro tem. Atkinson in the chair, to consider Assembly Bill No. 286.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Atkinson in the chair.

Assembly Bill No. 286 was considered in Committee of the Whole.

Mr. Stanton moved that the Committee of the Whole do now rise and report back Assembly Bill No. 286, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker pro tem. Atkinson in the chair.



## REPORT OF COMMITTEE OF THE WHOLE

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 286—An Act making an appropriation to pay for bituminous pavement of the street in front of the Industrial Home of Mechanical Trades for the Adult Blind, Oakland, California—and do now report the same back, and recommend that the same do pass

ATKINSON, Chairman.

Report of the Committee of the Whole adopted.

Bill ordered to engrossment and on third-reading file.

## SECOND-READING FILE—(RESUMED).

Assembly Bill No. 530—An Act making an appropriation of \$4,731.20 for transportation of officers and members of the National Guard of California.

Read second time.

Mr. Stanton moved that the Assembly resolve itself into the Committee of the Whole, with Speaker pro tem. Atkinson in the chair, to consider Assembly Bill No. 530.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Atkinson in the chair.

Assembly Bill No. 530 was considered in Committee of the Whole.

Mr. Stanton moved that the Committee of the Whole do now rise and report back Assembly Bill No. 530, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker pro tem. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 530—An Act making an appropriation of \$4,731.20 for the transportation of officers and members of the National Guard of California—and do now report the same back, and recommend that the same do pass.

ATKINSON, Chairman.

Report of Committee of the Whole adopted.

Bill ordered to engrossment and on third-reading file.

Assembly Bill No. 745—An Act making an appropriation to pay assessments for sewers on street frontage at the Industrial Home of Mechanical Trades for the Adult Blind.

Read second time.

Mr. Stanton moved that the Assembly resolve itself into the Committee of the Whole, with Speaker pro tem. Atkinson in the chair, to consider Assembly Bill No. 745.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Atkinson in the chair.

Assembly Bill No. 745 was considered in Committee of the Whole.

Mr. Stanton moved that the Committee of the Whole do now rise and report back Assembly Bill No. 745, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker pro tem. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 745—An Act making an appropriation to pay assessments for sewers on street frontage at the Industrial Home of Mechanical Trades for the Adult Blind, and do now report the same back, and recommend that the same do pass.

ATKINSON, *Chairman.*

Report of Committee of the Whole adopted.

Bill ordered to engrossment and on third-reading file.

## SECOND-READING FILE—(RESUMED).

Assembly Bill No. 483—An Act to repeal Title XV of Part IV of Division I of the Civil Code, and to substitute therefor in said Code a new Title XV, relating to corporations formed for the purpose of furnishing light for public use.

Read second time.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out the words "Section 630. Deposit in advance, when must be made," on line 8, first page, printed bill, and inserting in lieu thereof the following:

"Section 630. When corporations may refuse to supply gas"

"Section 630a. When corporations may refuse to supply electric current for light."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out the whole of lines 30 to 32 inclusive, second page, printed bill, and inserting in lieu thereof the following:

"631. Any owner, manager or superintendent of gas or electric works, or agent of such owner, manager or superintendent, exhibiting written authority, signed by such owner, manager or superintendent, or any agent of."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the whole of lines 25 to 29 inclusive, on second page, printed bill, and inserting in lieu thereof the following:

"630. No corporation is required to lay service pipe where serious obstacles exist for laying it, unless the applicant, if required, deposits in advance, with the corporation, a sum of money sufficient to pay the costs of laying such service pipe, or his proportion thereof."

Amendment adopted.

## AMENDMENT No. 3.

"630a. No corporation is required to construct lines for the supply of electric currents for light where serious obstacles exist, nor shall such corporation be required to supply such currents from a direct wire at a distance too remote from the generating station to insure a sufficient supply; nor is such corporation required to supply electric current for light from a primary wire carrying current of high voltage, unless the applicant deposit, in advance, a sum of money sufficient to pay the actual costs of such construction, and for the appliances required to supply electric current with safety at the proper voltage."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out the words "or fittings," on line 45, second page, printed bill, and inserting in lieu thereof the words "fittings or appliances."

Amendment adopted.

Assembly Bill No. 483 ordered to print, engrossment, and on third-reading file.

Assembly Bill No. 879—An Act to add a chapter to Title I of Part IV of Division First of the Civil Code, relating to foreign corporations.

Read second time, ordered engrossed, and on third-reading file.

Assembly Bill No. 39—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 939 and 963 of said Code of Civil Procedure, relating to appeals.

Read second time.

The following committee amendments were read :

AMENDMENT No. 1.

Amend by inserting in line 14, in Section 1, page 2 of printed bill, before the word "refusing," the words "granting or"

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting in line 9, Section 2, page 2 of printed bill, before the word "refusing," the words "granting or."

Amendment adopted.

AMENDMENT No. 3.

Strike out all of Section 3 of the printed bill.

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out of lines 1 and 2, page 1, printed bill, the words "An Act entitled an Act to establish a Code of Civil Procedure," and insert in lieu thereof the words "The Code of Civil Procedure."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out of lines 1 and 2, Section 2, page 2 of printed bill, the words "An Act entitled an Act to establish a Code of Civil Procedure," and insert in lieu thereof the words "The Code of Civil Procedure."

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out of line 7, page 1 of printed bill, the word "entry," and insert in lieu thereof the word "rendition."

Amendment adopted.

Assembly Bill No. 39 ordered to print, engrossment, and on third-reading file.

CONSIDERATION OF SENATE BILL—(OUT OF ORDER).

On motion, the following bills were taken up (out of order) for consideration:

Senate Bill No. 190—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

Read third time.

Mr. Held moved that a select committee of one be appointed by the Speaker to amend the bill as follows:

Amend by striking out of the enacting clause the word "the" before the word "Senate"

Motion carried.

Mr. Held was appointed as such select committee.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905.

MR. PRESIDENT: Your select committee of one, to whom was referred Senate Bill No. 190—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts—with instructions, does now report that the instructions of the Assembly have been carried out

HELD, Committee.

Report of select committee adopted.

Senate Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

Read third time.

Mr. Held moved that a select committee of one be appointed by the Speaker to amend the bill as follows:

Strike out of the enacting clause the word "the" before the word "Senate."

Motion carried.

Mr. Held was appointed as such select committee.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905

MR. SPEAKER. Your select committee of one, to whom was referred Senate Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts—with instructions, does now report that the instructions of the Assembly have been carried out

HELD, Committee

Report of select committee adopted.

Assembly Bill No. 204—An Act to amend Section 634 of the Political Code, relating to the registration of life insurance policies and deposit of security with Insurance Commissioner thereof.

Read third time.

Mr. Transue moved that a select committee of one be appointed by the Speaker to amend Assembly Bill No. 204, as follows:

Amend Assembly Bill No. 204 by striking out on line 4, page 1, the words "organized under the laws of this State for the transaction of," and inserting in lieu thereof the word "transacting."

Also: Insert after the words "life insurance," on line 5, page 1, the words, "in this State."

Also: Strike out the words "twenty-seven," on line 31, page 2, and insert in lieu thereof the words "twenty-one."

Also: After the word "companies," on line 23, page 2, strike out the following: "Or certificates of deposit in any bank authorized to do business in cities of the first or second or third or fourth or fifth classes or in cities organized or existing under freeholders charters, provided, however, that the aggregate amount of certificates of deposit from any one bank so deposited with the commissioner shall not exceed ten (10) per cent of the paid-up capital of such bank."

Motion carried.

Mr. Transue was appointed as such select committee.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 204—An Act to amend Section 634 of the Political Code, relating to the registration of life insurance policies and deposit of security with Insurance Commissioner thereof—with instructions, does now report that the instructions of the Assembly have been carried out.

TRANSUE, Committee.

Report of select committee adopted.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

## ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 775—An Act to amend Section 1771 of the Political Code relating to powers of county boards of education—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass, as amended.

Also: Assembly Bill No. 556—An Act appropriating the sum of \$12,000 for the purchase and installment of a heating plant for the use of the State Normal School at Chico.

Also: Committee Substitute for Senate Bill No. 246—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SLAVEN, Chairman

Assembly Bills Nos. 775, 556, and 246 ordered on second-reading file.

## ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 115—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 283 thereof, relating to the punishment for the crime of bigamy—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Judiciary.

Also: Assembly Bill No. 260—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 337½, to prohibit betting or wagering by pool or otherwise upon the result of any trotting, pacing or running race between horses, and providing the punishment therefor.

Also: Assembly Bill No. 828—An Act to amend Section 315 of the Penal Code of the State of California, relating to the keeping of and residing in a house of ill-fame

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Assembly Bill No. 42—An Act to amend an Act entitled "An Act to punish adultery," approved March 15, 1872.

Also: Assembly Bill No. 254—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof

Have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Assembly Bill No. 43—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 283 and 284 of said Penal Code, relating to the punishment of bigamy—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended

LUCEY, Chairman.

Assembly Bills Nos. 115, 260, 828, 42, 254, and 43 ordered on second-reading file.

## ON COMMISSIONS AND PUBLIC EXPENDITURES.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Assembly Bill No. 792—An Act appropriating money to pay the expenses of collecting, forwarding, installing, and returning an exhibit of the State of California at the International Exposition at Liege, Belgium, in 1905, etc.—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass

VOGEL, Chairman

Assembly Bill No. 472 ordered on second-reading file.

## MESSAGES FROM THE SENATE—(OUT OF ORDER).

The following messages from the Senate were, on motion, taken up and read:

SENATE CHAMBER, SACRAMENTO, February 13, 1905.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day amended and passed Assembly Bill No. 122—An Act to regulate the work and

hours of employes engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof—and ask the concurrence of your honorable body in the same

Also: Concurred in Assembly amendments to Senate Bill No. 218.

Also: Returned for correction Senate Bill No. 31.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 13, 1905.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 88—An Act forbidding the payment of municipal officers out of the funds of the county.

Also: Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof

LEWIS A. HILBORN, Secretary of Senate.

Also:

SENATE CHAMBER, SACRAMENTO, February 13, 1905

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 20—An Act to repeal two sections of the Code of Civil Procedure, each being numbered 1161, approved April 1, 1878, and to substitute therefor a new section to be numbered 1161, relating to unlawful detainer.

Also: Assembly Bill No. 407—An Act to amend Section 78 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary

Assembly Bill No. 122, with Senate amendments, ordered on file as unfinished business.

Senate Bill No. 31 ordered on file.

Senate Bill No. 88 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 8 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 20 and 407 ordered to enrollment.

#### ADJOURNMENT.

At eight o'clock and fifty minutes P. M., on motion of Mr. McCartney, the Assembly was declared adjourned until ten o'clock A. M., Tuesday, February 14, 1905.

#### IN ASSEMBLY.

ASSEMBLY CHAMBER,

Tuesday, February 14, 1905. }

The Assembly met at ten o'clock A. M., pursuant to adjournment.

Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

#### ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Slaven, Strobbridge, Thompson, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—62.

Quorum present.

## LEAVES OF ABSENCE.

Leave of absence was granted to Mr. Mindham for Tuesday and Wednesday, and Messrs. Tripp and King for the day.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Pfaeffle, further reading of the Journal was dispensed with.

## SPECIAL ORDER.

The special order set for this time was called up, being resolutions offered by Mr. Waste on the previous evening to cite A. A. Taylor to show cause why he should not be punished for contempt.

## SPECIAL COMMITTEE TO BE APPOINTED.

Mr. Waste moved that the resolutions be referred to a special committee of five, to report back to-morrow (Wednesday) morning, immediately after the reading of the Journal.

Motion carried.

## REPORTS OF STANDING COMMITTEES.

Reports from standing committees were presented and read, as follows:

## ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 872—An Act amending the Political Code of the State of California, by adding thereto a new section, numbered 3571½, relating to the public lands of this State.

Also: Assembly Bill No. 870—An Act amending the Political Code of the State of California by adding a new section, numbered 3418, relating to the public lands of this State.

Also: Assembly Bill No. 463—An Act to amend Section 3805a of the Political Code of the State of California, relative to clearing title upon lands upon which assessments have been improperly made, and providing the procedure whereby title to such lands may be cleared.

Also: Assembly Bill No. 250—An Act providing for the creation and management of the California Pine Park, commonly known as the "Seventeen-Mile Drive," making appropriations therefor, creating a board of three commissioners with power to make, purchase, and to manage said California Pine Park.

Also: Assembly Bill No. 871—An Act in relation to the State school lands of this State.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MITCHELTREE, Chairman.

Assembly Bills Nos. 872, 870, 463, 250, and 871 ordered on second-reading file.

## BILL RECALLED FROM COMMITTEE.

Mr. Atkinson moved that Assembly Bill No. 873 be recalled from the Committee on Engrossment and Enrollment for the purpose of amendment.

So ordered.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

Reports from standing committees were presented and read as follows:

## ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 847—An Act to pay the claim of E. D. McCabe against the State of California, and to appropriate money therefor.

Also: Assembly Bill No. 763—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Also: Assembly Bill No. 729—An Act to authorize the payment of moneys now in the hands of the Governor of the State, as commander-in-chief of the military forces of the State, received by him from the United States, for the payment of amounts due to California United States Volunteers of the late war with Spain, under the provisions of an Act of Congress entitled "An Act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States, to raise and organize and supply and equip the volunteer army of the United States in the existing war with Spain," approved July 8, 1898, as amended by an Act of Congress, approved March 3, 1899, direct to the heirs of any deceased claimants against said fund without administration.

Also: Assembly Bill No. 857—An Act making an appropriation to pay the claim of Messrs. Daugherty & Lacey for legal services rendered at the request of the Attorney-General in the prosecution of Ed. Morton for highway robbery.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SEVERANCE, Chairman.

Assembly Bills Nos. 847, 763, 729, and 857 ordered on second-reading file, and referred to Committee on Ways and Means.

## BILL TAKEN UP.

Mr. Atkinson moved to take up Assembly Bill No. 122 (reported from the Senate on the previous day as having been amended), for the purpose of concurring in the amendments.

Motion carried.

Assembly Bill No. 122—An Act to regulate the work and hours of employes engaged in selling, at retail, drugs and medicines and compounding physicians' prescriptions, and providing a penalty therefor.

## SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 122 were read :

On page 2, Section 3, lines 4 and 5, strike out the word "six," on line 4, and the word "months," on line 5, and insert in lieu thereof, after the word "exceeding," in line 4, the words "sixty days."

Also: On page 2, section 3, lines 3 and 4, strike out on line 3 the word "exceeding," and on line 4 the words "five hundred dollars," and insert in lieu thereof, on line 3, after the word "not," the words "less than twenty dollars nor more than fifty dollars."

Also: On page 2, Section 2, line 8, strike out all of the words on lines 8, 9, 10, 11, and 12, and insert in lieu thereof, after the word "more," at the end of line 7, the words "than an average of ten hours a day, or sixty hours a week of six consecutive calendar days."

Also: On page 1, Section 1, line 8, strike out after the word "compounded" all the rest of Section 1, and insert in lieu thereof a period after the word "compounded," on line 8.

Also: On page 1, Section 1, line 3, strike out the words "ten hours during any one calendar day," and insert in lieu thereof the following: "An average of ten hours a day, or sixty hours a week of six consecutive calendar days."

Mr. Atkinson moved that the Assembly concur in all the Senate amendments.

The question being, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 122?"



## SENATE AMENDMENTS CONCURRED IN.

The roll was called, and the Senate amendments were concurred in by the following vote:

**AYES**—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Busick, Cooper, Coyle, Cromwell, Cullen, Ells, Espey, Estudillo, Gans, Gates, Hawkins, Held, Houser, Jarvis, John, Johnson, Jones of Tuolumne, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McNamara, Meineke, O'Brien, Olmsted, Perkins, Pfaffle, Prescott, Pryor, Pyle, Severance, Strobridge, Thompson, Treadwell, Vogel, Walsh, Waste, Weyand, and Whiting—51.

**NOES**—None.

## BILL RECALLED FROM COMMITTEE AND AMENDED.

Mr. Atkinson moved that Assembly Bill No. 873 be recalled from Committee on Engrossment and Enrollment for the purpose of amendment on second reading.

Motion carried.

Assembly Bill No. 873—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, by amending Section 167, relating to counties of the tenth class, and providing for certain increases of salaries and deputies.

Mr. Atkinson moved that Assembly Bill No. 873 be amended as follows:

## AMENDMENT No. 1

At page 2, line 29 of the printed bill, after the comma insert the word "and"

Amendment adopted.

## AMENDMENT No. 2.

At page 2, line 36 of the printed bill, after the word "month" insert the word "each."

Amendment adopted.

## AMENDMENT No. 3.

At page 4, line 121 of the printed bill, strike out the word "thirty" and insert in lieu thereof the word "fifty."

Amendment adopted.

## AMENDMENT No. 4

At page 5, line 163 of the printed bill, after the word "shall" insert the words "be and he is hereby constituted a county officer, and shall."

Amendment adopted.

## AMENDMENT No. 5.

At page 5, line 164, and page 6, lines 165 and 166 of the printed bill, strike out the words "and when requested by a justice of the peace, or coroner, in preliminary examinations, or inquests."

Amendment adopted.

Assembly Bill No. 873 ordered to print, engrossment, and on third-reading file.

## INTRODUCTION AND REFERENCE OF BILLS.

Bills were introduced and referred, as follows:

By Mr. Treadwell: Assembly Bill No. 942—An Act to amend Section 791 of the Political Code, relating to the number of notaries public.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 943—An Act to appropriate the sum of \$2,000 for the purpose of diffusing information regarding tuberculosis and the methods of preventing the spread of the same.

Read first time, and referred to Committee on Ways and Means.

By Mr. Busick: Assembly Bill No. 944—An Act concerning the payment of the expenses and costs of trials prosecuted under Sections 81, 82, 83, 84, 85, 86, 87, and 89 of the Penal Code of the State of California, or either of said sections.

Read first time, and referred to Committee on Judiciary.

By Mr. Bliss: Assembly Bill No. 945—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Read first time, and referred to Committee on Counties and County Boundaries.

By Mr. McCartney: Assembly Bill No. 946—An Act to amend Section 1 of an Act entitled "An Act to authorize suits against the State and regulating the procedure therein," approved February 28, 1893.

Read first time, and referred to Committee on Judiciary.

By Mr. Prior: Assembly Bill No. 947—An Act to add a new section to the Penal Code, to be known as Section 653*d*, relating to attempts by members of boards of directors of State institutions or State commissions to ask, solicit, demand, or control appointments to be made by any officer appointed by said State board or commission.

Read first time, and referred to Committee on Judiciary.

By Mr. Drew (by request): Assembly Bill No. 948—An Act to amend Section 381*a* of the Penal Code of the State of California.

Read first time, and referred to Committee on Judiciary.

By Mr. Duryea: Assembly Bill No. 949—An Act to amend the Political Code by adding a new section thereto, to be numbered 1033, relating to compensation of State officers.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 950—An Act to amend Section 1 of an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899.

Read first time, and referred to Committee on Judiciary.

Assembly Bill No. 951—An Act entitled an Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to persons who can not testify.

Read first time, and referred to Committee on Judiciary.

By Mr. Stanton: Assembly Bill No. 952—An Act to amend Section 374 of the Penal Code of the State of California, relating to public health.

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Cooper: Assembly Bill No. 953—An Act to amend Section 1 of an Act entitled "An Act to promote the agricultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled "An Act to authorize the board of supervisors of the several counties of this State to appoint inspectors of apiaries and provide for their compensation, and defining their duties, and for the further protection of bee culture," approved March 13, 1883, said first named Act having been approved February 20, 1901.

Read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 954—An Act to amend Section 1 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897.

Read first time, and referred to Committee on Agriculture.

By Mr. Houser: Assembly Bill No. 955—An Act to amend Section 4 of an Act entitled "An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

Read first time, and referred to Committee on Fish and Game.

#### SENATE BILL ORDERED ON FILE.

Mr. Olmsted moved that Senate Bill No. 8, being identical with Assembly Bill No. 155 (No. 68 on file) be placed on special Senate file.

Motion carried.

#### BILL RECALLED FROM COMMITTEE.

Mr. Gans moved that Assembly Bill No. 765 be recalled from the Committee on Engrossment and Enrollment for the purpose of amendment.

Motion carried.

#### REPORTS OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following reports:

##### ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER. Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly reengrossed:

Assembly Bill No. 155—For the relief of purchasers of State lands by legalizing patents heretofore issued of such lands and to confirm the title of purchasers thereof.

DEVLIN, Chairman.

Also:

##### ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER. Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 11—An Act to abate the gopher and squirrel nuisance upon or adjacent to cultivated lands, and for the protection of agriculture and horticulture from destruction by said gophers and squirrels, and to provide for the enforcement of this Act.

Assembly Bill No. 741—An Act to amend Section 593 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how corporations for purposes other than profit are formed.

Assembly Bill No. 811—An Act authorizing and directing the Board of Prison Directors to parole certain convicts sentenced to life terms in State Prison and describing the conditions under which said paroles are to be granted.

Assembly Bill No. 481—An Act to add a title to Part IV of Division First of the Civil Code, to be known as Title XIIa, relating to societies for the prevention of cruelty to children and animals.

Assembly Bill No. 154—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, relating to the powers of boards of trustees of cities of the fifth class

DEVLIN, Chairman.

#### RESOLUTION.

Mr. Lynch offered the following resolution:

*Resolved*, That the Controllor be and he is hereby directed to draw his warrants against the Contingent Fund of the Assembly in favor of O. W. Lynch for the sum of \$146.90 for the payment of repairs in Assembly Chamber, and the Treasurer is hereby directed to pay the same.

Referred to Committee on Contingent Expenses and Accounts.

## BILL RE-REFERRED.

Mr. Busick moved that Assembly Bill No. 875 be recalled from the Committee on Judiciary and referred to the Committee on Ways and Means.

Motion carried.

## BILL TAKEN UP FOR AMENDMENT.

Mr. Creighton moved to take up Assembly Bill No. 840 for the purpose of amendment before third reading.

Motion carried.

Assembly Bill No. 840—An Act to amend an Act entitled "An Act to establish a uniform system of county government," by amending Section 179 thereof.

Mr. Creighton offered the following amendment, which was read:

Amend Assembly Bill No. 840 as follows: Strike out all of Section 16 on pages 7 and 8 of printed bill.

Amendment adopted.

Assembly Bill No. 840 ordered to print, engrossment, and on third-reading file.

## SPECIAL ORDERS.

Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employes of the Senate and Assembly.

Passed on file.

## UNFINISHED BUSINESS.

Bills on the unfinished business file were considered, as follows:

Assembly Bill No. 46—An Act to amend an Act entitled "An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

**AYES**—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Bliss, Burke, Busick, Chandler, Cullen, Drew, Espey, Hartman, Hawkins, John, McCartney, Meincke, O'Brien, Pyle, Vogel, Waste, and Mr. Speaker—22.

**NOES**—Messrs. Amerige, Arnerich, Branstetter, Burge, Cleveland, Coyle, Creighton, Cromwell, Duryea, Ellis, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, Johnson, Johnstone, Jury, Lucey, Lumley, Lynch, Manwell, McNamara, Moore, Perkins, Pfaffle, Pryor, Severance, Stanton, Strobbridge, Thompson, Treadwell, Walsh, Weyand, and Whiting—36.

Assembly Bill No. 48—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

**AYES**—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Bliss, Burge, Burke, Busick, Chandler, Cooper, Cullen, Drew, Hartman, John, McCartney, Meincke, O'Brien, Pyle, Waste, and Mr. Speaker—21.

**NOES**—Messrs. Amerige, Arnerich, Branstetter, Cleveland, Coyle, Creighton, Cromwell, Duryea, Ellis, Gans, Gates, Goodrich, Held, Houser, Jarvis, Johnson, Johnstone, Jury, Lucey, Manwell, McNamara, Moore, Olmsted, Perkins, Pfaffle, Pryor, Severance, Stanton, Strobbridge, Thompson, Treadwell, Vogel, Walsh, Weyand, and Whiting—35.

Assembly Bill No. 49—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Burke, Chandler, Drew, Duryea, Hartman, Hawkins, John, McCartney, Meincke, Olmsted, Pyle, Rolley, Waste, and Mr. Speaker—18.

NOES—Messrs. Amerige, Arnerich, Branstetter, Burge, Cleveland, Cooper, Coyle, Creighton, Cromwell, Ellis, Gans, Gates, Goodrich, Held, Houser, Johnson, Johnstone, Jury, Manwell, McNamara, Moore, Pfaffle, Pryor, Severance, Stanton, Strobridge, Thompson, Treadwell, Walsh, Weyand, and Whiting—31.

Assembly Bill No. 468—An Act to amend Section 626m of the Penal Code of the State of California, relating to hunting at night time.

Passed on file.

Assembly Bill No. 219—An Act to repeal Sections 3824 and 3825 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872," relating to revenue and taxation.

Passed on file.

Assembly Bill No. 498—An Act to amend Sections 1275, 1276, 1285, 1300, 1306, 1307, 1327, 1360, 1364, and 1376 of the Civil Code, and to add a new section thereto, to be numbered 1314, all relating to wills.

Passed on file.

#### SENATE MESSAGE ORDERED TAKEN UP.

Mr. Stanton moved to take up Senate messages.

Motion carried.

#### SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day returned to you, as per your request, Senate Bill No. 125—An Act to amend Section 2955 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

Also Passed, as a case of urgency, Senate Bill No. 768—An Act making an appropriation for the contingent expenses of the Senate of the thirty-sixth session of the Legislature.

Also Passed Senate Bill No. 182—An Act to amend Section 259 of the Code of Civil Procedure, relating to the duties and powers of court commissioners of superior courts.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary.

Senate Bill No. 182 read first time, and referred to Committee on Judiciary.

#### URGENCY RESOLUTION.

By Mr. Stanton:

*Resolved*, That Senate Bill No. 768 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Mr. Stanton moved the adoption of the resolution.

The roll was called, and the resolution was declared adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lunley, Lynch, McCartney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Slaven, Stanton, Strobridge, Treadwell, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—57

NOES—None.

Senate Bill No. 768—An Act making an appropriation for the contingent expenses of the Senate of the thirty-sixth session of the Legislature.

Read first time

Read second time.

MOTION.

Mr. Stanton moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 768.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 768 was considered in Committee of the Whole.

Mr. Stanton moved that the Committee of the Whole rise and report back Senate Bill No. 768, with a recommendation that it do pass.

Motion carried.

IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 768—An Act making an appropriation for the contingent expenses of the Senate of the thirty-sixth session of the Legislature—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

Report of the Committee of the Whole adopted.

Senate Bill No. 768—An Act making an appropriation for the contingent expenses of the Senate of the thirty-sixth session of the Legislature.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Branstetter, Burge, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Held, Jarvis, John, Jury, Lumley, Lynch, McCartney, McGowan, McNamara, Meincke, Mitchelltree, Moore, Olmsted, Perkins, Pfiaffle, Pryor, Pyle, Stanton, Strobbridge, Thompson, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—48.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL FILE.

Bills on the special file were considered, as follows:

Assembly Constitutional Amendment No. 10—An Act relating to proposing an amendment to the State Constitution providing for free public school books.

Passed on file.

Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Section 17 of Article VI of said Constitution, relating to the compensation of Justices of the Supreme Court and Judges of the Superior Courts.

Passed on file.

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution by adding thereto a new section to Article IX, to be known as Section 13, relating to the exemption from taxation of the property now or hereafter belonging to the Cogswell Polytechnic College.

Passed on file.

Assembly Bill No. 87—An Act making an appropriation of \$5,075 to repay the Regents of the University of California for moneys appropriated by them to repair, maintain, and erect necessary buildings for a forestry station at Santa Monica, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read second time.

#### MOTION.

Mr. Stanton moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 87.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 87 was considered in Committee of the Whole.

Mr. Stanton moved that the Committee of the Whole rise and report back to the Assembly, Assembly Bill No. 87, with a recommendation that it do pass.

Motion carried.

#### IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 87—An Act making an appropriation of \$5,075 to repay the Regents of the University of California for money appropriated by them to repair, maintain, and erect necessary buildings for a forestry station at Santa Monica, and prescribing the duties of the Controller and Treasurer in relation thereto—and do now report, and recommend that the same do pass.

PRESCOTT, Chairman.

Report of Committee of the Whole adopted.

Assembly Bill No. 87 ordered to engrossment and on third-reading file.

#### SPECIAL FILE—(RESUMED).

Assembly Bill No. 865—An Act to prohibit the sale of spirits, liquors, or wines without a State license, to provide for the issuance of such a license, and for the violation of the provisions of this Act, and prescribing the duties of certain officers in connection therewith.

Passed on file.

Assembly Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 61 of said Act, relating to county officers.

Passed on file.

Assembly Bill No. 456—An Act to amend Section 21 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Branstetter, Burge, Burke, Busick, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Ellis, Estudillo, Gans, Hartman, Hawkins, Jarvis, John, Johnstone, Jury, Lumley, Lynch, McCartney, McNamara, Meincke, Mitcheltree, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Rolley, Treadwell, Vogel, Waste, and Whiting—44.

**NOES**—Messrs. Held and Thompson—2.

Title read and approved.

#### NOTICE OF RECONSIDERATION.

Mr. Drew gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 456 was passed this day.

#### SPECIAL FILE—(RESUMED).

Assembly Bill No. 664—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to the designation of one of the prisons of the State as a reformatory, relating to the powers of the State Board of Prison Directors, relating to the selection and duties of the wardens, relating to the transfer of prisoners, and to other matters incident thereto.

Passed on file.

Assembly Bill No. 525—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.

Passed on file.

Assembly Bill No. 440—An Act to amend Section 10 of an Act entitled "An Act creating a State commission on voting or balloting machines; defining their powers, and providing for the use, at the option of indicated local authorities, of voting or balloting machines for receiving or registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result of such elections, and providing for the punishment of all violations of the provisions of this Act relating to voting machines."

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 527—An Act to add a new section, to be known as Section 42½, to an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893; extending the provisions of Sections 19 to 33, inclusive, and Sections 39 to 42, inclusive, of said Act, to primary elections, and so providing for punishment of offenses at primary elections.

Passed on file.

Assembly Bill No. 839—An Act to amend Section 12 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901.

Passed on file.

Assembly Bill No. 802—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments,"



approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Passed on file.

Assembly Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 183 thereof, relating to salaries and fees of county and township officers in counties of the twenty-sixth class.

Passed on file.

Assembly Bill No. 618—An Act to authorize the appointment of an interpreter of the Spanish language in counties of the first and one-half class.

Passed on file.

SENATE BILL ORDERED ON FILE.

Mr. McCartney moved that Senate Bill No. 230 be recalled from the Committee on Judiciary and placed on the special Senate file, it being identical with Assembly Bill No. 618.

Motion carried.

SPECIAL FILE—(RESUMED).

Assembly Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 12 of Article XIII, relating to revenue and taxation.

Passed on file.

Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 19 of Article V of said Constitution, relating to the compensation of State officers.

Passed on file.

Assembly Constitutional Amendment No. 13—A resolution proposing to the people of the State of California an amendment to Article XI of the Constitution of the State of California, by adding a new section thereto, to be numbered Section 13½ of Article XI, relating to the making of public bonds payable at any place within the United States.

Passed on file.

Assembly Constitutional Amendment No. 14—A resolution proposing to the people of the State of California an amendment to Section 8, Article XI of the Constitution of the State of California, relating to charters.

Passed on file.

THIRD-READING FILE.

Bills on the third-reading file were taken up for consideration.

Assembly Bill No. 56—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justice courts and justices.

Passed on file.

Assembly Bill No. 464—An Act giving to superior judges the right to impose indeterminate sentences, and prescribing the method of imposing the same.

Passed on file.

Mr. Waste moved that Assembly Bill No. 658 (No. 104 on file) be taken up in place of Assembly Bill No. 541 (No. 63 on file), the latter to go to the foot of the third-reading file.

Motion carried.

Assembly Bill No. 658—An Act to amend Section 1278 of the Code of Civil Procedure of the State of California, relating to hearing application for change of names, and remonstrance, and requiring production of the certificate of the Secretary of State by corporations that name desired is not the name of any other corporation, or so closely resembles the same as will tend to deceive.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, Lynch, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffie, Pryor, Pyle, Rolley, Severance, Strobridge, Thompson, Treadwell, Walsh, Waste, Weyand, and Whiting—58.

NOES—None.

Title read and approved.

Assembly Bill No. 658 ordered transmitted to the Senate.

MR. MCGOWAN CALLED TO THE CHAIR.

The Speaker, at eleven o'clock and forty-four minutes A. M., called Hon. George A. McGowan to the chair.

Mr. McCartney moved that Assembly Bill No. 599 (No. 135 on file) be taken up in place of Assembly Bill No. 212 (No. 64 on file), the latter to go to the foot of third-reading file.

Motion carried.

Assembly Bill No. 599—An Act to amend an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State," approved March 28, 1895, by amending Section 2 of said Act, establishing the fees to be charged by county clerks for issuing citizenship papers, and providing no fees for filing candidate's affidavit.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Busick, Chandler, Cooper, Coyle, Creighton, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hawkins, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, Lumley, Lynch, McCartney, McGowan, McNamara, Meincke, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffie, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Thompson, Treadwell, Vogel, Walsh, Waste, and Whiting—56.

NOES—Messrs. Burke and Held—2.

Title read and approved.

Assembly Bill No. 599 ordered transmitted to the Senate.

Assembly Bill No. 176—An Act to amend Section 3788 of the Political Code of the State of California, relating to redemption of lands from tax sales.

Passed on file.

Mr. Waste moved that Assembly Bill No. 659 (No. 111 on file) be taken up in place of Assembly Bill No. 72 (No. 66 on file), the latter to go to the foot of third-reading file.

Motion carried.

Assembly Bill No. 659—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section to said Code of Civil Procedure, to be numbered 1760, relating to the removal of guardianship proceedings from the superior court of any county in this State to the superior court of any other county thereof, and to provide for the payment of the fees thereon.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Ellis, Espey, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, Lumley, Lynch, McGowan, McNamara, Meincke, Mitcheltree, Olmsted, Perkins, Pfaffie, Pryor, Pyle, Rolley, Stanton, Strobridge, Thompson, Treadwell, Vogel, Walsh, Waste, Weyand, and Whiting—57.

NOES—None.

Title read and approved.

Assembly Bill No. 659 ordered transmitted to the Senate.

Assembly Bill No. 410—An Act to amend Section 2653 of the Political Code, relating to highways:

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Barnes, Branstetter, Chandler, Coyle, Espey, Estudillo, Gans, Goodrich, Hawkins, Houser, Johnson, Jones of Tuolumne, Jury, Lumley, Manwell, Olmsted, Perkins, Pfaffie, Pryor, Pyle, Rolley, Thompson, and Whiting—23.

NOES—Messrs. Anthony, Arnerich, Atkinson, Bates, Beardslee, Bliss, Burge, Burke, Cooper, Creighton, Cromwell, Cullen, Devlin, Drew, Durvea, Ellis, Hartman, Held, John, Johnstone, Lucey, Lynch, McGowan, McNamara, Meincke, Stanton, Strobridge, Treadwell, Vogel, Walsh, Waste, and Weyand—32.

#### NOTICE OF RECONSIDERATION.

Mr. Johnstone gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 410 was refused passage this day.

#### LEAVE OF ABSENCE.

Mr. Coghlan was granted a leave of absence for the day.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Judiciary was granted leave to submit (out of order) reports as follows, which were read:

#### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 830—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 537 and 538 thereof, relating to the cases in which a writ of attachment shall issue, and to the contents of the affidavit for attachment.

Also: Senate Bill No. 60—An Act to repeal an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880, and the Act amendatory thereof, approved March 9, 1897, relating to the protection of stockholders in mining companies.

Report the same back, with the recommendation that they do pass.

Also: Senate Bill No. 104—An Act to amend Sections 1 and 7 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891—reports the same back, with three amendments, and with the recommendation that it do not pass, by a majority vote.

DURYEA, Chairman.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 443—An Act to provide for the location and acquirement of mining claims on salt marsh and tide lands owned by the State of California.

Passed on file.

Assembly Bill No. 185—An Act to provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects.

Passed on file.

Assembly Bill No. 439—An Act to provide for the disposition of the funds which may hereafter be collected by the State of California from the United States in payment of the claims arising out of the War of the Rebellion.

Passed on file.

Assembly Bill No. 353—An Act to amend Section 6 of an Act entitled "An Act to provide for compiling, electrotyping, printing, binding, copy-righting, and distributing a State series of school text-books, and appropriating money therefor."

Passed on file.

Assembly Bill No. 171—An Act to amend Section 1617 of the Political Code, relating to boards of school trustees and city boards of education.

Passed on file.

Assembly Bill No. 172—An Act to amend Section 1634 of the Political Code, relating to school census marshal.

Passed on file.

Assembly Bill No. 173—An Act confirming the organization of school districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Gans, Goodrich, Hawkins, Held, Houser, John, Johnstone, Jury, Lucey, Lumley, Lynch, McCartney, McGowan, Meincke, Mitcheltree, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Stanton, Thompson, Treadwell, Vogel, Walsh, Waste, Weyand, and Whiting—49.

NOES—Mr. Chandler—1.

Title read and approved.

Assembly Bill No. 173 ordered transmitted to the Senate.

RECESS.

Mr. McCartney, at twelve o'clock and twenty minutes P. M., moved that the Assembly take a recess until three o'clock P. M.

Motion carried, and recess declared.

REASSEMBLED.

The Assembly reconvened at three o'clock P. M.

The Speaker, Hon. Frank C. Prescott, in the chair.

## THIRD-READING FILE—(RESUMED).

Assembly Bill No. 249—An Act to amend Section 1621 of the Political Code, relating to boards of school trustees and city boards of education.  
Passed on file.

## REPORTS OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following reports, which were read :

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly re-engrossed:

Assembly Bill No. 384—An Act to amend Sections 414, 415, 417, 418 of the Civil Code, all relating to insurance corporations.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reengrossed:

Assembly Bill No. 216—An Act to add four new sections to the Civil Code, to be numbered 51, 52, 53, and 54, all relating to personal rights.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 765—An Act to repeal Chapter II of Title IV of the Political Code of California and to substitute therefor a new Chapter II, relating to the State militia.

Assembly Bill No. 177—An Act to provide for the classification of supervisors in counties of the fifteenth class where they are not now classified, so that all of them shall not go out of office at the same time.

Assembly Bill No. 848—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, respecting certain other sections, and adding certain sections thereto," approved March 23, 1901.

Assembly Bill No. 742—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 201 thereof, relating to salaries and fees of county and township officers in counties of the forty-fourth class.

Assembly Bill No. 849—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof in relation to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices.

Assembly Bill No. 818—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 25 of said Act, a new subdivision, to be known as Section 6½, and relating to cooperation by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services.

Assembly Bill No. 700—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 16, 1903, by amending Section 23 thereof.

Assembly Bill No. 619—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.

Assembly Bill No. 421—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relating to salaries and fees of county officers in counties of the thirty-ninth class.

Assembly Bill No. 299—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class.

Assembly Bill No. 441—An Act making it a misdemeanor to sell or exchange property under the representation, advertisement, notice or inducement that an unidentified, unknown, unselected, or chance prize, premium or premium-gift, or that a stamp, trading-stamp, coupon, or other like device entitling the holder to receive such a prize, premium, or premium-gift, or that the redemption of such stamp, trading-stamp, coupon, or other like device so given is to be part of the transaction, or to sell or exchange any trading-stamp, stamp, coupon, or other like device to aid such sale or exchange, as aforesaid, and providing a penalty therefor.

Assembly Bill No. 458—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," repealing Section 11.

Assembly Bill No. 807—An Act to repeal an Act entitled "An Act to regulate fees in the City and County of San Francisco," approved February 9, 1866.

Also: Assembly Bill No. 351—An Act to amend Section 637a of the Penal Code of the State of California, relating to the taking and killing of meadow larks and wild birds other than game birds

DEVLIN, Chairman

### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 532—An Act protecting the claims of those who may furnish materials or labor for the working or developing of mining properties under powers which are obtained by bond or a trust deed.

Passed on file.

Mr. Johnstone moved that Assembly Bill No. 631 (No. 120 on file) be taken up in place of Assembly Bill No. 125 (No. 79 on file), the latter to go to the foot of the third-reading file.

Motion carried.

Assembly Bill No. 631—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture," and repealing the Act entitled "An Act to protect and promote the horticultural interests of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891, approved March 31, 1897, relating to the destruction of the Russian thistle, or salt wort.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Chandler, Cooper, Creighton, Cullen, Espey, Estudillo, Gans, Gates, Hartman, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Strobbridge, Thompson, Treadwell, Walsh, Whiting, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Assembly Bill No. 631 ordered transmitted to the Senate.

### INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

Mr. Jury was granted permission to introduce a bill out of order.

By Mr. Jury: Assembly Bill No. 956—An Act amending Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Read first time, and referred to Committee on Judiciary.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

Leave was granted for the presentation of reports from standing committees, which were read, as follows:

## ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 800—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 180 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-third class.

Also: Assembly Bill No. 799—An Act authorizing and empowering boards of supervisors of the counties of this State to change the names of streets and avenues.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

BURKE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 842—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the powers of boards of supervisors.

Also: Assembly Bill No. 647—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto.

Also: Assembly Bill No. 586—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections, thereto, relating to the compensation of county officers in counties of the fourteenth class.

Also: Assembly Bill No. 886—An Act to amend an Act entitled "An Act to amend an Act entitled an Act to establish a uniform system of county and township governments," approved March 23, 1901, by amending Section 205 thereof, relating to counties of the forty-eighth class.

Also: Assembly Bill No. 139—An Act to repeal an Act entitled "An Act to provide for the payment by the State, or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903.

Also: Assembly Bill No. 145—An Act to provide for the payment by the State or counties or cities, or cities and counties, of the premium or charge on official bonds.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

BURKE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 15—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901, by amending Section 22 thereof, in relation to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices."

Also: Assembly Bill No. 197—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 25, 1901.

Also: Assembly Bill No. 198—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, by amending Section 34 of said Act.

Also: Assembly Bill No. 247—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 25, 1901.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

BURKE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905.

MR. SPEAKER: Your Committee on County and Township Governments to whom was referred Assembly Bill No. 221—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat, and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the superior court—have had the same under consideration, and respectfully report the same back, with amendments, without recommendation.

BURKE, Chairman.

Assembly Bills Nos. 800, 842, 647, 586, 886, 139, 145, 15, 197, 198, 247, and 221 ordered on second-reading file.

#### THE SAN FRANCISCO DELEGATION

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your committee, the San Francisco Delegation, to whom was referred Assembly Bill No. 829—An Act authorizing the judges of the superior court in all counties, and cities and counties, having a population of 200,000 inhabitants and over, to appoint a secretary, and fixing the terms and manner of appointment of such secretary.

Also: Assembly Bill No. 827—An Act relating to complaints in proceedings to remove or suspend police officers in municipalities.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

McGOWAN, Chairman.

Assembly Bills Nos. 829 and 827 ordered on second-reading file.

#### ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 804—An Act to amend Section 2 of an Act approved March 24, 1903, entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement."

Also: Senate Bill No. 30—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of boards of trustees of cities of fifth class.

Also: Senate Bill No. 105—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State; for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

Also: Senate Bill No. 529—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Assembly Bill No. 804 ordered on second-reading file.

Senate Bills Nos. 30, 105, and 529 ordered on the special Senate file.

#### ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 379—An Act appropriating the sum of \$10,000 for the relief of Lawrence J. Dunnigan.

Also: Assembly Bill No. 543—An Act making an appropriation of \$45,616.30, to pay the claim of John Mullan against the State of California, and prescribing the duties of the Controller and the Treasurer of State in relation thereto.



Also: Assembly Bill No. 240—An Act to provide for the payment of the claim of John F. Forward, County Recorder, San Diego County, for recording tax deeds to the State of California, and making appropriation therefor

Have had the same under consideration, and respectfully report the same back without recommendation.

SEVERANCE, Chairman.

Assembly Bills Nos. 379, 543, and 240 ordered on second-reading file, and referred to Committee on Ways and Means.

THIRD-READING FILE—(RESUMED).

Consideration of bills on the third-reading file was resumed, as follows:

Assembly Bill No. 273—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 3788½, relating to the time within which deeds must be executed for property sold for delinquent taxes to purchasers other than the State of California.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Branstetter, Burge, Burke, Chandler, Cleveland, Cooper, Coyle, Cullen, Espey, Estudillo, Gans, Gates, Hartman, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, McCartney, McGowan, McNamara, Meincke, Mitcheltree, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Strobridge, Thompson, Treadwell, Walsh, Whiting, and Mr. Speaker—47

NOES—None

Title read and approved.

Assembly Bill No. 273 ordered transmitted to the Senate.

Assembly Bill No. 590—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1365, relating to the persons who shall be entitled to administer estates of deceased persons, and the order in which such persons shall be so entitled.

Passed on file.

Mr. Houser moved that Assembly Bill No. 340 (No. 116 on file) be taken up in place of Assembly Bill No. 522 (No. 83 on file), the latter to go to foot of third-reading file.

Motion carried.

Assembly Bill No. 340—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 857, relating to the purposes for which express trusts may be created.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Branstetter, Burge, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Espey, Estudillo, Gans, Gates, Hartman, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Perkins, Pfaffle, Pryor, Pyle, Rolley, Strobridge, Thompson, Walsh, and Whiting—42.

NOES—Mr. Treadwell—1.

Title read and approved.

Assembly Bill No. 340 was ordered transmitted to the Senate.

Mr. Treadwell moved that Assembly Bill No. 639 (No. 102 on file) be taken up in place of Assembly Bill No. 462 (No. 84 on file), the latter to go to foot of file.

Motion carried.

Assembly Bill No. 639 An Act authorizing the bringing of actions on behalf of the State for the purpose of enforcing the lien or liens of taxes under an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, and the several Acts amendatory thereof; and to authorize the bringing and prosecution of actions against the State for the purpose of quieting title against claims or liens made by or upon behalf of the State under the said Act and the Acts amendatory thereof, and to regulate the procedure in said actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Chandler, Coyle, Cullen, Espev, Estudillo, Gans, Gates, Hartman, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, McCartney, McNamara, Meincke, Mitcheltree, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Strobridge, Thompson, Treadwell, Walsh, and Whiting—44.

NOES—None.

Title read and approved.

Assembly Bill No. 639 was ordered transmitted to the Senate.

#### BILL ORDERED ON SENATE FILE.

Mr. Strobridge moved that Senate Bill No. 88 be recalled from the Committee on County and Township Governments and placed on the special Senate file.

Motion carried.

#### LEAVE OF ABSENCE.

Mr. Dorsey was granted leave of absence for the afternoon.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 350—An Act to prevent the payment of municipal officers out of the funds of the county.

Passed on file.

Assembly Bill No. 95—An Act to amend Section 890 of the Code of Civil Procedure, relating to proceedings in justices' courts.

Passed on file.

Assembly Bill No. 535—An Act to amend Sections 3897 and 3898 of the Political Code of the State of California, relating to the sale by the State of property sold to the State for taxes.

Read third time.

Assembly Bill No. 533—An Act to provide for the Inspector of Mines, to define his duties, and provide for his compensation, the liability of mining operators, and the Inspector of Mines.

Passed on file.

Assembly Bill No. 709—An Act to amend Section 1893 of the Political Code, relating to the manner of conducting elections for the issuance of bonds in school districts.

Passed on file.

Assembly Bill No. 79—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3652, and by adding a new section, to be numbered 3652½,

relating to the time of completion of assessment roll, and the giving of notice by the assessor of the amount of the assessment, and the date of meeting of boards of equalization.

Passed on file.

Assembly Bill No. 24—An Act to add a new section to the Code of Civil Procedure, to be known as Section 637, relating to causes in the superior court in equity and at law, without a jury, in which testimony shall at request of party be reduced to writing, and upon appeal be heard *de novo*.

Read third time.

SELECT COMMITTEE AMENDMENTS.

Mr. McCartney moved that a select committee of one be appointed to amend Assembly Bill No. 24, as follows:

AMENDMENT No. 1.

In Section 1, on page 1, line 4 of printed bill, strike out the words: "That whenever," and insert in lieu thereof the word "whenever."

Amendment adopted.

AMENDMENT No. 2.

In Section 1, on page 1, line 4 of printed bill, strike out the word "causes," and insert in lieu thereof the word "cause."

Amendment adopted.

AMENDMENT No. 3.

In Section 1, on page 1, line 10 of printed bill, strike out the comma after the word "same," and insert the following: "and that such testimony would be the truth."

Amendment adopted.

AMENDMENT No. 4.

In Section 1, on page 2, line 21 of printed bill, strike out the word "is," and insert in lieu thereof the word "if."

Amendment adopted.

AMENDMENT No. 5.

In line 15, on page 2, strike out the words "that in," and insert in lieu thereof the word "in."

Amendment adopted.

AMENDMENT No. 6.

In line 23, on page 2, strike out the words "that in," and insert in lieu thereof the word "in."

Amendment adopted.

Mr. McCartney was appointed as such select committee of one.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 24—An Act to add a new section to the Code of Civil Procedure, to be known as Section 637, relating to causes in the superior court in equity and at law without a jury, in which testimony shall at request of a party be reduced to writing, and on appeal be heard *de novo*—with instructions, does now report that the instructions of the Assembly have been carried out.

McCARTNEY, Committee.

Report of select committee of one adopted.

Assembly Bill No. 24 ordered to print, reëngrossment, and for passage, with a rush order to printer.

Mr. Held moved, with the consent of Mr. Gans, the author, to take up Assembly Bill No. 535 (No. 139 on file) in place of Assembly Bill No. 585 (No. 93 on file).

Motion carried.

#### SELECT COMMITTEE AMENDMENTS.

Mr. Held moved that a select committee of one be appointed to amend Assembly Bill No. 535, as follows:

##### AMENDMENT No. 1.

Amend by striking out all after the word "eighty-five" on line 7, page 1, of the printed bill, down to and including the word "sale" on line 35 of page 2 of the printed bill, and insert in lieu thereof the following:

"Any person may apply to said Controller to purchase the said property, or some portion thereof, by a written application in duplicate, and which said application shall be accompanied with the sum of one hundred dollars. One copy of said application shall be filed in the office of said Controller. Within five days after the receipt of said application and said one hundred dollars the said Controller shall forward one copy of said application to a judge of the superior court of the county or city and county in which said property or some part thereof is situated, and said one hundred dollars to the treasurer of said county or city and county; and said judge shall thereupon appoint three disinterested persons to appraise the said property, or such part thereof to purchase which application has been made, and said persons so appointed shall thereupon proceed to appraise the said property, or such portion thereof to purchase which application has been made, and to report in writing to said judge their judgment as to the value of said property; and which appraisal and report shall be made to said judge within twenty days after the appointment of said appraisers. Before entering upon their duties as provided herein, the said appraisers shall take and subscribe an oath that they are not interested in the purchase of said lands or any part thereof, and that they will truly and fairly appraise the same. For their services and expenses in said matter the said appraisers shall be entitled to the sum of eight dollars each, for which amount the auditor of said county, or city and county, shall draw his warrant in their favor on the treasurer of said county, or city and county. Immediately upon receipt by him of said appraisal and report the said judge shall forward the same to the said Controller, who shall thereupon file the same in his office. Upon the receipt of such appraisal and report the Controller may thereupon, by a written authorization, direct the tax collector of the county, or city and county, to sell the property, or any part thereof as in his judgment he shall deem advisable, in the manner following: He must give notice of such sale by first publishing a notice for at least three successive weeks in some newspaper published in the county, or city and county, or if there be no newspaper published therein, then by posting a notice in three conspicuous places in the county, or city and county, one of which shall be at the United States Postoffice nearest the land (in addition to a notice conspicuously posted on the land itself), for the same period; provided, that in all cases notice of said sale shall also be given to the person to whom the said property or any part thereof was assessed for the year next preceding the time of said sale so noticed by serving a copy of said notice in the manner provided for the service of summons in civil actions, if personal service can be made, and if personal service can not be made, then notice may be served in the same manner as summons may be served by publication in civil actions. The said notices to be so posted and served and published, where publication is required, must state specifically the place and date and hour of sale, and shall contain a description of the property to be sold, and shall contain a detailed statement of all the delinquent taxes, penalties, costs, and expenses up to the date of said sale, and shall give the name of the person to whom the same was assessed for each year the same was sold to the State, and shall also embody a copy of the authorization received from the Controller. At the time set forth for such sale the tax collector must sell the said property described in the authorization and said notice at public auction to the highest bidder for cash in lawful money of the United States, but no bids shall be received or accepted at such sale for less than twenty-five per cent of the amount for which said land was appraised, as aforesaid, nor in any event less than the amount of all the taxes levied upon such property and all interest, costs, and penalties, and expenses up to the date of such sale."

Amendment adopted.

##### AMENDMENT No. 2.

Amend by inserting after the word "county," on line 53, page 3, printed bill, the following:

"The cost of said service and publication and posting and said appraising as aforesaid shall in no case exceed the sum of one hundred dollars, and shall be paid by the county treasurer out of the funds deposited with him by the party making the application to purchase as aforesaid, upon the warrant of the county auditor, which he is directed to draw. And if the owner, or any of the persons named in section three

thousand eight hundred and seventeen of the Political Code, redeem said land at any time prior to such sale, or the said property be sold at said sale to another person than the one making the application to purchase the same as aforesaid, the said sum of one hundred dollars deposited by the said person making said application shall be returned and refunded to him. If the party making the application to purchase as aforesaid becomes the purchaser at the said sale, then the said sum of one hundred dollars deposited by him shall be applied on the payment of the price for which he purchases said property; *provided*, that if the price for which said property is sold to said person making said application is less than one hundred dollars, then the difference between said purchase price and said one hundred dollars shall be returned and refunded to him. If the said person making the said application to purchase as aforesaid does not, at said sale, bid and pay the minimum to be bid and paid for said property as herein provided for, he shall be deemed to have forfeited the said sum of one hundred dollars deposited by him to the county or city and county wherein said property is situated. At any time prior to the sale of said property as herein provided, redemption of the property may be made by the persons and in the manner provided by sections three thousand seven hundred and eighty and three thousand eight hundred and seventeen of the Political Code."

### Amendment adopted.

#### AMENDMENT No. 3.

Amend by inserting after the word "sale," on line 9, page 3, printed bill, the following: "and the balance shall first be applied to the payment of the taxes due to the State, and to the county, or city and county, in proportion that the State rate bears to the county, or city and county rate of taxation, and the balance, if any, shall be held and retained by the county treasurer to the credit of the person to whom said property was last assessed, and upon proof of his right thereto the person entitled thereto may at any time within ten years after the same is received by the State Treasurer withdraw the said balance from said county treasury. If no person makes application for said balance within said ten years then the same shall be forfeited to the State of California.

### Amendment adopted.

Mr. Held was appointed as such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 535—An Act to amend Section 3897 and 3898 of the Political Code of the State of California, relating to the sale by the State of property sold to the State for taxes—with instructions, does now report that the instructions of the Assembly have been carried out.

HELD, Committee.

### Report of select committee of one adopted.

Assembly Bill No. 535 ordered to print, reëngrossment and on file for passage.

Assembly Bill No. 218—An Act to amend Section 2690 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings on approval of viewer's report in the matter of public highways.

Passed on file.

Mr. Barnes moved that Assembly Bill No. 236 (No. 131 on file) be taken up in place of Assembly Bill No. 234 (No. 95 on file), the latter to go to the foot of third-reading file.

Motion carried.

Assembly Bill No. 236—An Act to amend Section 792 of the Political Code of the State of California, relating to notaries public.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Bliss, Burge, Cooper, Covey, Creighton, Cromwell, Cullen, Devlin, Drew, Espey, Estudillo, Gans, Goodrich, Held, Houser, Jarvis, John, Johnson, Johnstone, Jury, Lucey, Lumley, McCartney, McGowan, McNamara, Meincke, Mitchellree, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobbridge, Thompson, Treadwell, Walsh, Waste, and Whiting—47.

NOES—None

Title read and approved.

Assembly Bill No. 236 ordered transmitted to the Senate.

Assembly Bill No. 317—An Act to amend Section 813 of "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof.

Passed on file.

Assembly Bill No. 318—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof.

Passed on file.

Assembly Bill No. 325—An Act to amend Sections 2, 3, 5, 7, 10, and 13 and to repeal Section 14 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Passed on file.

Assembly Bill No. 433—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, relating to compensation of officers in cities of the fifth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Branstetter, Burge, Chandler, Coyle, Cromwell, Devlin, Drew, Espey, Estudillo, Gans, Goodrich, Held, Houser, Jarvis, John, Johnson, Johnstone, Jury, Lucey, Lumley, McCartney, McGowan, McNamara, Meincke, Mitcheltree, O'Brien, Perkins, Pfaeffle, Pryor, Pyle, Rolley, Severance, Slaven, Strobbridge, Thompson, Treadwell, Walsh, Waste, and Whiting—47.

**NOES**—None.

Title read and approved.

Assembly Bill No. 433 ordered transmitted to the Senate.

Assembly Bill No. 611—An Act to amend an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Branstetter, Burge, Chandler, Cooper, Coyle, Cromwell, Cullen, Drew, Espey, Estudillo, Gans, Goodrich, Hartman, Held, Houser, Jarvis, John, Jury, Lucey, Lumley, McCartney, McGowan, McNamara, Meincke, Mitcheltree, O'Brien, Perkins, Pfaeffle, Pryor, Rolley, Severance, Stanton, Strobbridge, Thompson, Walsh, Waste, and Whiting—45.

**NOES**—None.

Title read and approved.

Assembly Bill No. 611 ordered transmitted to the Senate.

## REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Ways and Means was granted permission to submit the following reports, out of order, which were read:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 316—An Act to provide for the erection of embankments or levees to care for the flood waters of the Kern River, in Kern County.

Also: Assembly Bill No. 102—An Act to appropriate the sum of \$1,000 to pay the claim of Sergeant-Major Eugene De Sparr.

Also: Assembly Bill No. 787—An Act making an appropriation of \$600, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new band instruments for use in said school.

Also: Assembly Bill No. 781—An Act making an appropriation of \$5,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing five inches of water from the East Whittier ditch, to be used at said school.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

STANTON, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 780—An Act making an appropriation of \$1,000 to be used by the Board of Trustees of the Whittier State School at Whittier, California, for the purpose of purchasing type and printing materials to be used in the printing office of said school.

Also: Assembly Bill No. 786—An Act making an appropriation of \$650 to be used by the Board of Trustees of the Whittier State School at Whittier, California, for the purpose of purchasing new sewing machines for use in said school.

Also: Assembly Bill No. 866—An Act to appropriate the sum of \$1,000 for the purpose of erecting a monument to permanently designate the place where the treaty of Cahuenga was effected between Colonel John C. Fremont and General Andres Pico, on the 16th day of January, 1846, and to provide for the appointment of a commission to superintend the erection of said monument, and to prescribe their duties.

Have had the same under consideration, and respectfully report the same back, with one amendment each, and recommend that the same do pass as amended.

STANTON, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 104—An Act to appropriate \$3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor, vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 151—An Act making an appropriation for searching for beneficial insects.

Also: Assembly Bill No. 161—An Act to appropriate \$2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 162—An Act to appropriate \$590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 779—An Act making an appropriation of \$900 to be used by the Board of Trustees of the Whittier State School at Whittier, California, for the purpose of furnishing "B" cottage, at the girls' department.

Also: Assembly Bill No. 782—An Act making an appropriation of \$3,000 to be used by the Board of Trustees of the Whittier State School at Whittier, California, for the purpose of constructing a reservoir, to be used in storing the water supply of said school.

Also: Assembly Bill No. 783—An Act making an appropriation of \$500 to be used by the Board of Trustees of the Whittier State School at Whittier, California, for the purpose of repairing the assembly hall of the boys' department.

Also: Assembly Bill No. 785—An Act making an appropriation of \$350 to be used by the Board of Trustees of the Whittier State School at Whittier, California, for the purpose of purchasing new books for the library of said school.

Also: Assembly Bill No. 808—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

STANTON, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 752—An Act to amend the Political Code by adding thereto a new section, to be numbered 1874a, creating the office of secretary to the State Text-Book Committee, defining the duties pertaining to said office, authorizing the said Text-Book Committee to elect a secretary to fill said office, and fixing his compensation, and to repeal all Acts and parts of Acts in conflict with this Act—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that the same do pass as amended.

STANTON, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 126—An Act to appropriate the sum of \$1,276 to pay the amount of a judgment against the Board of Trustees of Whittier State School, and in favor of Lucy J. Harvey, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Also: Assembly Bill No. 538—An Act making an appropriation to pay the claims of W. H. Scott for costs of suit in foreclosing delinquent purchases of State school lands.

Also: Assembly Bill No. 760—An Act to amend Sections 418, 419, 456, and 485 of the Political Code, relating to the salaries of appointees in the offices of the Secretary of State, of the State Treasurer, and the Surveyor-General.

Also: Assembly Bill No. 762—An Act making an appropriation to pay the claim of John V. Powers.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

STANTON, Chairman.

#### SPEAKER RESUMES THE CHAIR.

At three o'clock and fifty-four minutes P. M., the Speaker resumed the chair.



## ON REVISION AND REFORM OF LAW.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905

MR. SPEAKER: Your Committee on Revision and Reform of Law, to whom was referred Assembly Bill No. 885—An Act to add a new chapter to Title IV of Part III of the Code of Civil Procedure, to be known as Chapter IV, relating to certain liens upon animals—have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

DREW, Chairman.

## BILL ON SPECIAL FILE TAKEN UP.

Mr. Lumley moved to take up Assembly Bill No. 849 (No. 30 on special file) for the purpose of amendment.

Motion carried.

Assembly Bill No. 849—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof, relating to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices.

Read third time.

## SELECT COMMITTEE AMENDMENTS.

Mr. Lumley moved that a select committee of one be appointed to amend Assembly Bill No. 849, as follows:

## AMENDMENT No. 1.

By striking out, on page 5 of printed bill, all of line one hundred and twenty-six (126); all of line one hundred and twenty-seven (127); all of line one hundred and twenty-eight (128), and all of line one hundred and twenty-nine (129), and inserting in lieu thereof the following:

"18. Each supervisor, \$1,000 per annum for personal services performed by him as supervisor, member of the board of equalization and road commissioner. Each supervisor shall also receive his actual and necessary traveling expenses incurred in performing any of the duties of his office, to be allowed by the board of supervisors and paid out of the county general fund; *provided*, that the amount so allowed him for such expenses shall not exceed \$40 for any one month."

## AMENDMENT No. 2.

Amend by striking out on page 5 of printed bill lines one hundred and thirty (130) to one hundred and forty-seven (147), both inclusive.

## AMENDMENT No. 3.

Amend by adding on line 148 of printed bill the figures "19" before the word "no."

Motion carried.

Mr. Lumley was appointed as such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 849—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof, relating to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices—with instructions, does now report that the instructions of the Assembly have been carried out.

LUMLEY, Committee.

Report of select committee of one adopted.

Assembly Bill No. 849 ordered to print, reengrossment, and on file for passage.

## THIRD-READING FILE—(RESUMED).

Assembly Bill No. 96—An Act adding a new section to the Civil Code, to be known as Section 433, relating to corporations transacting business in insuring titles to real estate, and providing the terms and conditions of policies issued by such corporations.

Passed on file.

Assembly Bill No. 604—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 382b, relating to the refusal of sale of goods, wares, merchandise, or supplies by retail dealers therein, to any person offering to purchase the same for cash; and upon conviction thereof fixing the penalty therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Branstetter, Burge, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Espey, Estudillo, Gans, Gates, Goodrich, Held, Houser, Jarvis, John, Johnstone, Jones of Tuolumne, Jury, Lumley, McCartney, McGowan, Perkins, Pfaffie, Pryor, Pyle, Stanton, Thompson, Waste, Whiting, and Mr. Speaker—44.

**NOES**—Messrs. Lucey, McNamara, Meincke, Mitcheltree, Severance, and Walsh—6.

Title read and approved.

Assembly Bill No. 604 ordered transmitted to the Senate.

Assembly Bill No. 383—An Act to amend Sections 360 and 362 and to repeal Sections 361 and 363 of the Civil Code, all relating to the powers of corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Branstetter, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Espey, Gans, Gates, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnstone, Jones, of Tuolumne, Jury, Lucey, Lumley, McCartney, McGowan, McNamara, Meincke, Mitcheltree, O'Brien, Perkins, Pfaffie, Pyle, Severance, Slaven, Stanton, Strobridge, Thompson, Walsh, Waste, Whiting, and Mr. Speaker—49.

**NOES**—None.

Title read and approved.

Assembly Bill No. 383 ordered transmitted to the Senate.

## APPOINTMENT OF SPECIAL COMMITTEE.

The Speaker announced the appointment of the following: Messrs. Waste, Stanton, McGowan, Jury, and Gans, to constitute the special committee to whom were referred the resolutions offered by Mr. Waste that A. A. Taylor, of the Santa Cruz "Surf," show cause, if any, why he should not be punished for contempt.

## BILLS WITHDRAWN FROM COMMITTEE.

Mr. Atkinson moved that Assembly Bills Nos. 819 and 820 (Nos. 178 and 179 on file) be recalled from the Committee on Engrossment and Enrollment, and restored to the second-reading file for the purpose of amendment.

Motion carried.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

Leave was granted to the Committee on Commerce and Navigation to submit the following reports (out of order), which were read:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 423—An Act making appropriation of the sum of \$10,000 for the acquisition or construction of a police patrol boat for the harbor front of the City and County of San Francisco and for the Bay of San Francisco.

Also: Assembly Bill No. 545—An Act to amend an Act entitled "An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the water front of San Francisco, and providing for the expenses and regulations thereof," approved March 29, 1897.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they be referred to the San Francisco Delegation.

Also: Assembly Bill No. 672—An Act to protect trade and commerce against unlawful restraints and monopolies.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same be referred to the Committee on Judiciary.

Also: Assembly Bill No. 63—An Act to provide for the construction and maintenance of a fire boat for the protection of shipping and appropriating money therefor.

Also: Assembly Bill No. 406—An Act to amend Section 2 of an Act entitled "An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California located on the water front at San Francisco, California," approved March 25, 1901.

Also: Senate Bill No. 150—An Act to amend Section 2 of an Act entitled "An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California located on the water front at San Francisco, California," approved March 25, 1901.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HARTMAN, Chairman.

Assembly Bills Nos. 423 and 545 ordered referred to San Francisco Delegation, and on second-reading file.

Assembly Bill No. 672 was referred to Committee on Judiciary and ordered on second-reading file.

Assembly Bills Nos. 63, 406, and 150 ordered on second-reading file.

## REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following report, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 640—An Act to amend Sections 1444, 1445, and 1449, of the Code of Civil Procedure, relating to the appraisement of estates, and providing for the appointment of an official appraiser in each county in the State.

Assembly Bill No. 819—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections to be numbered respectively 628a, 628b, 728c, 928d, and 632a, all relating to the protection and preservation of fish.

Assembly Bill No. 210—An Act making an appropriation for repairs and improvements on the buildings and grounds of the Woman's Relief Corps Home (located at Evergreen, Santa Clara County), for ex-army nurses and indigent widows, wives, mothers and dependent maiden daughters and sisters of Union veterans who served honorably in the War of the Rebellion.

Assembly Bill No. 832—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 25 of said Act a new subdivision to be known as 6f, and relating to cooperation by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services.

Assembly Bill No. 530—An Act making an appropriation of \$4,371.20 for transportation of officers and members of the National Guard of California.

Assembly Bill No. 706—An Act to amend Sections 1359 and 1367 of the Political Code of the State of California, relating to primary elections.

Assembly Bill No. 286—An Act making an appropriation to pay for bituminous pavement of the street in front of the Industrial Home of Mechanical Trades for the Adult Blind, Oakland, California.

Assembly Bill No. 745—An Act making an appropriation to pay assessments for sewers on street frontage at the Industrial Home of Mechanical Trades for the Adult Blind, Oakland, California.

Assembly Bill No. 879—An Act to add a chapter to Title I, of Part IV, of Division First of the Civil Code, relating to foreign corporations.

Assembly Bill No. 620—An Act to amend Sections 626, 626c, 626d, 626f, 626g, 626i, 626k, 627a, 627b, 631, 631a, of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631c, all relating to the protection and preservation of game.

Assembly Bill No. 291—An Act making an appropriation to pay the claim of John Burr.

Assembly Bill No. 376—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 1624, prescribing what contracts must be in writing.

Assembly Bill No. 612—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Assembly Bill No. 918—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Assembly Bill No. 649—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a débris commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893.

Assembly Bill No. 919—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justices' courts.

Assembly Bill No. 747—An Act to amend Section 964 of the Penal Code, relating to the joinder of charges in one indictment or information.

Assembly Bill No. 445—An Act to amend Section 806 of Article VI, of Chapter VI of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, with amendments to March 1, 1903, relating to the recorder's court.

Assembly Bill No. 744—An Act to amend Section 1577 of the Political Code, relating to the formation of school districts.

Assembly Bill No. 571—An Act to regulate the placing, installing, and maintaining of electrical work, wiring, and appliances in buildings and other structures.

Assembly Bill No. 442—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation of property may be imposed upon and performed by county and State officers, and making county officers in certain cases ex-officio officers of cities.

Assembly Bill No. 816—An Act to amend Section 874 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 18, 1883.

Assembly Bill No. 865—An Act to prohibit the sale of spirits, liquors, or wines without a State license, to provide for the issuance of such a license and for the collection of the license tax, to fix a penalty for the violation of the provisions of this Act, and prescribing the duties of certain officers in connection therewith.

Assembly Bill No. 237—An Act to amend Section 1670 of the Political Code, relating to the establishment and maintenance of high schools.

DEVLIN, Chairman.

#### BILL RE-REFERRED.

On motion of Mr. Amerige, Assembly Bill No. 899 was recalled from the Committee on County and Township Governments and referred to the Committee on Counties and County Boundaries.

#### RECESS.

Mr. Atkinson, at four o'clock and twenty minutes, moved that the Assembly take a recess until seven o'clock and thirty minutes P. M.

Motion carried, and recess declared.

#### EVENING SESSION.

The Assembly reconvened at seven o'clock and thirty minutes P. M.  
The Speaker, Hon. Frank C. Prescott, in the chair.

#### BILLS RECALLED FROM COMMITTEE.

On motion of Mr. Atkinson, Senate Bill No. 12 was recalled from the Committee on Judiciary, and ordered on the special Senate file.

## THIRD READING OF BILLS.

On motion of Mr. Gans, Assembly Bill No. 765 was taken up for further consideration.

Assembly Bill No. 765—An Act to repeal Chapter II, of Title IV of the Political Code of California, and to substitute therefor a new Chapter II, relating to the State militia.

Read third time.

Mr. Held moved that a select committee of one be appointed by the Speaker to amend the bill, as follows:

## AMENDMENT No. 1.

On page 4, line 10 of bill, amended February 10, 1905, strike out the word "troops," and insert in lieu thereof the word "troop."

## AMENDMENT No. 2.

On page 6, in line 5 of bill, amended February 10, 1905, strike out the word "in," and insert in lieu thereof the word "of," and in line 13 of said page, after the word "officer," strike out the period (.), and insert in lieu thereof a comma (,) and the words "or as a field officer, or both."

## AMENDMENT No. 3

On pages 28 and 29 of bill, amended February 10, 1905, strike out all of Section 2079, and insert in lieu thereof the following:

"Section 2079. *Allowances for Military Organizations. Military Fund.* There must be audited and allowed by the adjutant-general, and paid out of the appropriation for military purposes, upon the warrant of the State Controller, to the commanding officer of each infantry or artillery company, or company of signal men of the National Guard, the sum of one hundred dollars per month, to the commanding officer of each light battery having not less than four guns, with which they regularly drill and parade, and to the commanding officer of each troop of cavalry, the sum of two hundred dollars per month, and to the commanding officer of each division of the Naval Militia, the sum of one hundred dollars per month; the sum so paid to be used for armory rent, care of arms, and proper incidental expenses of the company. There must also be audited, allowed, and paid out of the same appropriation, to the commanding officer of each regiment or battalion, the sum of six dollars per month for each company in his command, for clerical expenses, stationery, printing, postage, and proper incidental expenses, and if the regiment or battalion has four companies or more, and has attached to it an organized and uniformed band of not less than twenty people, the additional sum of thirty-five dollars per month for such band; to the brigadier-general of each brigade, five dollars per month for each company in his brigade; to the surgeon-general, the sum of twenty-five dollars per month, for rent and proper incidental expenses and to the adjutant-general, ten thousand dollars per annum, to be expended by him in promoting target practice. There must be audited and allowed by the adjutant-general, and paid out of the appropriation for military purposes, to the surgeon in charge of each detachment of the medical department on duty with a regiment, and to the chief surgeon of the Naval Militia, not to exceed the sum of fifty dollars per month, for rent and proper incidental expenses of such detachment. No claims shall be allowed under the provisions of this section except upon demands made quarterly, in duplicate, signed and sworn to by the officer claiming the same, before any field officer of the National Guard, or notary public, and forwarded through the regimental, independent battalion, squadron or company headquarters, with the approval of each commanding officer through whose headquarters they are required to pass, direct to the adjutant-general; *provided*, that the adjutant-general may make expenditures at any time for the promotion of target practice out of the appropriation for that purpose herein provided."

## AMENDMENT No. 4.

On page 29 of bill, as amended February 10, 1905, strike out all of Section 2080, and insert in lieu thereof the following:

"Section 2080. *Annual Allowance to Companies.* The annual sum of two hundred and fifty dollars must be audited by the adjutant-general, and paid out of the appropriation for military purposes, to each company of the National Guard. The amount so audited and allowed must be paid to the commanding officer of such companies for the use thereof."

## AMENDMENT No. 5.

Amend Section 1963, page 10 of bill, amended February 10, 1905, by striking out the word "continuous," in line 16 of said section, and by striking out all after the word "years," in line 17, down to and including the words "ten years" in said line; also strike

out the word "continuous," and the words "or twelve years not," in line 23 of said section, on said page, and also the word "consecutive," in line 24 of said section, on said page.

Motion carried.

Mr. Gans was appointed such select committee.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 765—An Act to repeal Chapter 11 of Title IV, of the Political Code of California and to substitute therefor a new Chapter 11, relating to the State militia—with instructions, does now report that the instructions of the Assembly have been carried out.

GANS, Committee.

Report of select committee read and adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

#### SPECIAL ORDER SET.

On motion of Mr. Gans, Assembly Bills Nos. 767, 768, 769, 770, 765, and 766 were ordered on file, and set as a special order for consideration on Thursday, February 16, 1905, at eleven o'clock A. M.

On motion of Mr. Atkinson, Assembly Bill No. 820 was taken up for further consideration.

Assembly Bill No. 820 (Committee Substitute for Assembly Bill Nos. 14, 425, and 568)—An Act to amend Sections 626, 626c, 626d, 626f, 626g, 626i, 626k, 627a, 627b, 631 and 631a of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631c, all relating to the protection and preservation of game.

Read third time.

Mr. Atkinson moved that a select committee of one be appointed to amend Assembly Bill No. 820, as follows:

#### AMENDMENT No. 1.

In Section 1, in the printed bill, strike out beginning after the semicolon in line 10, the words "or who for the purpose of taking, killing." Also, all of lines 11, 12, and 13; also, in line 14, the words "gasoline power."

#### AMENDMENT No. 2.

Also, in Section 1, in line 18 of the printed bill, insert after the word "any," the word "Wilson."

#### AMENDMENT No. 3.

Also: In Section 2, in line 4 of the printed bill, strike out after the word "any" the words "Mongolian or English."

#### AMENDMENT No. 4.

Amend by inserting after Section 11 the following:  
"Sec. 12 A new section is hereby added to the Penal Code, to be numbered Section 631c, to read as follows:"

#### AMENDMENT No. 5.

Also, change number of Section 12 to 13, and number of Section 13 to 14.

Motion carried.

Mr. Atkinson was appointed such select committee.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 820—An Act to amend Sections 626, 626c, 626d, 626f, 626g, 626i, 626k, 627a, 627b, 631, and 631a, of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631c, all relating to the protection and preservation of game—with instructions, does now report that the instructions of the Assembly have been carried out.

ATKINSON, Committee.

Report of select committee read and adopted.

Mr. Creighton moved that a select committee of one be appointed to amend Assembly Bill No. 820, as follows:

AMENDMENT No. 1.

Strike out of lines eight (8) and nine (9), section one (1), page one (1) of printed bill the words: "or any kind of wild duck"

AMENDMENT No. 2.

Strike out of line twenty-two (22), section one (1), page two (2) of printed bill the period after the word "misdemeanor," and insert the following: "or, who between the fifteenth day of February and the first day of October of any year, hunts, pursues, takes, kills, or destroys or has in his possession, whether taken or killed in the State of California or shipped into the State from any other State, Territory or foreign country, any kind of wild duck, is guilty of a misdemeanor."

Motion lost.

Assembly Bill No. 820 ordered to reprint, reengrossment, and on file for passage.

On motion of Mr. O'Brien, Assembly Bill No. 819 was taken up for further consideration.

Assembly Bill No. 819 (Committee Substitute for Assembly Bills Nos. 231, 455, 570)—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628a, 628b, 628c, 628d, and 632a, all relating to the protection and preservation of fish.

Read third time.

SELECT COMMITTEE AMENDMENT.

Mr. O'Brien moved that a select committee of one be appointed to amend Assembly Bill No. 819, as follows:

AMENDMENT No. 1.

On line 16, page 4, printed bill, after the word "conviction" insert the word "thereof."

AMENDMENT No. 2.

In Section 7 of printed bill, line 3, after the words and figures "Sec. 632," strike out lines 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, and part of line 15, including word "misdemeanor," and insert in place thereof the following:

"Section 632. Every person who, between the first day of November in any year and the first day of April of the year following, buys, sells, takes, catches, kills, or has in his possession any variety of trout, except steelhead trout (*Salmo gairdneri*); or who, between the first day of February and the first day of April, or between the tenth day of September and the sixteenth day of October of each year, buys, sells, takes, catches, kills or has in his possession, any steelhead trout (*Salmo gairdneri*); or who, between the first day of November and the first day of April of the year following, takes, kills, or catches any steelhead trout about tide water; or any trout of less than one pound in weight; or who, at any time, takes, catches, or kills any trout except with hook and line; or who, at any time, takes, catches, kills, or has in his possession, during any one calendar day, more than fifty trout; or who, at any time, takes, catches, kills, or has in his possession, during any calendar day, trout, other than steelhead trout, the total weight of which exceeds twenty-five pounds, is guilty of a misdemeanor."

AMENDMENT No. 3.

Amend by inserting after end of Section 7 the following:

"Sec. 8. A new section is hereby added to the Penal Code, to be numbered 632a, and to read as follows:

AMENDMENT No. 4.

Amend on lines 5 to 7, Section 8 of the printed bill, by striking out the words "the total weight of which shall exceed twenty-five pounds," and insert "or trout, excepting steelhead trout, the total weight of which exceeds twenty-five pounds."

AMENDMENT No. 5.

Amend by adding new sections as follows:

"Sec. 9. All Acts or parts of Acts in conflict with this Act are hereby repealed."

"Sec. 10. This Act shall take effect immediately."

Motion carried.

Mr. O'Brien was appointed as a select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 819 (substitute for Assembly Bills Nos. 231, 455, and 570)—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628a, 628b, 628c, 628d, and 632a, all relating to the protection and preservation of fish—with instructions, does now report that the instructions of the Assembly have been carried out.

O'BRIEN, Committee.

Report of select committee of one read and adopted.

Assembly Bill No. 819 ordered to reprint, reëngrossment, and on file for passage.

On motion of Mr. Espey, Assembly Bill No. 825—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property—was ordered re-referred to Committee on Judiciary.

## SECOND READING OF BILLS.

On motion of Mr. Atkinson, the Assembly proceeded to consider bills on the second-reading file in regular order.

Assembly Bill No. 679—An Act fixing the rates of interest and charges on loans upon chattel mortgages on certain personal property, and prescribing penalties for the violation of the Act.

Bill read second time.

The following amendments were read:

## AMENDMENT No. 1.

Amend by striking out of lines 18, 19, 20, 21, 22, 23, and 24 down to the period (.) in line 24, and insert in lieu thereof the words "no greater sum than five (\$5.00) dollars where the amount loaned does not exceed three hundred (\$300.00) dollars."

Amendment adopted.

## AMENDMENT No. 2.

Strike out all of Section 3.

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out lines 13 and 14, page 1 of printed bill, the words "in revaluation," and insert in lieu thereof the words "or valuation."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out of line 15, page 2 of printed bill, the comma (,) after the word "papers."

Amendment adopted.

## AMENDMENT No. 5.

Amend by striking out of line 25, page 2 of printed bill, the word "amount," and insert in lieu thereof the word "amounts."

Amendment adopted.

## AMENDMENT No. 6.

Amend by striking out of line 30, page 2 of printed bill, the period (.) at the end of the line, and insert in lieu thereof a comma (,) and the following words "norto divide or split up loans under any pretense whatsoever for the purpose of requiring or exacting any other or greater charges than prescribed herein."

Amendment adopted.



## AMENDMENT No. 7.

Amend by striking out of line 30, page 2 of printed bill, Section 1, the words "renewals or."

Amendment adopted.

By Mr. Espey:

Amend by striking out all of Section 2, page 2 of printed bill, and insert in lieu thereof the following section, to be known as "Section 2:"

"Sec. 2. Any individual and any officer of any association or corporation who shall violate any of the provisions of this Act shall be guilty of a misdemeanor, and shall be fined \$100.00 for the first offense, and a like fine and imprisonment in the county jail for thirty days for the second and each subsequent offense; and further, the mortgage or other instrument of security given for any loan shall become null and void as to the interest to be paid thereunder."

Amendment adopted.

Bill ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 622—An Act requiring every employer doing business in this State to pay their employes, and each of them, at least once in each and every month, the wages earned by such employe; to prohibit assignment of wages for the purpose of evading the provisions of this Act, or an agreement to accept wages at any longer periods than as herein provided, as a condition of employment.

Bill read second time, ordered engrossed, and on third-reading file.

Assembly Bill No. 469—An Act to amend Section 1021 of the Code of Civil Procedure, relating to compensation of attorneys and costs in civil actions.

Read second time.

The following amendments were read:

## AMENDMENT No. 1.

Amend by striking out of line 8 the word "attorney," and insert in lieu thereof the words "an attorney's."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out all of Section 2, and insert in lieu thereof the following:

"Section 2. Nothing in this Act shall be construed to apply to any action pending at the time this Act goes into effect."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out the word "cost," and insert in lieu thereof the words "such costs."

Amendment adopted.

Ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 470—An Act to amend Section 924 of the Code of Civil Procedure, relating to costs in actions in justices' courts.

Read second time.

The following amendments were read:

## AMENDMENT No. 1.

Amend by striking out of line 9 the word "the," and insert in lieu thereof the word "such."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out all of Section 2 after the figure 2, in line 1, and insert in lieu thereof the following: "Nothing in this Act shall be construed to apply to any action pending at the time this Act goes into effect."

Amendment adopted.

Ordered to reprint, engrossment, and on file for third reading.

At eight o'clock and twenty minutes P. M., Hon. T. E. Atkinson, of San Francisco, Speaker pro tem. of the Assembly, in the chair.

Assembly Bill No. 673—An Act to authorize the construction, maintenance, and operation of private spur tracks in municipalities.

Read second time.

The following amendment was read:

COMMITTEE AMENDMENT.

Amend by striking out all of Section 2, on line 8, first page.

Amendment adopted.

Ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 352—An Act to amend Section 1185 of the Code of Civil Procedure, relating to mechanics' liens.

Read second time.

The following amendments were read:

AMENDMENT No. 1.

Amend by striking out of lines 4 and 5 all words in italics.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of line 9, page 1 of the printed bill, the parenthesis mark.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of line 11 the parenthesis mark.

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out all of Section 2.

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out all the last line of the printed bill.

Amendment adopted.

Ordered to reprint, engrossment, and on third-reading file.

REPORTS OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The following reports of Committee on Engrossment and Enrollment were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly re-engrossed:

Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly re-engrossed:

Assembly Bill No. 494—An Act to amend Sections 1181, 1185, 1190, 1202, and 1203 of the Civil Code, all relating to the proof or acknowledgment of instruments in writing.

Assembly Bill No. 493—An Act to amend Section 1161 of the Civil Code, relating to the recording of instruments in writing.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly engrossed:

Assembly Bill No. 689—An Act to amend Sections 1238, 1240, 1241, 1244, 1247 and 1248 of the Code of Civil Procedure, all relating to eminent domain.

DEVLIN, Chairman.

Assembly Bills Nos. 472, 494, and 493 ordered on file for passage.

Assembly Bill No. 689 ordered on file for third reading.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill 711—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 271a, providing for the taking down and transcribing of instructions to jurors by judges of the superior court and for opinions rendered in cases before said superior court.

Read second time, ordered engrossed, and on third-reading file.

Assembly Bill No. 680—An Act to amend Section 92 of the Civil Code, relating to cause for divorce.

Read second time.

The following amendment was read:

Amend by striking out of line 4 the period (.), and insert in lieu thereof a colon (:).

Amendment adopted.

Ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 681—An Act to add a new section to the Civil Code, to be known as Section 108, relating to proceedings in actions for divorce.

Read second time, ordered engrossed, and on third-reading file.

Assembly Bill No. 814—An Act to add a new section, to be numbered 273, to Chapter II of Title IX of Part I of the Penal Code of the State of California.

Read second time.

The following amendments were read:

AMENDMENT No. 1.

Amend by striking out of line 5, page 1 of printed bill "resident of this State," and the comma following the word "State."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of line 2, page 1 of the printed bill, the words "shall upon conviction be deemed," and insert in lieu thereof the word "is."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of line 12, after the word "misdemeanor," all on line 13, and the words "thirty days," in line 14.

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the word "such," in line 14.

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the period (.) at the end of the title, and insert in lieu thereof a comma (,) and the following: "relating to the support of destitute, aged, and infirm parents."

Amendment adopted.

Ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 877—An Act to amend Section 1365 of the Code of Civil Procedure of the State of California, relating to the order in which and to whom letters of administration upon the estate of a deceased person may be issued; and, further, relating to the method of identification of certain persons interested in such estates.

Read second time.

The following amendment was read:

Amend by striking out of lines 19 and 20, page 2 of the printed bill, the words "whether or not such persons are resident of this State," and insert in lieu thereof the following: "provided, that such person be a resident of the United States."

Amendment adopted.

Ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 843—An act to amend Sections 3, 7, and 10 of an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897.

Read second time, ordered engrossed, and on third-reading file.

Assembly Bill No. 845—An Act to amend an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," relating to the appointment and term of office of the members of said board.

Read second time, ordered engrossed, and on third-reading file.

Assembly Bill No. 838—An Act to amend Section 1547 of the Penal Code by adding a new subdivision thereto, and to repeal all Acts or Statutes in conflict therewith.

Read second time.

The following committee amendments were read:

#### AMENDMENT No. 1.

Amend by striking out all after the word "repeal," in line 3 of the title, and insert in lieu thereof the following: "An Act entitled an Act imposing certain duties upon the Governor of the State, approved April 3, 1876, is hereby repealed."

Amendment adopted.

#### AMENDMENT No. 2.

Amend by striking out all after the word and figure "Section 2" of printed bill, and insert in lieu thereof the following: "An Act entitled an Act imposing certain duties upon the Governor of the State, approved April 3, 1876, is hereby repealed."

Amendment adopted.

Ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 850—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery, and wagons, buggies, vehicles, and other articles, providing for the collection thereof, and making the violation of this Act a misdemeanor.

Read second time, ordered engrossed, and on third-reading file.

Assembly Bill No. 411—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered 2370, relating to the duties of factors.

Read second time.

The following amendment was read:

Amend by striking out all of Section 2.

Amendment adopted.

Ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 702—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Read second time, ordered engrossed, and on third-reading file.

Assembly Bill No. 636—An Act to amend Section 2, of Chapter I of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, relating to the manner of procedure in organizing a municipal corporation.

Read second time, ordered engrossed, and on third-reading file.

Assembly Bill No. 734—An Act to prevent any combination, agreement, confederation, compact, or understanding, directly or indirectly, by or between two or more fire insurance companies, transacting business in this State, or between officers, agents, or employes of any such companies, relating to the rates to be charged for insurance, regulating and fixing the minimum price or premium to be paid for insuring property located within this State, and providing the punishment for a violation thereof, and providing certain requirements to be had for insurance companies desiring to transact business within this State, in addition to the requirements now provided by law.

Read second time, ordered engrossed, and on third-reading file.

Assembly Bill No. 775—An Act to amend Section 1771 of the Political Code, relating to powers of county boards of education.

Read second time.

The following committee amendments were read:

AMENDMENT No. 1.

Amend by striking out the word "section" in line 3, page 1 of the printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out lines 4, 7, 12, 28, 40, 76, 78, and 86 of the printed bill.

Amendment adopted.

Bill ordered to reprint, engrossment, and on third-reading file.

On motion of Mr. Amerige, Assembly Bill No. 641—An Act making an appropriation of \$5,000 to be used by the Governor, Attorney-General, and Secretary of State (comprising the Board of Examiners), in defense of the interest of the State and the political subdivisions thereof in suits involving the right to use oil upon the public highways—was re-referred to Committee on Ways and Means.

Assembly Bill No. 42—An Act to amend an Act entitled "An Act to punish adultery," approved March 15, 1872.

Read second time, ordered engrossed, and on third-reading file.

Assembly Bill No. 254—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof.

Read second time, ordered engrossed, and on third-reading file.

Assembly Bill No. 43—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 283 and 284 of said Penal Code, relating to the punishment of bigamy.

Read second time.

The following amendment was read:

Amend by striking out the words in Section 3, "This Act shall be in force and take effect immediately upon its passage and approval." Also all of Section 3, printed bill.

Amendment adopted.

Assembly Bill No. 43 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 828—An Act to amend Section 315 of the Penal Code of the State of California, relating to the keeping of and residing in a house of ill-fame.

Read second time, ordered engrossed, and on third-reading file.

On motion of Mr. Anthony, Senate Bill No. 363, being identical with Assembly Bill No. 527, was taken up for consideration.

Senate Bill No. 363—An Act to add a new section, to be known as Section 42½, to an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof, approved February 23, 1893, extending the provisions of Sections 19 to 33, inclusive, and Sections 39 to 42, inclusive, of said Act to primary elections, and so providing for punishment of offenses at primary elections.

Read second time and ordered on file for third reading.

On motion of Mr. McCartney, Assembly Bill No. 635 was taken up for further consideration.

Assembly Bill No. 635—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 736 of said Act, relative to the salary of justices of the Supreme Court.

Mr. McCartney moved that a select committee of one be appointed to amend Assembly Bill No. 635, as follows:

Strike out the word "seven" in line 5, page 1, of printed bill, and insert in lieu thereof the word "eight."

Motion carried.

Mr. McCartney was appointed such select committee.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 635—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 736 of said Act, relative to the salary of Justices of the Supreme Court—with instructions, does now report that the instructions of the Assembly have been carried out.

McCartney, Committee.

Report of select committee adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

On motion of Mr. Pyle, Senate Bill No. 179 was taken up for further consideration.

Senate Bill No. 179 (Substitute for Assembly Bill No. 356)—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.

Read second time, and ordered on special Senate file for third reading.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

## ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905.

MR. SPEAKER: The Committee on Fish and Game begs leave to report that it has visited the State Hatchery at Sisson, as per resolution heretofore introduced and adopted, and the following are entitled to five hundred and forty (540) miles mileage each, to wit: W. H. Wickersham, P. A. Johnson, L. P. Branstetter, T. E. Atkin-on, A. M. Drew, Harry Ells, Louis Strohl, P. J. Boyle, J. H. Creighton, J. J. Burke (substitute for F. J. O'Brien), and F. C. Jones (substitute for F. McNamara); therefore, be it

*Resolved*, That the State Controller is hereby authorized to draw his warrant for five hundred and ninety-four (\$594) dollars in favor of W. H. Wickersham, payable out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

WICKERSHAM, Acting Chairman.

Mr. Wickersham moved the adoption of the report and resolution.

The roll was called, and the same were adopted by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Boyle, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Duryea, Ells, Espey, Gans, Goodrich, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, Lucey, Maxwell, McCartney, McNamara, Meincke, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Strobridge, Strohl, Transue, Tripp, Vogel, Walsh, Weyand, Whiting, and Wickersham—50.  
 NOES—Mr. Estudillo—1.

## ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, authorized to visit the following institutions in this State, to wit: The Industrial Home of Mechanical Trades for the Adult Blind, the Southern California State Hospital, and the Stockton State Hospital, have visited the same, and herewith present their bill for mileage as follows:

Held	\$136 10
Cromwell	136 10
King	136 10
Severance	136 10
Strobridge	136 10
Mitcheltree	136 10
Gates	136 10
Meincke	136 10
Pfaffle	136 10
Pryor	136 10
Jones of Tuolumne	136 10

And ask for the adoption of the following resolution:

*Resolved*, That the State Controller is hereby directed to draw his warrant in favor of W. D. L. Held, chairman of the Committee on State Hospitals and Asylums, for the sum of \$1,497.10, and the Treasurer is hereby directed to pay the same out of the Contingent Fund of the Assembly.

HELD, Chairman.

Report and resolution read.

Mr. Held moved the adoption of the report and resolution.

The roll was called, and the same adopted by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Boyle, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Ells, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Jarvis, John, Johnson, Jones of San Francisco, Jury, Lucey, Maxwell, McKenney, Meincke, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Weyand, Whiting, and Wickersham—48.

NOES—Mr. Goodrich—1.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: The undersigned, and your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 547—An Act to provide for the

building, equipping, and furnishing of a wing to be used for patients at the Southern California State Hospital and to make an appropriation for the same.

Also: Assembly Bill No. 548—An Act to appropriate \$5,000 for the erection of a dairy building and a purchase of equipments therefor, for the Southern California State Hospital.

Also: Assembly Bill No. 902—An Act to amend Section 2189 of the Political Code, relating to the discharge of persons from State Hospitals.

Also: Assembly Bill No. 130—An Act making an appropriation for the erection of a workshop at the Home of the Industrial Home of Mechanical Trades for the Adult Blind.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 889—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Veterans' Home, located at Yountville, Napa County.

Also: Assembly Bill No. 129—Making an appropriation for the erection of a dormitory at the Industrial Home of Mechanical Trades for the Adult Blind.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

HELD, Chairman.

Assembly Bills Nos. 547, 548, 130, 889, and 129 ordered on file for second reading.

On motion of Mr. Drew, Assembly Bill No. 839 was taken up for further consideration.

Assembly Bill No. 839—An Act to amend Section 12 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901.

Read second time.

The following amendment was read:

By Mr. Drew:

Amend Assembly Bill No. 839 by striking out all after the enacting clause and inserting the following in lieu thereof:

Section 1. Section twelve of an Act entitled "An Act to establish a uniform system of county and township governments" approved April first, one thousand eight hundred and ninety-seven and amended March twenty-third, one thousand nine hundred and one, is hereby amended to read as follows:

Section 12. Section 164 of an act entitled "An Act to establish a uniform system of county and township governments," approved April first, one thousand eight hundred and ninety-seven and amended March twenty-third, one thousand nine hundred and one, is hereby amended to read as follows:

Section 164. In counties of the seventh class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk two thousand four hundred dollars (\$2400) per annum. He shall have one deputy at a salary of thirteen hundred eighty dollars (\$1380) per annum; one deputy at a salary of twelve hundred dollars (\$1200), and three deputies at salaries of ten hundred and twenty dollars (\$1020) per annum each, and one at a salary of seven hundred and twenty dollars (\$720) per annum.

2. The sheriff fifty-four hundred dollars (\$5400) per annum and all fees for service of processes issued without his county. He shall have an under-sheriff whose annual salary shall be thirteen hundred and eighty dollars (\$1380), two deputies whose annual salary shall be twelve hundred dollars (\$1200) each; one deputy whose salary shall be eleven hundred and forty dollars per annum and three deputies whose annual salaries shall be ten hundred and twenty dollars (\$1020) each.

3. The recorder twenty-one hundred dollars (\$2100) per annum. He shall have one deputy whose annual salary shall be thirteen hundred and eighty dollars (\$1380), and two deputies whose annual salaries shall be ten hundred and twenty dollars (\$1020) each, and one deputy for a period of four months at seventy five dollars (\$75) per month; he shall have such copyists as are necessary to perform the duties of the office at a compensation not to exceed 6 cents per folio.

4. The auditor twenty-one hundred dollars (\$2100) per annum, and one deputy at an annual salary of thirteen hundred and eighty dollars (\$1380) and one clerk at an annual salary of ten hundred and twenty dollars (\$1020).

5. The treasurer twenty-five hundred dollars (\$2500) per annum. He shall have a deputy at a salary of thirteen hundred and eighty dollars (\$1380) per annum.

6. The tax collector twenty-one hundred dollars (\$2100) per annum. He shall have one deputy who shall receive thirteen hundred and eighty dollars (\$1380) per annum, and three deputies at an annual salary of ten hundred and twenty dollars (\$1020) each. No other fees or compensation other than the compensation provided for in this section shall be allowed the tax collector for the collection of license, and all license or other fees collected shall be paid into the county treasury monthly, rendering therewith a



statement of the license or other fees collected. He shall be allowed actual traveling expenses in the collection of said license fees, the same to be audited by the board of supervisors, and paid the same as other bills against the county are paid.

7. The assessor shall receive three thousand dollars (\$3000) per annum, for all services rendered as assessor. He shall have one deputy at an annual salary of thirteen hundred and eighty dollars (\$1380), and ten deputies for three months whose per diem shall be four dollars (\$4) each when actually employed, and four deputies for four months whose per diem shall be four dollars (\$4.00) each when actually employed. He shall have four copyists for a period of four months each, at fifty dollars (\$50.00) per month each during such time. All sums collected by the assessor or his deputies either as personal property taxes, poll or road taxes, or the fees allowed by law for the making of the military roll shall be paid into the county treasury monthly as collected, with a statement of account of such collections.

8. The district attorney three thousand dollars (\$3000) per annum. He shall have one deputy at a salary of eighteen hundred dollars (\$1800) per annum, and one deputy at a salary of twelve hundred dollars (\$1200) per annum. He shall also have a stenographer who shall act as court reporter in justices court in criminal prosecutions, at an annual salary of nine hundred dollars (\$900).

9. The coroner such fees as are now or may hereafter be allowed by law.

10. The public administrator such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools twenty-one hundred dollars (\$2100) per annum, for all services rendered as such. He shall have one deputy at an annual salary of twelve hundred dollars (\$1200). The superintendent shall also be allowed actual traveling expenses when visiting the schools of his county.

12. The surveyor two thousand dollars (\$2000) per annum, in full compensation for all services as county surveyor or as road overseer and road inspector, and his actual expenses when at work in the field. He shall have one deputy at an annual salary of nine hundred and sixty dollars (\$960).

13. (a) The population of the several townships of this county is hereby ascertained and determined to be as follows:

Township No. 1.....	1453 (Firebaugh).
Township No. 2.....	2936 (Clovis).
Township No. 3.....	17239 (Fresno).
Township No. 4.....	3236 (Fowler).
Township No. 5.....	2863 (Selma).
Township No. 6.....	1083 (Coalinga).
Township No. 7.....	811 (Sanger).
Township No. 8.....	3076 (Reedley).
Township No. 9.....	2379 (Kingsburg).
Township No. 10.....	1389 (Letcher).
Township No. 11.....	2182 (Lemoore).
Township No. 12.....	398.

(b) For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population, as shown by the federal census of 1900, and according to the services rendered by the several township officers, viz: justices and constables.

Townships having a population of 17,000 and more shall belong to and be known as townships of the first class; townships having a population of 3200 and less than 3300 shall belong to and be known as townships of the second class, townships having a population of 3000 and less than 3200 shall belong to and be known as townships of the third class; townships having a population of 2900 and less than 3000 shall belong to and be known as townships of the fourth class; townships having a population of 2800 and less than 2900 shall belong to and be known as townships of the fifth class; townships having a population of 2300 and less than 2400 shall belong to and be known as townships of the sixth class; townships having a population of 2100 and less than 2200 shall belong to and be known as townships of the seventh class; townships having a population of 1400 and less than 1500 shall belong to and be known as townships of the eighth class; townships having a population of 1300 and less than 1400 shall belong to and be known as townships of the ninth class; townships having a population of 1000 and less than 1100 shall belong to and be known as townships of the tenth class; townships having a population of 800 and less than 900 shall belong to and be known as townships of the eleventh class; townships having a population of less than 800 shall belong to and be known as townships of the twelfth class. All other townships not classified as above shall be known as townships of the thirteenth class.

(c) Justices of the peace shall receive the following monthly salaries, to be paid each month as the county officers are paid, and the same shall be in full compensation for all services rendered in criminal cases, and shall include office rent, to wit:

- In townships of the first class one hundred and seventy-five dollars (Township No. 3).
- In townships of the second class eighty dollars (Township No. 4).
- In townships of the third class thirty-five dollars (Township No. 8).
- In townships of the fourth class thirty-five dollars (Township No. 9).
- In townships of the fifth class ninety dollars (Township No. 5).
- In townships of the sixth class twenty-five dollars (Township No. 2).
- In townships of the seventh class fifteen dollars (Township No. 11).
- In townships of the eighth class eighty dollars (Township No. 1).

In townships of the ninth class fifteen dollars (Township No. 10).

In townships of the tenth class thirty-five dollars (Township No. 6).

In townships of the eleventh class sixty dollars (Township No. 7).

In townships of the twelfth class fifteen dollars (Township No. 12).

In townships of the thirteenth class thirty-five dollars (Township No. 13).

In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions. Each justice of the peace must pay into the county treasury once a month, all fines collected by him.

14. Constables shall receive the following monthly salaries, to be paid each month as the county officers are paid, and shall be in full compensation for all services rendered by them in criminal cases, to wit:

In townships of the first class one hundred dollars.

In townships of the second class eighty dollars.

In townships of the third class thirty-five dollars.

In townships of the fourth class thirty-five dollars.

In townships of the fifth class ninety dollars.

In townships of the sixth class twenty-five dollars.

In townships of the seventh class fifteen dollars.

In townships of the eighth class eighty dollars.

In townships of the ninth class twenty-five dollars.

In townships of the tenth class thirty-five dollars.

In townships of the eleventh class eighty dollars.

In townships of the twelfth class fifteen dollars.

In townships of the thirteenth class thirty-five dollars.

In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions; and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or prison, which expenses shall be audited by the board of supervisors and paid out of the county treasury; *provided further*, that when any constable is required to go out of his own county to serve a warrant of arrest, or any other paper in a criminal case, he shall be allowed mileage in going and returning outside of his own county at the rate of five cents per mile.

15. The supervisors shall receive each the sum of fifteen hundred (\$1500) per annum, paid monthly in installments of one hundred and twenty-five dollars (\$125) per month, in full compensation for all services rendered either as supervisors or road overseers.

16. Jurors' fees, in criminal cases, shall be as follows:

For attending as a grand juror or a trial juror in the superior court, in criminal cases only, for each day's attendance, per day, three dollars, for each mile actually traveled in attending court as such juror under summons or under order of court, in criminal cases, in going only, per mile, fifteen cents and the county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror, and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

17. The salaries of all county and township officers shall be payable in installment, monthly, on the first day of each month.

Amendment adopted.

Bill ordered to reprint, engrossment, and on third-reading file.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

On motion, the following bills were introduced (out of order), and referred as indicated:

By Mr. Whiting (by request): Assembly Bill No. 958—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 178 thereof, relating to the compensation of officers of counties of the twenty-first class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Dorsey: Assembly Bill No. 959—An Act to insure compliance with Section 24 of Article VI of the Constitution of this State, to promote the dispatch of judicial business and punish violations of the provisions of this Act and said section of the Constitution.

Read first time, and referred to Committee on Judiciary.

By Mr. Cooper: Assembly Bill No. 960—An Act for providing for the furnishing to sheriffs and chiefs of police of certain information,

descriptions, and photographs of persons confined in the State prison by wardens of State prisons.

Read first time, and referred to Committee on Judiciary.

By Mr. Transue: Assembly Bill No. 961—An Act to provide for the survey, location, plans, and estimate of cost of a highway from San Francisco to the southern boundary of San Diego County, and making an appropriation therefor.

Read first time, and referred to Committee on Roads and Highways.

By Committee on Claims: Assembly Bill No. 962 (Substitute for Assembly Bill No. 579)—An Act to pay the claim of the Lauritzen Company of San Francisco, a corporation, against the State of California, and making an appropriation to pay the same.

Read first time and placed on file.

By Mr. Stanton: Assembly Bill No. 963—An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term "boulevard."

Read first time, and referred to Committee on Roads and Highways.

#### THIRD READING OF BILL.

On motion of Mr. Drew. Assembly Bill No. 484 was taken up for further consideration.

Assembly Bill No. 484—An Act to amend Section 643 of the Civil Code, to repeal Section 648½ of said Code, and to add a new section thereto, to be numbered 638a, all relating to land and building corporations.

Read third time.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 484, as follows:

#### AMENDMENT No. 1.

Strike out the whole of Section 2, page 2 of printed bill, and renumber sections of the bill accordingly.

#### AMENDMENT No. 2.

Strike out of title of said Act the words "to amend section six hundred and forty-three of the Civil Code"

#### AMENDMENT No. 3.

Strike out of line 4 of the title of printed bill the words "of said Code," and insert in lieu thereof the following: "of the Civil Code."

Motion carried.

Mr. Drew was appointed such select committee.

#### REPORT OF SELECT COMMITTEE OF ONE

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 484—An Act to amend Section 643 of the Civil Code, to repeal Section 648½ of said Code, and to add a new section thereto, to be numbered 638a, all relating to land and building corporations—with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

Report of select committee adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

On motion of Mr. Espey, the following bill was considered:

Assembly Bill No. 260—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 337½, to prohibit betting or

wagering by pool or otherwise upon the result of any trotting, pacing, or running race between horses, and providing the punishment therefor.

Read second time, ordered engrossed, and on third-reading file.

BILL RE-COMMITTED.

On motion of Mr. Pfaeffle, Assembly Constitutional Amendment No. 18 was recalled from the Committee on Revenue and Taxation, and referred to the Committee on Constitutional Amendments.

THIRD-READING FILE.

Assembly Bill No. 677—An Act to add a new section to the Penal Code, to be numbered Section 526, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theatre or other public place of amusement for more than the original price thereof.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Anthony, Atkinson, Barnes, Bates, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Ells, Espey, Estudillo, Gans, Hawkins, Held, Houser, Jarvis, John, Johnson, Jones of San Francisco, Jury, Lynch, Manwell, McGowan, Meincke, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Strobridge, Strohl, Thompson, Transue, Vogel, Walsh, Weyand, and Whiting—48.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 918—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Anthony, Atkinson, Barnes, Bates, Boyle, Branstetter, Burke, Chandler, Cooper, Coyle, Creighton, Cromwell, Dorsey, Ells, Espey, Estudillo, Gans, Goodrich, Hawkins, Held, Houser, Jarvis, John, Johnson, Jury, Lynch, Manwell, McGowan, Meincke, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Severance, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Weyand, Whiting, and Wickersham—48.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 919—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justices' courts.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Anthony, Atkinson, Barnes, Bates, Boyle, Branstetter, Burke, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Ells, Espey, Estudillo, Gans, Goodrich, Hartman, Held, Houser, Jarvis, Johnson, Jury, Lucey, Lynch, Manwell, McGowan, McNamara, Meincke, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Weyand, Whiting, and Wickersham—50.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 741—An Act to amend Section 593 of an Act entitled "An Act to establish a Civil Code of the State of California," approved

March 21, 1872, in relation to how corporations for purposes other than profit are formed.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Boyle, Branstetter, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnson, Jury, Lucey, Lynch, Manwell, McGowan, McNamara, Meincke, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Strobridge, Thompson, Transue, Treadwell, Vogel, Walsh, Weyand, Whiting, and Wickersham.—48

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 688—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Boyle, Branstetter, Burke, Chandler, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Ellis, Estudillo, Gans, Goodrich, Held, Houser, Jarvis, John, Johnson, Jury, Lucey, Lynch, McGowan, McNamara, Meincke, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Slaven, Strobridge, Strohl, Thompson, Transue, Vogel, Walsh, Weyand, Whiting, and Wickersham.—46

**NOES**—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 238—An Act to amend Section 1183 of the Civil Code of the State of California, relating to certificates of acknowledgment, and providing when such amendment shall take effect.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Boyle, Branstetter, Burke, Chandler, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Ellis, Estudillo, Gans, Goodrich, Hartman, Held, John, Johnson, Jury, Lucey, Lunley, Lynch, McGowan, McNamara, Meincke, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Weyand, Whiting, and Wickersham.—47

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 232—An Act to amend an Act entitled "An Act to add a new section to the Penal Code, to be known and numbered as Section 381a," by adding thereto a section, to be known and numbered as Section 381b.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Boyle, Branstetter, Burke, Chandler, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Ellis, Estudillo, Gans, Hartman, Held, Houser, Jarvis, John, Johnson, Jones of San Francisco, Lucey, Lynch, McGowan, McNamara, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Severance, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Weyand, and Whiting.—47

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 233—An Act to prevent deception in the sale of renovated butter and to license manufacturers and dealers in the same.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Boyle, Branstetter, Burke, Chandler, Cleveland, Coyle, Creighton, Cullen, Dorsey, Drew, Ellis, Estudillo, Gans, Goodrich, Hartman, Held, Houser, John, Johnson, Jury, Lucey, Lynch, McCartney, McGowan, McNamara, Memeke, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Slaven, Strobridge, Strohl, Transue, Treadwell, Vogel, Walsh, Waste, Whiting, and Wickersham—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 653—An Act to provide for one additional judge of the Superior Court of San Joaquin County, State of California, for the manner of his appointment, and for his compensation.

Read third time.

Mr. Beardslee moved that a select committee of one be appointed to amend Assembly Bill No 653, as follows :

On first page of printed amended bill strike out all in line four (4), Section 2, after the word "California," and all of line five (5) of said Section 2.

Motion carried.

Mr. Beardslee was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 653—An Act to provide for one additional judge of the Superior Court of the County of San Joaquin, State of California, for the manner of his appointment, and for his compensation—with instructions, does now report that the instructions of the Assembly have been carried out.

BEARDSLEE, Committee.

Report of select committee of one adopted.

Ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 442—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation of property may be imposed upon and performed by county and State officers, and making county officers in certain cases ex-officio officers of the State.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Chandler, Cleveland, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnson, Jones of San Francisco, Jury, Lucey, Lynch, McGowan, McNamara, Mitcheltree, O'Brien, Olmsted, Pyle, Severance, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 652—An Act to amend Sections 1521, 1772, and 1775 of the Political Code, relating to the certification of teachers.

Read third time.

The roll was called, and the bill passed by the following vote :

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Cleveland, Coyle, Creighton, Cullen, Devlin, Dorsey, Drew, Ells, Espey, Estudillo, Gans, Goodrich, Held, Houser, Jarvis, John, Johnson, Jones of San Francisco, Jury, Lucey, Lynch, McGowan, McNamara, Mitcheltree, O'Brien, Perkins, Pfaffle, Pyle, Severance, Slaven, Strobbridge, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—50

**NOES**—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 612—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burke, Busick, Coyle, Creighton, Cullen, Dorsey, Estudillo, Held, Jarvis, John, Johnson, Jones of San Francisco, Jury, Lucey, McCartney, McGowan, McNamara, Meincke, Mitcheltree, O'Brien, Perkins, Pfaffle, Pyle, Severance, Slaven, Strohl, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—42.

**NOES**—Messrs. Amerige, Arnerich, Chandler, Cleveland, Drew, Ells, Espey, Gans, Goodrich, Olmsted, Strobbridge, and Thompson—12

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Boyle, Branstetter, Burke, Busick, Creighton, Cullen, Dorsey, Ells, Estudillo, Gans, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnson, Jones of San Francisco, Jury, Lucey, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Perkins, Pfaffle, Pyle, Severance, Slaven, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—46.

**NOES**—Mr. Coyle—1

Title read and approved.

Bill ordered transmitted to the Senate.

#### NOTICE OF MOTION TO RECONSIDER.

Mr. Weyand gave notice that on next legislative day he would move to reconsider the vote whereby Assembly Bill No. 472 was this day passed.

Assembly Bill No. 747—An Act to amend Section 954 of the Penal Code, relating to the joinder of charges in one indictment or information.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Boyle, Branstetter, Burke, Busick, Cleveland, Coyle, Creighton, Cullen, Devlin, Drew, Ells, Estudillo, Gans, Goodrich, Hartman, Held, Houser, John, Jones of San Francisco, Jury, McCartney, McGowan, McNamara, Olmsted, Perkins, Pyle, Slaven, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—41.

**NOES**—Messrs. Lucey, Mitcheltree, Pfaffle, and Severance—4.

Title read and approved.

Bill ordered transmitted to the Senate.

On motion of Mr. Goodrich, Assembly Bill No. 292 was ordered withdrawn from Committee on Judiciary and ordered placed on second-reading file.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 801—An Act to appropriate the sum of \$3,500 to pay the claim of E. J. Card, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 579—An Act making an appropriation to pay the claim of the Lauritzen Company—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying substitute do pass for the same

SEVERANCE, Chairman.

Assembly Bill No. 801 ordered on file for second reading.

Assembly Bill No. 579 withdrawn and ordered stricken from the file.

#### SECOND READING OF BILL.

Assembly Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 183 thereof, relating to salaries and fees of county and township officers in counties of the twenty-sixth class.

Read second time, ordered engrossed and on third-reading file.

#### ADJOURNMENT.

At ten o'clock and twenty minutes P. M. the Speaker pro tem., on motion of Mr. Hartman, declared the Assembly adjourned until eleven o'clock A. M. of Wednesday, February 15, 1905.

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER,

Wednesday, February 15, 1905. }

The Assembly met at eleven o'clock A. M., pursuant to adjournment. Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

#### ROLL CALL.

The roll was called; and the following members answered to their names:

Messrs. Amerige, Anthony, Americh, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—75.

Quorum present.



## LEAVES OF ABSENCE.

Leaves of absence were granted to Mr. King and to Mr. Mindham for the day and Thursday.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. John, further reading of the Journal was dispensed with.

## REPORTS OF STANDING COMMITTEES.

Reports from standing committees were presented and read, as follows:

## ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. SPEAKER Your Committee on Contingent Expenses and Accounts, to whom was referred a resolution by Mr. Lynch for payment of repairs in Assembly Chamber—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

CROMWELL, Chairman

*Resolved*, That the Controller be and he is hereby directed to draw his warrant against the Contingent Fund of the Assembly in favor of O. W. Lynch for the sum of \$146.90 for the payment of repairs in Assembly Chamber, and the Treasurer is hereby directed to pay the same.

## ADOPTION OF REPORT AND RESOLUTION.

Mr. Cromwell moved the adoption of the report and resolution.

The roll was called, and the report and resolution were declared adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Durvea, Ellis, Espey, Estudillo, Gans, Gates, Hawkins, Held, John, Johnson, Jones of San Francisco, Jury, Lucey, Lumley, Lynch, Maxwell, McCartney, McGowan, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—63.

NOES—None.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The Committee on Judiciary submitted the following report, which was read:

## ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 910—An Act to amend Section 3881 of the Political Code of the State of California, relating to correcting of error, omission, defect in form of, or in description, erroneous or double assessments in any assessment roll—reports the same back, with four amendments, and with the recommendation that it do pass as amended.

Also: Senate Bill No. 519—An Act to provide one (1) additional judge of the Superior Court of the County of San Joaquin, State of California, for the manner of his appointment, and for his compensation—reports the same back, with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 878—An Act to amend Sections 1184, 1185, 1187, and 1190 of the Code of Civil Procedure, and to repeal Section 1203 of said Code, all relating to liens of mechanics and others upon real property—reports the same back, with three amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 911—An Act to amend "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered 629a, and providing for the appointment of a clerk and stenographer, and fixing the compensation of such clerk and stenographer—reports the same back, with two amend-

ments, and with the recommendation that the amendments be adopted, and the bill as amended be re-referred to Committee on Ways and Means.

Also: Assembly Bill No. 810—An Act to amend Section 3488 of the Political Code of the State of California—reports the same back, with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 909—An Act to amend Section 2197 of the Political Code, relating to actions which may be brought by the State Commission in Lunacy—reports the same back, with two amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 758—An Act to amend Section 1476 of the Penal Code, relating to writs of habeas corpus—reports the same back, with two amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 920—An Act to amend Section 344 of the Code of Civil Procedure of the State of California—reports the same back, with three amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 326—An Act to amend Section 10 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to holidays—reports the same back, with recommendation that it do not pass.

Also: Senate Bill No. 306—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments—reports the same back, with the recommendation that it do pass

DURYEA, Chairman.

Assembly Bills Nos. 910, 519, 878, 810, 909, 758, 920, 326, and 306 ordered on second-reading file.

Assembly Bill No. 911 ordered referred to Committee on Ways and Means and on second-reading file.

The Committee on Ways and Means submitted the following reports, which were read:

#### ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 402—An Act to appropriate the sum of \$520 to pay the claim of William Saunders against the State of California—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that the same do pass as amended

STANTON, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 629—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and for making an appropriation therefor

Also: Assembly Bill No. 561—An Act to establish and maintain a home for aged and disabled miners of the State of California, and appropriating money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

STANTON, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 81—An Act to appropriate \$400 to pay the claim of L. C. Waite against the State of California, upon a judgment recovered in an action entitled "L. C. Waite vs The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 373—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey county, for costs in foreclosing delinquent purchases of State school lands, and making an appropriation therefor.

Also: Assembly Bill No. 471—An Act to establish and maintain a State hygienic laboratory for bacteriological and chemical analysis, for the use of the State Board of Health, providing for the appointment of a director thereof, and assistants, making an appropriation therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto.

Also: Assembly Bill No. 534—An Act to appropriate the sum of \$2,000 to pay the claim of W. C. Van Fleet for legal services rendered the State of California, in the Superior Court of the City and County of San Francisco, and the Supreme Court of the State of California, in an action entitled *Jeremiah F. Sullivan et al. vs. Henry T. Gage et al.*, constituting the State Board of Examiners.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

STANTON, Chairman.

Assembly Bills Nos. 402, 629, 561, 81, 373, 471, and 534 ordered on second-reading file.

The Committee on Military Affairs submitted the following report, which was read:

ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Senate Joint Resolution No. 6—Relative to supplying rifles to the Sons of Veterans, etc.—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GANS, Chairman

Senate Joint Resolution No. 6 ordered on special Senate file.

MESSAGES FROM THE SENATE.

Messages from the Senate were taken up and read, as follows:

SENATE CHAMBER, SACRAMENTO, February 14, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Senate Constitutional Amendment No. 2—To propose to the people of the State of California an amendment to Article XX, Section 16 of the Constitution, to provide for legislation concerning the term of officers or commissioners and certain employes whose terms of office are not provided for in the Constitution.

Also passed: Assembly Bill No. 62—An Act to appropriate the sum of \$20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon the Sonora and Mono road, a State highway.

Also passed: Senate Bill No. 225—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also passed: Senate Bill No. 228—An Act to provide for the completion of the main building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also passed: Assembly Bill No. 89—An Act to amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time thereof.

Also passed: Senate Bill No. 229—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also passed: Senate Bill No. 382—An Act authorizing the payment of a judgment heretofore rendered in favor of Benjamin Lauer, plaintiff, against the State of California, defendant, in the Superior Court of the State of California in and for the County of Modoc, in a cause numbered 1314 upon the Register of Actions maintained in the office of the clerk of said court, and making an appropriation therefor.

Also passed: Senate Bill No. 565—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Also passed: Senate Bill No. 601—An Act making an appropriation to pay the claim of the County of El Dorado against the State of California.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Constitutional Amendment No. 2 read, and referred to the Committee on Judiciary.

Senate Bill No. 62 read first time, and referred to Committee on Roads and Highways.

Senate Bills Nos. 225, 228, and 229 read first time, and referred to Committee on State Hospitals and Asylums.

Assembly Bill No. 89 ordered to enrollment.

Senate Bills Nos. 332, 565, and 601 read first time, and referred to Committee on Claims.

Also :

SENATE CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 9—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.

Also: Senate Bill No. 144—An Act making an appropriation of \$915.94 to pay the claim of George H. Shaw against the State of California.

Also: Senate Bill No. 223—An Act to provide for the completion of certain buildings at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Senate Bill No. 226—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Senate Bill No. 257—An Act to provide for the fencing and improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 282—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeal.

Also: Senate Bill No. 378—An Act to appropriate \$7,500 to sink artesian wells and to develop artesian water on the lands of the Mendocino State Hospital.

Also: Senate Bill No. 417—An Act to amend Section 17 of the Political Code of the State of California, relating to definitions of certain terms used in said Code.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 9, read first time, and referred to Committee on Public Works, State Capitol and Parks.

Senate Bill No. 144 read first time, and referred to Committee on Claims.

Senate Bills Nos. 223, 226, 257, and 378 read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bills Nos. 282 and 417 read first time, and referred to Committee on Judiciary.

#### INTRODUCTION AND REFERENCE OF BILLS.

Bills were introduced and referred, as follows:

By Mr. Pyle: Assembly Bill No. 964—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 21 thereof, relating to counties of the seventeenth class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Transue: Assembly Bill No. 965—An Act to amend Section 437 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, relating to mutual life, health, and accident insurance corporations.

Read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Manwell: Assembly Bill No. 966—An Act to amend Section 13 of an Act entitled "An Act to provide for the protection of certain lands in the County of Sutter from overflow," approved March 25, 1868.

Read first time, and referred to Committee on Swamp and Overflowed Lands.

By Mr. Olmsted: Assembly Bill No. 967—An Act to provide for the formation, functions, government, operation, and dissolution of water supply districts; for the development and acquisition thereby, by purchase, condemnation, or otherwise, of sources of water supply for domestic and public purposes, and for the construction or acquisition thereby, by purchase, condemnation, or otherwise, of water works

and water systems and other property, and of the operation thereof, and the fixing of water rates thereby; the calling and conducting of elections in such districts; the assessments, levy, collection, custody, and disbursements of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds.

Read first time, and referred to Committee on Judiciary.

By Mr. Anthony: Assembly Bill No. 968—An Act to amend Section 770 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeals from judgments of removal from office.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Constitutional Amendment No. 22—To propose to the people of the State of California an amendment of Article XIII of the Constitution of the State of California, by repealing Section 12 of said Article XIII, thereby abolishing State poll tax.

Referred to Committee on Constitutional Amendments.

By Mr. Weyand: Assembly Bill No. 969—An Act to provide for the formation of levee districts in the various counties in this State, and to provide for the erection of levees, dykes, and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dykes, and other works and to pay the necessary costs and expenses of maintaining said districts.

Read first time, and referred to Committee on Swamp and Overflowed Lands.

By Mr. Atkinson: Assembly Bill No. 970—An Act to compel corporations having their stocks and bonds listed to file statements with the Secretary of State.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 971—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relative to the same, and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,'" approved March 23, 1901, by amending Sections 12 and 13.

Read first time, and referred to Committee on Judiciary.

#### LAST DAY TO INTRODUCE BILLS.

The Speaker called the attention of members to the fact that Saturday, February 18, 1905, would be the last regular day for the introduction of bills, except by consent, as provided by the Constitution.

#### RESOLUTION.

Mr. Goodrich offered the following, which was read:

(To pay expenses for Lincoln birthday exercises.)

*Resolved*, That Senator G. B. Keane be paid the sum of twenty-five (\$25) dollars out of the Contingent Expense Fund of the Assembly, to defray the expense incurred by the committee which had charge of the Lincoln anniversary exercises held on the 13th instant; that the State Controller be and he is hereby authorized and directed to draw his warrant for the said sum against the said fund in favor of Senator Keane, and the State Treasurer is hereby authorized and directed to pay the same.

## RESOLUTION ADOPTED.

Mr. Goodrich moved the adoption of the resolution, without reference to a committee.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Chandler, Coghlan, Cooper, Coyle, Creighton, Cromwell, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, Lucey, Lynch, Manwell, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaefle, Pyle, Rolley, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—63.

**NOES**—None.

## RESOLUTION.

Mr. Cromwell presented the following resolution, which was read:  
By Mr. Cromwell:

(To draw warrant in favor of Sergeant-at-Arms to pay sundry bills.)

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of one thousand three hundred and ninety-four and nineteen one-hundredths dollars (\$1,394.19), in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

John Breuner Co.....	\$303 75
A. J. Johnston Co.....	480 80
F. R. Pulford.....	36 75
R. O. Kimbrough.....	4 25
A. S. Hopkins Co.....	10 82
Capital Manufacturing Co.....	56 50
H. E. Sleeper.....	8 50
Capital Artesian Water Co.....	30 00
A. S. Baker.....	11 20
Roy Hart.....	2 60
Kane & Trainor Co.....	21 00
Dave Ellis.....	2 00
H. S. Crocker Co.....	426 02
<b>Total.....</b>	<b>\$1,394 19</b>

## RESOLUTION ADOPTED.

Mr. Cromwell moved the adoption of the resolution, without reference to a committee.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Chandler, Cooper, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of San Francisco, Jury, King, Lumley, Lynch, Manwell, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaefle, Pryor, Pyle, Rolley, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—64.

**NOES**—None.

## BILL REFERRED TO A SELECT COMMITTEE.

Mr. Manwell moved that Assembly Bill No. 571 (No. 183 on file) be referred to a select committee, consisting of the Committee on Corporations, for further consideration and amendment, the bill to retain its place on file.

Motion carried.

## EXCUSED FOR THE DAY.

Mr. Walsh moved that Mr. Pryor, at his request, be excused for the day.  
Motion carried.

## BILL WITHDRAWN.

Mr. Bliss moved that Assembly Bill No. 701 be recalled from the Committee on Agriculture, and that he be permitted to withdraw the same.

Motion carried.

## SPECIAL ORDERS.

Special orders set for this day were called up, as follows:

Report of special committee on resolution on charges against Judge Smith of Santa Cruz County, February 14, after the reading of the Journal.

Temporarily passed.

Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employes of the Senate and Assembly

Mr. Stanton moved that Assembly Constitutional Amendment No. 3 be continued, and placed under the head of special orders for to-morrow (Thursday).

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Commerce and Navigation asked leave to submit (out of order) the following report, which was read:

## ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 759—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties and providing for their compensation.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

HARTMAN, Chairman.

Assembly Bill No. 759 ordered on second-reading file.

## SPEAKER PRO TEM. CALLED TO THE CHAIR.

The Speaker, at eleven o'clock and forty-four minutes A. M., called Speaker pro tem. Hon. T. E. Atkinson to the chair.

## SPECIAL FILE.

Bills and constitutional amendments on special file were called up for consideration as follows:

Assembly Constitutional Amendment No. 10—Relating to proposing an amendment to the State Constitution, providing for free public school books.

Assembly Constitutional Amendment No. 10 was read.

## ASSEMBLY CONSTITUTIONAL AMENDMENT No. 10.

Relating to proposing an amendment to the State Constitution providing for free public school books.

*Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its regular session, commencing on the 2d day of January Anno Domini*

one thousand nine hundred and five, two thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes that Section 7 of Article 9 of the Constitution of the State of California be amended to read as follows:

Section 7. The Governor, the Superintendent of Public Instruction, the President of the University of California, and the professor of pedagogy therein, and the principals of the State normal schools, shall constitute the State Board of Education, and shall compile or cause to be compiled, and adopt, a uniform series of text-books for use in the public common schools throughout the State. The State board must cause such text books when adopted, to be printed and published by the Superintendent of State Printing, at the State Printing Office, and when so printed and published, to be distributed to the pupils of the public common schools free of charge under such rules and regulations as the State Board of Education may prescribe. The text-books so adopted shall continue in use not less than four years; and said State board shall perform such other duties as may be prescribed by law. The Legislature shall provide for the board of education in each county in the State. The county superintendents and the county boards of education shall have the control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions.

Assembly Constitutional Amendment No. 10 ordered printed in the Journal.

The question being on the adoption of Assembly Constitutional Amendment No. 10.

The roll was called, with the following result:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Bliss, Boyle, Branstetter, Burge, Coglian, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, John, Jones of Tuolumne, Jury, King, Lucey, Lumley, Lynch, Manwell, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Moore, Olmsted, Perkins, Pfaefle, Pyle, Rolley, Severance, Slaven, Strobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—61.

NOES—Messrs. Amerige, Beardslee, Burke, Busick, Chandler, Drew, Johnson, Johnstone, Jones of San Francisco, O'Brien, Stanton, Strohl, and Walsh—13.

Assembly Constitutional Amendment No. 10 was declared adopted, and ordered transmitted to the Senate.

#### SPEAKER RESUMES THE CHAIR.

At twelve o'clock and fifteen minutes P. M., the Speaker, Hon. Frank C. Prescott, resumed the chair.

#### SPECIAL FILE—(RESUMED).

Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 17 of Article VI, of said Constitution, relating to the compensation of justices of the Supreme Court and judges of the superior court.

Assembly Constitutional Amendment No. 11 was read.

#### ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 11.

A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California, amending section seventeen of Article six of said Constitution, relating to the compensation of justices of the Supreme Court and judges of the Superior Court.

The Legislature of the State of California, at its regular session, commencing on the second day of January, A. D. nineteen hundred and five, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that section seventeen of article six of the Constitution of the State of California, be amended so as to read as follows:

Section 17. The justices of the Supreme Court and judges of the superior court shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished after their election, nor during the term for which they shall have been elected. The salaries of the justices of the Supreme Court shall be paid by the State. One half of the salary of each superior court judge shall be paid by the State; the other half thereof shall be paid by the



county for which he is elected. During the term of the first judges elected under this Constitution, the annual salary of the justices of the Supreme Court shall be six thousand dollars each.

On and after the first day of January, A. D. one thousand nine hundred and seven, the annual salary of the justices of the Supreme Court shall be eight thousand dollars each.

Until otherwise changed by the Legislature, the superior court judges shall receive an annual salary of three thousand dollars each, payable monthly, except the judges of the City and County of San Francisco, and the counties of Alameda, Los Angeles, San Joaquin, Santa Clara, Yuba and Sutter combined, Sacramento, Butte, Nevada, Napa, and Sonoma, shall receive four thousand dollars each.

Assembly Constitutional Amendment No. 11 ordered printed in the Journal.

The question being on the adoption of Assembly Constitutional Amendment No. 11.

The roll was called, with the following result:

**AYES**—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cullen, Devlin, Dorsey, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, John, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mitchellree, Moore, Olmsted, Pfaffle, Pyle, Rolley, Slaven, Thompson, Transue, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—62.

**NOES**—Messrs. Amerige, Beckett, Chandler, Cromwell, Drew, Johnstone, Lynch, Perkins, Strobrider, and Strohl—10.

Assembly Constitutional Amendment No. 11 declared adopted, and ordered transmitted to the Senate.

#### INTRODUCTION OF BILL—(OUT OF ORDER).

Mr. Atkinson was granted leave to introduce a bill (out of order), as follows:

By Mr. Atkinson: Assembly Bill No. 972—An Act to add a new section to the Political Code, to be numbered 2524a, relating to the powers of the Board of State Harbor Commissioners.

Read first time, and referred to Committee on Commissions and Public Expenditures.

#### ASSEMBLY CONCURRENT RESOLUTION TAKEN UP—(OUT OF ORDER).

Mr. Goodrich moved that Assembly Concurrent Resolution No. 18 (No. 308 on file) be now taken up for consideration.

Motion carried.

Assembly Concurrent Resolution No. 18 was read.

#### ASSEMBLY CONCURRENT RESOLUTION No. 18.

Approving eight certain amendments to the charter of the City of Pasadena, County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Pasadena at the special municipal election held therein for that purpose, on the fourth day of February, nineteen hundred and five.

WHEREAS, The City of Pasadena, in the County of Los Angeles, State of California, contains a population of more than thirty-five hundred inhabitants, and has been ever since the year nineteen hundred and one, and is now, organized and acting under a Freeholders Charter, adopted under and by virtue of Section Eight, of Article Eleven, of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of November, A. D., nineteen hundred, and approved by the Legislature of the State of California, on the twenty-ninth day of January, nineteen hundred and one (Statutes of 1900-L, page 884), which Charter has never been amended; and

WHEREAS, The City Council of the said City of Pasadena did, by Ordinance number five hundred and sixty-five, adopted by said City Council, and approved by the Mayor of said city on the twenty-ninth day of November, nineteen hundred and four, and pursuant to Section Eight of Article Eleven of the Constitution of the State of California,

duly proposed to the qualified electors of the said City of Pasadena, certain amendments to the Charter of said City of Pasadena, to be submitted to the said qualified electors at a Special Municipal Election to be held in said city on the fourth day of February, nineteen hundred and five, said amendments being ten in number; and

WHEREAS, Said proposed amendments were, and each of them was, published for twenty days in a daily newspaper printed and published in said City of Pasadena, and having a general circulation therein, to wit: The Pasadena Daily News, said publication beginning on the thirtieth day of November, nineteen hundred and four, and ending on the twenty-third day of December, nineteen hundred and four; and

WHEREAS, The City Council of said city did, by ordinance number five hundred and seventy-two, adopted by said City Council, and approved by the Mayor of said city the third day of January, nineteen hundred and five, order the holding of a special municipal election in said City of Pasadena, on the fourth day of February, nineteen hundred and five, said day being at least forty days after the publication of said proposed amendments for twenty days in a daily newspaper of general circulation in said City of Pasadena, to wit: The Pasadena Daily News, and did provide in said ordinance for the submission of said proposed amendments to the qualified electors of said city for their ratification at said election, said ordinance was published for ten days in the Pasadena Daily News, a daily newspaper printed and published in said City of Pasadena, said publications beginning on the third day of January, nineteen hundred and five, and ending on the thirteenth day of January, nineteen hundred and five; and

WHEREAS, At said election a majority of the qualified electors voting thereat voted in favor of the ratification of, and did ratify eight of the proposed amendments to said Charter; and

WHEREAS, The City Council of said City of Pasadena in accordance with Section Ten of Article Nineteen and Section Three of Article Twenty-one of the Charter of said city did meet on the first Monday after the day of election, to-wit: The sixth day of February, nineteen hundred and five, at their usual time and place of meeting and duly canvassed the returns of the said election, and duly found, determined and declared that a majority of the qualified electors of said city voting at such election, had voted for and ratified eight of the said proposed amendments to the Charter of said City of Pasadena; and

WHEREAS, The said eight amendments to said Charter so ratified by a majority of the qualified electors in said city voting at said election are in words and figures as follows, to-wit:

That Section One of Article One of the charter of said city be amended to read as follows:

SECTION 1. The municipal corporation now existing, known as the City of Pasadena, shall continue to be a body corporate and politic, under the name of the City of Pasadena, and with the following boundaries, to-wit:

Beginning at a stone monument in the west bank of the Arroyo Seco, said monument being fifty-three hundred and four and four-tenths (5304.4) feet north 89° 51' west from the northwesterly corner of block marked "T" of the subdivision of lands belonging to J. H. Painter and B. F. Ball, as per map recorded in Book 4, page 549 of Miscellaneous Records of Los Angeles County, State of California, said monument being also the northwesterly corner of the City of Pasadena as shown by the city charter as adopted November 20th, 1900, thence running northerly along the easterly boundary lines of Pasadena Park Tract as shown on map of partition of Pasadena Park Tract, as recorded in book 1, page 36 of Licensed Surveys of Los Angeles County, State of California, and Linda Vista Tract, as recorded in book 29, pages 97 and 98 of Miscellaneous Records of Los Angeles County, State of California, to a point, said point being an intersection of the easterly line of said Linda Vista Tract with the production westerly of a line which is two hundred (200) feet north of, and parallel with the north line of Montana street, as shown on map of subdivision of lands belonging to J. H. Painter and B. F. Ball, as recorded in book 4, page 549 of Miscellaneous Records of Los Angeles County, State of California; thence easterly and parallel with said northerly line of Montana street and distant therefrom two hundred (200) feet north to an intersection with the center line of Woodbury road as shown on map of subdivision of lands belonging to J. H. Painter and B. F. Ball, as recorded in book 4, page 549 of Miscellaneous Records of Los Angeles County, thence southeasterly along the center line of said Woodbury road to an intersection with the center line of Lake avenue, as shown on map of Pasadena Highland Tract, as recorded in book 24, page 99 of Miscellaneous Records of Los Angeles County, State of California; thence southerly along the said center line of Lake avenue to an intersection with a line which is two hundred and two (202) feet north of and parallel with the north line of Atchison street, as shown on map of Pasadena Highland Tract as recorded in book 24, page 99 of Miscellaneous Records of Los Angeles County, State of California; thence east and parallel with the said north line of Atchison street to the northeast corner of lot numbered Twelve (12) of Block three (3) of said Pasadena Highland Tract; thence south and parallel with the east line of Luverne avenue, as shown on map of said Pasadena Highland Tract to an intersection with the center line of Washington street, as shown on map of said Pasadena Highland Tract; thence westerly along the said center line of Washington street to an intersection with a line which is a production northerly of the easterly boundary line of the City of Pasadena as shown in the city charter as adopted November 20th, 1900; thence southerly along the above described line to a point which is six hundred and sixty (660) feet south of the south line of Mountain street, as shown

on the map of the subdivision of lands of J. H. Painter and B. F. Ball, as recorded in book 4, page 549 of Miscellaneous Records of Los Angeles County, State of California, and six hundred and sixty (660) feet easterly from the east line of Lake avenue as originally laid out as a fifty (50) foot street; thence running southerly and parallel with the said east line of Lake avenue to a point in the south line of San Pasqual street, said point being the northeast corner of lot numbered Twelve (12) of Block "L," of the San Pasqual Tract of Lake Vineyard Land and Water Association lands, as shown on map as recorded in book 3, page 315 of Miscellaneous Records of Los Angeles County, State of California, thence running west along the north line of said lot numbered Twelve (12) four hundred and fifty and six-tenths (450.6) feet to a point, said point being one hundred and ninety-three and four-tenths (193.4) feet east from the present southeast corner of Lake avenue and San Pasqual street, thence running southeasterly to a point in the south line of California street, said point being distant four hundred and twenty-four and five tenths (424.5) feet east of the southeast corner of Lake avenue and California street, and also being the northwest corner of lot numbered One (1) of C. K. Meneely's subdivision, as per map recorded in book 30, page 21 of Miscellaneous Records of Los Angeles County, State of California; thence running south  $17^{\circ} 04'$  east, thirteen hundred and sixty-one (1361) feet along the westerly line of said C. K. Meneely's subdivision and the easterly line of the Merrill and Leighton subdivision as per map recorded in book 22, page 75 of Miscellaneous Records of Los Angeles County, State of California, and a prolongation thereof to a white oak tree two feet in diameter, thence running south  $20^{\circ}$  east, three hundred and eighteen (318) feet, more or less, to a point in the south boundary line of said San Pasqual Tract of Lake Vineyard Land and Water Association lands, said point being three hundred and sixteen and eight-tenths (316.8) feet west of the southeast corner of lot numbered Six (6) of Block "B" of San Pasqual Tract of Lake Vineyard Land and Water Association lands; thence running along the southerly and easterly boundary line of said San Pasqual Tract of Lake Vineyard Land and Water Association lands as follows, to wit: West twenty-one hundred and sixty-seven and forty-four hundredths (2167.44) feet, south  $10^{\circ} 45'$  west twenty-five hundred and fifty-four and eighty-six hundredths (2554.86) feet, north  $52^{\circ} 37'$  west, eight hundred and eighty-five and seventy-two hundredths (885.72) feet to a point on the southeasterly boundary line of lot numbered Twelve (12) of Block "N" of said San Pasqual Tract of Lake Vineyard Land and Water Association lands; thence running south  $35^{\circ} 45'$  west along the easterly boundary line of said lot numbered Twelve (12) and a prolongation of the said east boundary line of ten hundred and twenty-eight and eight-tenths (1028.8) feet, more or less, to an intersection with the south line of Columbia street extended east, as shown on a map of San Gabriel Orange Grove Association lands as recorded in book 2, page 558 of Miscellaneous Records of said Los Angeles County; thence running west along the said south line of Columbia street, its extension and a prolongation thereof to a point in the west bank of the Arroyo Seco, said point being an intersection of a line which is a prolongation of the said south line of Columbia street with the westerly line of lot numbered Fifty-nine (59) of a plat of land in the Arroyo Seco (known as Arroyo Wood Lots) as per map recorded in book 3, page 282 of Miscellaneous Records of Los Angeles County; thence running northerly along the westerly boundary line of said plat of land in the Arroyo Seco to the north-westerly corner of lot numbered Thirty-three (33) of said plat of land in the Arroyo Seco, as per map recorded in book 3, page 281, of Miscellaneous Records of Los Angeles County; thence running north  $24^{\circ} 12'$  east three hundred and twenty-four (324) feet to a stake, thence running north  $42^{\circ} 20'$  east, two hundred and ninety-six and three-tenths (296.3) feet to a stake; thence running north  $60^{\circ} 35'$  east, five hundred and twelve (512) feet to a stake; thence running north  $36^{\circ} 40'$  east, two hundred and six and six-tenths (206.6) feet to a stake, thence running north  $24^{\circ} 38'$  east, one hundred and eighty-six and eight-tenths (186.8) feet; thence running north  $60^{\circ} 38'$  east, two hundred and forty and five-tenths (240.5) feet to a stake, thence running north  $26^{\circ} 14'$  east, four hundred and thirty-six and six-tenths (436.6) feet to a stake; thence running north  $67^{\circ} 47'$  west, three hundred and eighty-one and one tenth (381.1) feet to a stake; thence running north  $36^{\circ} 44'$  west, one hundred and thirty-eight and four-tenths (138.4) feet to a stake, thence running north  $23^{\circ} 11'$  west, one hundred and seventy-eight and one-tenth (178.1) feet to a stake; thence running north  $21^{\circ} 14'$  east, six hundred and forty-one and seventy-five hundredths (641.75) feet to a stake; thence running north  $4^{\circ} 40'$  west, three hundred and eighty-nine and three-tenths (389.3) feet to a stake; thence running north  $39^{\circ} 40'$  west, two hundred and forty-three and four-tenths (243.4) feet to a stake; thence running north  $11^{\circ} 35'$  west, four hundred and eight (408) feet to a stake; thence running north  $17^{\circ} 15'$  west, one hundred and six and four-tenths (106.4) feet to a stake; thence running north  $41^{\circ} 37'$  west, two hundred and twenty-five and five-tenths (225.5) feet to a stake; thence running north  $11^{\circ} 19'$  west, two hundred and forty-four and six-tenths (244.6) feet to a stake; thence running north  $0^{\circ} 48'$  west, one hundred and sixty-six and seven-tenths (166.7) feet to a stake, thence running north  $21^{\circ} 41'$  west, one hundred and seventeen and five-tenths (117.5) feet to a stake; thence running north  $59^{\circ} 17'$  west, four hundred and forty-two and two-tenths (442.2) feet to a stake; thence running north  $25^{\circ} 44'$  west, seven hundred and seventy-six and four-tenths (776.4) feet to a stake; thence running north  $15^{\circ} 36'$  west, eight hundred and fourteen and eight-tenths (814.8) feet to a stake; thence running north  $35^{\circ} 46'$  west, one hundred and ninety-six and six-tenths (196.6) feet to a stake; thence running north  $14^{\circ} 37'$  west, seven hundred and eighty-nine and five-tenths (789.5) feet to a stone monument and place of beginning.

That Section Two of Article One of the charter of said city, be amended to read as follows:

SEC. 2. The city shall be divided into five wards as follows, to wit:

The first ward, which shall include all that portion of the city which lies east of the center line of Raymond avenue and between the center line of Colorado street and the old north city limits, as described in the charter of said city, as adopted and ratified November 20th, 1900.

The second ward, which shall include all that portion of the city which lies west of the center line of Raymond avenue and lying between the center line of Colorado Street, and a prolongation westerly thereof and the old north city limits as described in the charter of said city, as adopted and ratified November 20th, 1900.

The third ward, which shall include all that portion of the city which lies south of the center line of Colorado street and east of the center line of Raymond Avenue, and a prolongation southerly thereof to the south city limits.

The fourth ward, which shall include all that portion of the city which lies south of the center line of Colorado street and a prolongation westerly thereof to the west city limits and west of the center line of Raymond avenue, and a prolongation southerly thereof to the south city limits.

The fifth ward, which shall include all that portion of the city which lies north of the old north city limits as described in the charter of said city adopted and ratified November 20th, 1900.

The City Council shall have power to change the boundaries of the said wards by ordinance adopted as other ordinances are required to be adopted under this charter; *provided*, that the said boundaries shall not be changed oftener than once in three years.

That Section One of Article Two of the charter of said city be amended to read as follows:

SECTION 1. The officers of the city shall be:

Mayor.

Seven members of the city council.

City treasurer, who shall be *ex-officio* city tax and license collector.

City clerk

City attorney

Judge of the police court.

City auditor, who shall be *ex-officio* city assessor

City engineer

Superintendent of streets.

Board of commissioners, consisting of five members, who shall have control of the park, fire, and police departments of the city government.

Board of water commissioners, consisting of five members, who shall have control of the water department of the city government.

Board of education, consisting of five members,

Board of library trustees consisting of five members

Board of health, consisting of five members

That Section One of Article Eight of the charter of said city be amended to read as follows:

SECTION 1. The legislative power of the city shall be vested in a council of seven members; *provided, however*, that such legislative power shall be exercised subject to the veto power of the mayor as in this charter provided.

That Section Two of Article Eight of the city charter be also amended to read as follows:

SEC. 2 One of the members of the council shall be nominated from each of the wards of the city and two from the city at large. All of the members shall be elected at large by the qualified electors of the city. Each of the members of the council shall have been a citizen of the State and a resident and qualified elector of the city for a period of at least three years immediately preceding the day of his election. The members nominated from the wards shall be residents of the wards from which they are nominated.

That a section to be known as Section Three and One-Half be added to Article Eight of the charter of said city, and shall read as follows:

SEC. 3½ The councilman from the fifth ward and the councilman at large to be elected on the first Monday of April, 1905, shall so classify themselves by lot that one shall hold office for two years, and one shall hold office for four years, thereafter their successors shall hold office for four years and until their successors are elected and qualified.

That Section Five of Article Eight of the charter of said city be amended to read as follows:

SEC. 5. Four of the members of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time or compel the attendance of other members in such manner and under such penalties as the council may prescribe. No order except to adjourn for lack of a quorum or to compel the attendance of absent members, and no ordinance or resolution shall be valid unless it receive the affirmative votes of four members.

That Section Six of Article Eight of the charter of said city be amended to read as follows:

SEC. 6. Ordinances and resolutions are the formal acts of the council reduced to writing and passed under legal restrictions governing action thereon. Orders embrace all other acts, which, being less formal in character, require only to be duly passed by

the council and spread upon the minutes. No order, resolution or ordinance shall have any effect without the approval of the mayor. In the case of orders the approval of the mayor shall be presumed, unless at the same meeting at which the order was passed the mayor causes his disapproval, with his reasons therefor, to be spread upon the minutes. All resolutions and ordinances, after passage by the council, must be submitted to the mayor, who shall, within five days after he has received the same, endorse his approval or disapproval thereon, giving the reason for his disapproval. No ordinance or resolution shall be placed upon its final passage upon the same day that it has been introduced and read in full for the first time, and every ordinance and resolution to be valid must be passed by a vote of not less than four members of the council and approved by the mayor; *provided, however*, that if the mayor disapprove any order or does not approve any resolution or ordinance within the time herein provided, it may be passed by vote of not less than five members of the council and shall then be as valid as if approved by the mayor.

That Section Eight of Article Twelve of the charter of said city be amended to read as follows:

SEC. 8. The budget shall, when completed by the council, be delivered to the mayor who may within five days after such delivery to him veto any item in said budget in whole or in part, and it shall require the vote of at least five members of the council to overcome such veto. After the final estimate is made in accordance herewith, it shall be signed by the mayor and city clerk, and the several sums shall then be appropriated for the fiscal year to the several purposes and departments therein named. The estimate shall thereupon be filed in the office of the auditor.

That a new article be added to the charter of said city to be known as Article Six and One-Half, to read as follows:

#### ARTICLE 6½.

##### WATER, WATER RIGHTS AND WATER WORKS.

SECTION 1. The water department of the city shall be under the control and management of a board of water commissioners consisting of five members, four of whom shall be appointed by the mayor and their appointment confirmed by the council. Each of the four thus appointed shall be at least thirty years of age, a citizen of the State and shall have been a resident and qualified elector of the city for the three years next preceding his appointment. The fifth member of the board shall be the mayor, who shall be the presiding officer of the board. Those members of the board first appointed under this charter shall so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and one at the end of four years, thereafter their successors shall hold office for four years and until their successors are appointed.

SEC. 2. Three of the members of the board shall constitute a quorum for the transaction of business. The city clerk shall act as secretary of the board and keep the minutes thereof.

SEC. 3. The board shall have authority to purchase all machinery, pumps, supplies, articles and materials for the use of the water department.

SEC. 4. The board shall have the exclusive control and management of all water and water works that now belong, or may hereafter be acquired by the city; the construction, maintenance and improvement of such works; the management, rental, sale, and distribution of such water; the collection of rates for the same, and the general charge thereof. The board shall annually recommend to the council the rates to be charged for such water, but such rates shall be fixed by the council. The board may appoint, remove, discharge, or suspend superintendents, laborers, and all other persons employed upon or about said water works, or in the management, rental, sale, and distribution of such water, and the collection of rates for the same, and may prescribe and fix their duties, compensation, and authority; *provided, however*, that the board must adopt such civil service regulations as to them may be deemed wise, subject to the approval of the city council.

SEC. 5. All moneys received by the board from the collection of rates or otherwise shall be deposited in the treasury of the city to the credit of a fund to be known as the "Water Fund," and shall be kept separate and apart from other moneys of the city, and shall only be drawn from said fund upon demand previously approved by vote of three members of the board, taken with the ayes and noes, and spread on the minutes, and the action of said board endorsed on said demand and signed by the mayor as the presiding officer of said board, and by the clerk thereof, except that the city council, at the time of fixing the general tax levy, may in its discretion by resolution, apportion and set apart out of the moneys then in said "Water Fund," an amount sufficient to meet all sums coming due for interest or principal, or for interest and principal, upon all outstanding water works bonds, before the time of fixing the next general tax levy, and the city treasurer shall use the money so apportioned to make such payment and for no other purpose, and if there shall be a surplus remaining the same shall forthwith be transferred into the said "Water Fund."

SEC. 6. None of the money in said "Water Fund" shall be apportioned or used for any purpose or purposes other than the following, to wit:

- 1st.—For the necessary expenses of conducting the water department, operating the water works, and making all current and ordinary extensions, betterments and repairs.
- 2nd.—For the extraordinary improvement of and betterment to the property, works

and systems of supply and distribution of the water controlled by the water department, including purchase of necessary lands, water rights and other property.

3rd—The payment as above provided, of installments of interest or principal, or of interest and principal coming due upon outstanding water works bonds.

SEC. 7. The board of water commissioners shall present to the city council annually in each year a detailed report for the year ending the 30th day of June, which shall show the amount of money received from all sources and purposes for which such money has been expended and amount so expended and balance on hand; also, the nature and condition of the property held by the board, with such information and suggestions as it may deem of general interest; and the board shall also, on or before the first Tuesday of each month, make out and present a similar statement of all the expenses and expenditures during the preceding calendar month.

That Section Two of Article Three of the charter of said city be amended to read as follows:

SEC. 2. The members of the board of park, fire and police commissioners, members of the board of education, members of the board of library trustees and the members of the board of health shall serve without compensation. But the members of the board of water commissioners shall receive such compensation as may be hereafter fixed by the council.

That Section One of Article Six of the charter of said city be amended to read as follows:

#### PARK, POLICE, AND FIRE DEPARTMENTS.

SECTION 1. The park, police, and fire departments of the city shall be under the control and management of a board of commissioners consisting of five members, four of whom shall be appointed by the mayor and their appointment confirmed by the council. Each of the four thus appointed shall be at least thirty years of age, a citizen of the State, and shall have been a resident and qualified elector of the city for the three years next preceding his appointment. The fifth member of the board shall be the mayor, who shall be the presiding officer of the board. Those members of the board first appointed under this charter shall so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and one at the end of four years; thereafter their successors shall hold office for four years and until their successors are appointed.

That Section Four of Article Six of said charter be repealed.

That Section Three of Article Eleven of the charter of said city be amended to read as follows:

SEC. 3. Said demands, except demands payable out of the school fund, water fund and library fund, shall be presented to the council on forms to be supplied by the city clerk. The council shall consider the said demands and shall, if the same be just and legal, approve the same, or may, if it so determines, approve in part or reject the whole. The action of the city council shall be endorsed thereon, with the date of such action and certified by the signature of the city clerk.

That a new section to be designated as Section Seven and One-Half be added to Article Eleven of the charter of said city, and shall read as follows:

SEC. 7½. All demands payable out of the "Water Fund" must, before they can be approved by the city auditor, or paid, be previously approved by the board of water commissioners by a vote of three members thereof, taken with the ayes and noes, and spread on the minutes, and the action of said board endorsed on said demand and signed by the mayor as the presiding officer of such board, and by the clerk thereof. After the approval of said demands, they shall be delivered to the city auditor, who shall have the same powers, and shall perform the same duties in reference to demands payable out of the "Water Fund" as is provided for other demands; provided, that in case the city auditor shall reject any such demand, or if, in his opinion, said demand should be paid only in part he shall return the same to the board of water commissioners, instead of the council.

That Section Nine of Article Eleven of the charter of said city be amended to read as follows:

SEC. 9. Any demand returned to the council, with the objections of either the mayor or the auditor, shall again be considered by the council, and if it shall again be approved by the council and endorsed and certified as required by Section Three of this Article, the said objection shall thereby be overruled. Any demand returned to the board of education the board of water commissioners or to the board of library trustees with the objection of the city auditor, shall again be considered by such board, and if such demand be again approved as required in the first instance, the said objection by the city auditor shall thereby be overruled. Any demand, the objection of the mayor to which has been overruled, shall be delivered to the city auditor, who shall have the same power and perform the same duties in reference thereto as if the same had been approved by the mayor. Any demand, the objection of the city auditor to which has been overruled by the city council, the board of education, the board of water commissioners or the board of library trustees, as the case may be, shall be delivered to the city auditor, who shall number and make a record of such demand as in the case of demands approved by the mayor.

That Section Sixteen of Article Eleven of the charter of said city be amended to read as follows:

SEC. 16. Before any demand which originates in the fire, police, or park departments of the city government can be approved by the council it must first be approved by the

board of commissioners having charge of such departments by a vote of at least three members thereof, and the approval of such board of commissioners, with the date of such approval, must be endorsed on such demand and must be evidenced by the signature of the mayor as the presiding officer of such board, and by the clerk of the said board.

That Section Eighteen of Article Eleven of the charter of said city be amended to read as follows:

SEC. 18. No suit shall be brought upon any claim for money or damages against the City of Pasadena, its board of education, board of water commissioners, or the board of library trustees, until a demand for the same has been presented, as herein provided, and rejected in whole or in part.

That Subdivision Eighth of Section Three of Article One of the charter of said city be amended to read as follows:

Eighth—To construct and maintain water works, pipes, pipe lines, aqueducts and hydrants for supplying the city and its inhabitants with water, and the right to supply water to persons who live without the city limits.

That Section Thirteen of Article Five of the charter of said city be amended to read as follows:

#### CITY ATTORNEY.

SEC. 13. The city attorney shall be a citizen of the State and a resident and qualified elector of the city. He shall have been duly admitted to practice his profession by the Supreme Court of the State of California, and shall have been actually engaged in the practice of his profession for a period of five years next preceding his appointment. He shall be appointed by the mayor and his appointment confirmed by the council. He may be removed by the mayor, with the consent of the council, at any time.

That Section Three of Article Fifteen of the charter of said city be amended to read as follows:

SEC. 3. The judge of the police court shall be a citizen of the State, and a resident and qualified elector of the city. He shall have been duly admitted to practice as an attorney at law by the Supreme Court of the State of California, and shall have been actually engaged in the practice of the profession of law for a period of two years next preceding his appointment.

That Section Ten of Article Twelve of the charter of said city be amended to read as follows:

SEC. 10. The council may appropriate in the aggregate during each year not to exceed twenty-five hundred dollars for necessities not otherwise provided for by law, but no money shall be paid out of this appropriation unless authorized by a vote of at least five members of the council and approved by the mayor.

That Section Three of Article Thirteen of the charter of said city be amended to read as follows:

SEC. 3. In granting a franchise the city council shall impose such lawful conditions, restrictions and limitations as may best subserve the public interest and welfare, *provided, however*, that no franchise shall be granted for a longer term than twenty years.

That a new article be added to the city charter of said city to be known as Article Twenty and One-Half, and shall read as follows:

#### ARTICLE 20½.

##### RECALL

The holder of any elective office may be removed at any time by the electors entitled to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor of an incumbent sought to be removed, equal in number to at least 25 per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed shall be addressed to the council and filed with the city clerk; and said petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence and that to the best of his knowledge and belief, each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the city clerk shall examine and ascertain whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary, the council shall allow him extra help for that purpose and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay and the council shall thereupon order and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The City Council shall make or cause to be made publication of notice, and all arrangements for holding of such election; and the same shall be conducted, returned and the result thereof declared, in all respects, as are other city elections. The successor of any officer so removed, shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

AND WHEREAS, The said proposed amendments to the Charter of the City of Pasadena, so ratified are now submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment in accordance with Section Eight of Article Eleven of the Constitution of the State of California

State of California, County of Los Angeles, City of Pasadena.—ss.

This is to certify that we, William H. Vedder, Mayor of the City of Pasadena, and Heman Dyer, Clerk of the City of Pasadena, have compared the foregoing proposed and ratified amendments to the Charter of the City of Pasadena, with the original ordinance proposing such amendments and submitting the same to the qualified electors of said city at a Special Municipal Election called for that purpose on Saturday the fourth day of February, nineteen hundred and five, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are and each of them is true.

In Witness Whereof, we have hereunto set our hands and caused the corporate seal of the City of Pasadena to be attached this 8th day of February, nineteen hundred and five.

WILLIAM H. VEDDER,  
Mayor of the City of Pasadena.

[Seal] HEMAN DYER,  
City Clerk of the City of Pasadena

Now therefore,

*Be it resolved by the Assembly of the State of California the Senate thereof concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That the said amendments to the City Charter of said City of Pasadena hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of said city be and the same are hereby approved as a whole for, and as amendments to, the City Charter of said City of Pasadena*

Assembly Concurrent Resolution No. 18 ordered printed in the Journal.

#### ASSEMBLY CONCURRENT RESOLUTION ADOPTED.

The question being on the adoption of Assembly Concurrent Resolution No. 18.

The roll was called, with the following result:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of San Francisco, Jury, King, Lynch, Manwell, McGowan, McKenney, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfeafle, Pyle, Rolley, Severance, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—64

NOES—None

Assembly Concurrent Resolution No. 18 was declared adopted.

Mr. Goodrich moved that Assembly Concurrent Resolution No. 18 be immediately transmitted to the Senate.

So ordered.

#### TIME FOR RECESS EXTENDED.

Mr. McCartney, at twelve o'clock and twenty-five minutes P. M., moved that the hour for recess be extended for fifteen minutes.

Motion carried.



## TIME FOR RECESS FURTHER EXTENDED.

Mr. Transue, at twelve o'clock and thirty minutes P. M., moved that the hour for recess be further extended for fifteen minutes.

Motion carried.

## INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

Leave was granted for the introduction and reference of bills, as follows:

By Mr. Cleveland: Assembly Bill No. 973—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof; relating to compensation of county and township officers of counties of the thirteenth class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. McKenney: Assembly Bill No. 974—An Act to amend an Act entitled "An Act to add a new section to the Penal Code, to be known and numbered as 679a, regulating and limiting the sale of convict-made articles, and providing a penalty for the violation of the same," became a law under constitutional provision, without the Governor's approval March 16, 1901.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 975—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code, to be numbered 1588, making it unlawful for the State Board of Prison Directors, or the State Prison authorities at Folsom, or any other State penal institution in the State of California, to engage or employ any person confined or employed in any penal institution in the said State, in the manufacturing, cutting, or dressing any curbing or cross-walk material for street or sidewalk purposes, monuments, headstones, coping, posts, or steps suitable for use, or to be used in cemetery work, cut granite for building purposes, and dimension stone for cemetery or building work, except such cut or dimension stone as may be used in State prison buildings and walls, cut stone for arches in bridges and culverts, for use on State highways, county, or district roads," became a law under constitutional provision, without the Governor's approval, March 12, 1901.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

## MOTION TO TAKE UP BILL OUT OF ORDER.

Mr. Houser moved that Assembly Bill No. 114 (No. 397 on file) be now taken up for further consideration.

Motion carried.

Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

## POINT OF ORDER SUSTAINED.

Mr. Treadwell raised the point of order that Assembly Bill No. 114 could not be considered at this time, as the bill had been made a special order for to-morrow (Thursday), and that the action of the House making the bill a special order had not been reconsidered.

The Chair sustained the point of order as well taken.

## RECESS.

Mr. Atkinson, at twelve o'clock and forty-two minutes P. M., moved that the House take a recess until two o'clock and thirty minutes P. M. Motion carried, and recess declared.

## REASSEMBLED.

The Assembly reconvened at two o'clock and thirty minutes P. M.

The Speaker, Hon. Frank C. Prescott, in the chair.

The Speaker declared the next business in order to be the special Senate file.

## SPECIAL SENATE FILE.

Senate Bill No. 53—An Act to amend Section 3457 of the Political Code of California, relating to the nature and legal life of warrants of reclamation districts in the State of California.

The question being on the final passage of the bill.

The roll was called, and Senate Bill No. 53 finally passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Duryea, Ellis, Gans, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, King, Lynch, Manwell, McGowan, McKenney, McNamara, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Pyle, Severance, Slaven, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Weyand, Whiting, and Mr. Speaker—54

**NOES**—None.

Title read and approved.

Senate Bill No. 143—An Act to amend Section 850 of the Code of Civil Procedure, relating to notice of trial or hearing thereof in justices' courts.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Burge, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Duryea, Ellis, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, King, Lynch, Manwell, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Pyle, Severance, Slaven, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—58.

**NOES**—None.

Title read and approved.

Senate Bill No. 104—An Act to amend Sections 1 and 7 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Passed on file.

## MADE A SPECIAL ORDER.

Senate Bill No. 179 (Substitute for Assembly Bill No. 356) -An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.

Mr. Pyle moved that Senate Bill No. 179 be made a special order for to-morrow (Thursday) at three o'clock P. M.

Motion carried.

## SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 241 (Substitute for Assembly Bill No. 205)—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Passed on file.

Senate Bill No. 27—An Act to amend Section 3897 of the Political Code, relating to the disposition of lands deeded to the State for non-payment of State and county taxes.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, Manwell, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaffie, Pyle, Severance, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—64.

NOES—None.

Title read and approved.

Senate Bill No. 190 (Substitute for Assembly Bill No. 193)—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

Passed on file.

Senate Bill No. 193 (Substitute for Assembly Bill No. 194)—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts.

Passed on file.

Senate Bill No. 195 (Substitute for Assembly Bill No. 195)—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

Passed on file.

Senate Bill No. 125—An Act to amend Section 2955 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Bliss, Branstetter, Burge, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Espey, Gans, Gates, Goodrich, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jury, King, Lumley, Lynch, Manwell, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pyle, Severance, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—55.

NOES—Messrs. Atkinson, Beckett, Boyle, Coghlan, Cullen, and Stanton—6.

Title read and approved.

Senate Bill No. 116—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

Read second time.

## COMMITTEE AMENDMENT.

The Committee on Municipal Corporations submitted the following amendment:

Amend by striking out all of Section 4, on page 3 of printed bill.

Amendment adopted.

Senate Bill No. 116 ordered to print, and on third-reading special Senate file.

Senate Bill No. 117 (Substitute for Assembly Bill No. 166)—An Act to amend Sections 773 and 871 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the assessment and collection of taxes in municipalities of the fifth and sixth classes.

Passed on file.

Senate Bill No. 92—An Act adding a new section to the Penal Code, to be numbered 273, relating to the protection of children under eighteen years of age.

Read second time.

## COMMITTEE AMENDMENT.

The Committee on Judiciary submitted the following amendment:

Amend by striking out the colon (:) after the figures "273," in line 3 of the printed bill, and inserting in lieu thereof a period (.)

Senate Bill No. 92 ordered to print and third reading on special Senate file.

Senate Bill No. 98—An Act to amend Section 625 of the Code of Civil Procedure, relating to verdicts of juries.

Read second time.

Senate Bill No. 98 ordered to third reading on special Senate file.

Senate Bill No. 344—An Act making it a misdemeanor to sell or exchange property under the representation, advertisement, notice, or inducement that an unidentified, unknown, unselected, or chance prize, premium or premium-gift, or that a stamp, trading stamp, coupon or other like device entitling the holder to receive such a prize, premium or premium-gift, or that the redemption of such a stamp, trading stamp, coupon, or other like device so given, is to be part of the transaction, or to sell or exchange any trading stamp, stamp, coupon, or other like device to aid such sale or exchange as aforesaid, and providing a penalty therefor.

Read second time.

## MOTION TO REFER LOST.

Mr. Treadwell moved that Senate Bill No. 344 be referred to the Committee on Judiciary.

Motion lost.

Senate Bill No. 344 ordered to third reading on special Senate file.

Senate Bill No. 266—An Act amending Section 9 of an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution."

Read second time.

Senate Bill No. 266 ordered to third reading on special Senate file.

## MOTION TO TAKE UP BILL OUT OF ORDER.

Mr. Houser moved that Assembly Bill No. 114 (No. 397 on file) be taken up for consideration.

## POINT OF ORDER.

Mr. Atkinson raised the point of order that Assembly Bill No 114 had been made a special order for to-morrow (Thursday) and could not be taken up at this time.

The Chair sustained the point of order as well taken.

## SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 246—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Read second time.

Senate Bill No. 246 ordered to third reading on special Senate file.

Senate Bill No. 60—An Act to repeal an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880, and the Act amendatory thereof, approved March 9, 1897, relating to the protection of stockholders in mining companies.

Read second time.

Senate Bill No. 60 ordered to third reading on special Senate file.

Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Senate Bill No. 8 ordered to third reading on special Senate file.

Senate Bill No. 30—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of boards of trustees of cities of fifth class.

Read second time.

Senate Bill No. 30 ordered to third reading on special Senate file.

Senate Bill No. 529—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Read second time.

Senate Bill No. 529 ordered to third reading on special Senate file.

Senate Bill No. 150—An Act to amend Section 2 of an Act entitled "An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire, the property of the State of California, located on the water-front at San Francisco, California," approved March 25, 1901.

Read second time.

Senate Bill No. 150 ordered to third reading on special Senate file.

Senate Bill No. 105—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State; for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

Read second time.

Senate Bill No. 105 ordered to third reading on special Senate file.

Senate Bill No. 760 (identical with Assembly Bill No. 618)—An Act to authorize the appointment of an interpreter of the Spanish language, in criminal proceedings, in counties and cities and counties of one hundred thousand inhabitants and over

Read second time.

Senate Bill No. 760 ordered to third reading on special Senate file.

Senate Bill No. 363 (identical with Assembly Bill No. 527)—An Act to add a new section to be known as Section 42½ to an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, extending the provisions of Sections 19 to 33, inclusive, and Sections 39 to 42, inclusive, of said Act, to primary elections, and so providing for punishment of offenses at primary elections.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mitchellree, Moore, O'Brien, Perkins, Pfaffel, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—73.

**NOES**—None.

Title read and approved.

#### ASSEMBLY CONSTITUTIONAL AMENDMENT TAKEN UP.

Mr. Jones of San Francisco moved to take up Assembly Constitutional Amendment No. 5 for consideration.

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution by adding thereto a new section to Article IX, to be known as Section 13, relating to the exemption from taxation of the property now or hereafter belonging to the Cogswell Polytechnic College.

Assembly Constitutional Amendment No. 5 was read.

#### ASSEMBLY CONSTITUTIONAL AMENDMENT No. 5.

A resolution to propose to the people of the State of California an amendment to the Constitution by adding thereto a new section to Article IX, to be known as Section 13, relating to the exemption from taxation of the property now or hereafter belonging to the Cogswell Polytechnic College.

*Resolved by the Assembly, the Senate concurring.* That the Legislature of the State of California, at its regular session, commencing on the second day of January, nineteen hundred and five, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby proposes that Article IX of the Constitution of the State of California be amended by adding thereto a new section, to be known as Section 13, to read as follows:

Section 13. All property now or hereafter belonging to the Cogswell Polytechnic College, an institution for the advancement of learning, incorporated under the laws of the State of California, and having its buildings located in the City and County of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given.

Assembly Constitutional Amendment No. 5 was ordered printed in the Journal.

The roll was called on the adoption of Assembly Constitutional Amendment No. 5, with the following result:

**AYES**—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Creighton, Cullen, Devlin, Dorsey, Duryea, Ells, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, King, Maxwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mitchellree, O'Brien, Pfaffle, Pyle, Rolley, Severance, Slaven, Strobridge, Strohl, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—63.

**NOES**—Messrs. Amerige, Coyle, Drew, Espey, Johnstone, Lynch, Olmsted, Perkins, Stanton, and Thompson—10.

Assembly Constitutional Amendment No. 5 was declared adopted and was ordered transmitted to the Senate.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on County and Township Governments was granted leave to present the following report, out of order, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

**MR. SPEAKER:** Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 908—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 200 thereof, relating to the compensation of officers of the forty-third class.

Also: Assembly Bill No. 932—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

Also: Assembly Bill No. 862—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903.

Also: Assembly Bill No. 876—An Act to amend Section 20 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to county and township officers of counties of the sixteenth class, and providing for the compensation of such officers and their deputies.

Also: Assembly Bill No. 914—An Act to amend an Act establishing a uniform system of county and township governments, relating to salaries and fees of county officers in counties of the ninth class.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 900—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1894, and amended March 23, 1901, and amended March 19, 1903, by amending Section 186 thereof, relating to the compensation of officers of the counties of the twenty-ninth class.

Also: Assembly Bill No. 931—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BURKE, Chairman.

Assembly Bills Nos. 908, 932, 852, 876, 914, 900, and 931 ordered on second-reading file.

#### INTRODUCTION OF BILL—(OUT OF ORDER).

Mr. Burke was granted leave to introduce a bill out of order.

By Mr. Burke: Assembly Bill No. 976—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof, relating to the compensation of officers in counties of the third class.

Read first time, and referred to Committee on County and Township Governments.

## MOTION TO RECONSIDER.

Mr. Weyand, in accordance with the notice he had given on the previous legislative day, moved to reconsider the vote whereby Assembly Bill No. 472 was passed on the previous legislative day.

Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Mr. Weyand was about to discuss his motion to reconsider.

## POINT OF ORDER NOT SUSTAINED.

Mr. Walsh raised the point of order that a motion to reconsider was not debatable.

The Speaker ruled that the point of order was not well taken.

## MOTION TO LAY ON THE TABLE.

Mr. Walsh moved to lay on the table the motion to reconsider.

## POINT OF ORDER SUSTAINED.

Mr. Drew raised the point of order that the motion to lay on the table was not in order, for the reason that Mr. Weyand had the floor, and only yielded to a point of order, which, having been disposed of, Mr. Weyand was still entitled to the floor.

The Speaker ruled that Mr. Drew's point of order was well taken.

## SPEAKER PRO TEM. CALLED TO THE CHAIR.

The Speaker, at four o'clock and six minutes P. M., called the Speaker pro tem., Hon. T. E. Atkinson, to the chair, and briefly discussed the pending bill.

## SPEAKER RESUMES THE CHAIR.

At four o'clock and ten minutes P. M. the Speaker resumed the chair.

## PREVIOUS QUESTION DEMANDED.

Mr. McCartney, at four o'clock and twenty-five minutes P. M., moved for the previous question.

The question being, "Shall the main question be now put?" was put to vote and declared carried.

The question being, "Shall the Assembly reconsider the vote whereby Assembly Bill No. 472 was passed?"

The roll was called, with the following result:

AYES—Messrs. Beardslee, Branstetter, Chandler, Cleveland, Coyle, Cromwell, Devlin, Drew, Espey, Gans, Hawkins, Held, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, Manwell, McKenney, Meincke, Moore, Olmsted, Perkins, Rolley, Strobbridge, Thompson, Tripp, Waste, and Weyand—30.

NOES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Bliss, Boyle, Burge, Cooper, Cullen, Dorsey, Duryea, Estudillo, Gates, Goodrich, Hartman, Houser, Jarvis, John, Jones of San Francisco, Jury, McCartney, McGowan, McNamara, Mitcheltree, Pfaeffe, Pyle, Severance, Slaven, Stanton, Strohl, Transue, Treadwell, Vogel, Walsh, Whiting, Wickersham, and Mr. Speaker—40.

The motion to reconsider the vote whereby Assembly Bill No. 472 was passed was declared lost.



## REPORT AND RESOLUTIONS BY SELECT COMMITTEE.

The select committee of five, to whom was referred resolutions relating to proceedings against A. A. Taylor, submitted the following report and resolutions, which were read:

(Repudiation of newspaper article reflecting on the Speaker and investigating committee.)

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. SPEAKER: Your select committee of five, to whom was referred the resolutions offered by Mr. Waste, to cite A. A. Taylor, editor of the "Santa Cruz Surf," to show cause why he should not be punished for contempt for printing, publishing, and circulating in said newspaper certain articles relative to Messrs. McCartney, Atkinson, Beardslee, Lumley, and Burke, members of the special committee appointed by the Speaker of the Assembly to investigate and report on the charges made against the Hon. Lucas F. Smith, Judge of the Superior Court of the County of Santa Cruz, State of California, with instructions to report back on this day, does now report that we have had the resolutions under consideration, and respectfully recommend the adoption of the accompanying resolutions:

*Resolved*, That this Assembly has full confidence in the honesty, integrity, and good intentions of the Speaker of the Assembly, and of the collective and individual members of said select committee of investigation, and does hereby repudiate and characterize as false, the allegations and insinuations published, printed, and circulated by A. A. Taylor in the "Santa Cruz Surf," on February 8th and 10th, concerning said committee and the members thereof.

*Resolved further*, That said published articles are unwarrantable, and are intended to and may, disturb the due and orderly course of the investigation into the specific charges made to this Assembly concerning the Hon. Lucas F. Smith, Judge of the Superior Court of Santa Cruz County, by the select committee of this Assembly, by impugning the motives of said investigation, ridiculing the members of the committee before the people of Santa Cruz, and of the entire State, and discrediting any report the committee may make. For these reasons the publication of said articles was unfortunate, and we believe said A. A. Taylor has by such publication affronted the dignity of and placed himself in contempt of this Assembly;

*Resolved further*, That the Assembly does hereby censure said A. A. Taylor for having printed, published, and circulated said articles.

*Resolved further*, That the matter of citing said Taylor to appear before the Assembly, to show cause why he should not be punished for contempt of the Assembly, be continued to and made a special order for Tuesday, February 21, 1905, immediately after the reading of the Journal.

WASTE,  
MCGOWAN,  
STANTON,  
GANS,  
JURY,  
Committee.

## REPORTS OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following reports, which were read:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 440—An Act to amend Section 10 of an Act entitled "An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act, relating to voting machines."

Also: Assembly Bill No. 87—An Act making an appropriation of \$5,075 to repay the Regents of the University of California for moneys appropriated by them to repair, maintain, and erect necessary buildings for a forestry station at Santa Monica, and prescribing the duties of the Controller and Treasurer in relation thereto.

DEVLIN, Chairman.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly reengrossed:

Assembly Bill No. 602—An Act to amend Sections 1817, 1818, and 1820 of the Political Code, all relating to county and city and county school tax.

DEVLIN, Chairman.

## RESOLUTION FOR MILEAGE TO SPECIAL COMMITTEE—(OUT OF ORDER).

The special committee to investigate charges against E. S. Torrance, Judge of the Superior Court of San Diego County, submitted the following, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. SPEAKER: Your special committee, appointed to investigate the charges of misconduct on the part of Judge E. S. Torrance, the Judge of the Superior Court of the County of San Diego, beg leave to report that the following are entitled to mileage:

Frank J. O'Brien, . . . . .	\$143 10
Frank R. Devlin . . . . .	143 10
Geo. A. McGowan . . . . .	143 10
Ernest Weyand . . . . .	143 10
J. T. Stafford . . . . .	143 10
Total . . . . .	\$715 50

And we ask the adoption of the following resolution:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of Ernest Weyand, chairman of said committee, for the sum of seven hundred and fifteen and fifty one-hundredths (\$715.50) dollars, as per above statement, said warrant to be drawn upon the fund for the contingent expenses of the Assembly and the Treasurer be directed to pay the same; be it

*Further resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of Ernest Weyand, chairman of said committee, for the sum of ninety-one and seventy one-hundredths (\$91.70) dollars, said amount being expended and paid out by him over and above the sum heretofore allowed by the Assembly for the expenses of said committee in said investigation, for the purposes of subpoenaing witnesses for examination by said committee, said warrant to be drawn upon the fund for the contingent expenses of the Assembly and the Treasurer be directed to pay the same.

WEYAND, Chairman.

Mr. Weyand moved the adoption of the resolution.

## TIME FOR ADJOURNMENT EXTENDED.

Mr. Dorsey at four o'clock and thirty-two minutes P. M., moved that the hour for adjournment be extended for fifteen minutes.

Motion carried.

## RESOLUTION ADOPTED.

The roll was called on the motion to adopt the resolution submitted by the special committee, with the following result:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Bliss, Boyle, Branstetter, Burge, Chandler, Cooper, Coyle, Creighton, Cullen, Devlin, Dorsey, Drew, Duryea, Espey, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lumley, Lynch, Manwell, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Rolley, Slaven, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—50.

NOES—None.

The resolutions were declared adopted.

## SPECIAL ORDER—(RESUMED).

Mr. Slaven moved to take up Assembly Bill No. 297 (No. 3 on file of special orders).

Motion carried.

Assembly Bill No. 297—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of Public Instruction.

Read second time.

## COMMITTEE AMENDMENTS.

Mr. McGowan, upon behalf of the San Francisco Delegation, moved to amend as follows:

Amend by striking out of Section 2, line 2, of printed bill, the words "July 1, 1905," and inserting in lieu thereof the following: "September 1, 1905."

Amendment adopted.

Mr. Thompson offered the following amendments:

Amend by striking out of Section 1, lines 27 and 28, of printed bill, the words and figures "three hundred dollars (\$300)," and inserting in lieu thereof the following: "two hundred fifty (\$250)."

Amendment adopted.

Also: By striking out of Section 1, line 33 of printed bill the words "three hundred," and inserting in lieu thereof the following: "two hundred fifty."

Amendment adopted.

Assembly Bill No. 297 ordered to reprint, engrossment, and on third-reading file.

On motion of Mr. Slaven, Assembly Bill No. 297 was made a special order for Wednesday, February 22, 1905.

#### BILL INTRODUCED—(OUT OF ORDER).

- Mr. Bliss was granted permission to introduce a bill out of order.

By Mr. Bliss: Assembly Bill No. 977—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 215 thereof, relating to the salaries and fees of county officers of the third class.

Read first time, and referred to Committee on County and Township Governments.

#### SUBSTITUTE BILL INTRODUCED.

The Committee on Ways and Means was granted leave to introduce a substitute bill.

By Committee on Ways and Means: Assembly Bill No. 978 (Substitute for Assembly Bills Nos. 83, 616, and 620)—An Act to provide for the investigation of the nature of the diseases known as "pear blight" and "walnut blight," and to prevent, eradicate, and procure a cure for the same and to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read first time, and ordered placed on second-reading file.

#### BILLS WITHDRAWN.

Mr. Stanton stated that, with the consent of the authors, Assembly Bills Nos. 83, 616, and 620 were withdrawn.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Ways and Means was granted leave to submit the following report (out of order), which was read:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 776—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor"—have had the same under consideration, and respectfully report the same back, with four amendments, and recommend that the same do pass as amended.

STANTON, Chairman.

Assembly Bill No. 776 ordered on second-reading file.

## BILL TAKEN UP FOR AMENDMENT.

Mr. Atkinson moved to take up Assembly Bill No. 602 (No. 141 on the file) for the purpose of amendment.

Motion carried.

Assembly Bill No. 602—An Act to amend Sections 1817, 1818, and 1820 of the Political Code, relating to county and city and county school tax.

Read third time.

## SELECT COMMITTEE AMENDMENTS.

Mr. Atkinson moved that a select committee of one be appointed to amend Assembly Bill No. 602, as follows:

## AMENDMENT No. 1.

At the beginning of line 3, Section 1, of the printed bill, insert the following, "Section 1817" before the word "The."

Amendment adopted.

## AMENDMENT No. 2.

After the word "county," in line 31, Section 1, of the printed bill, strike out the semicolon and insert a period.

Amendment adopted.

## AMENDMENT No. 3.

Also strike out of line 31, Section 1, the words "provided that the," and all of lines 32, 33, and 34, Section 1.

Amendment adopted.

## AMENDMENT No. 4.

On line 28 of Section 1, of the printed bill, strike out the comma and insert a semicolon after the word "county."

Amendment adopted.

Mr. Atkinson was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 602—An Act to amend Sections 1817, 1818, and 1820 of the Political Code, relating to county and city and county school tax—with instructions, does now report that the instructions of the Assembly have been carried out.

ATKINSON, Committee.

Report of select committee adopted.

Assembly Bill No. 602 ordered to reprint, reengrossment, and on file for passage.

## INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

Leave was granted for the introduction and reference of bills (out of order) as follows:

By Mr. Burge: Assembly Bill No. 979—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relating to salaries and fees of county and township officers of counties of the thirty-eighth class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Rolley: Assembly Bill No. 980—An Act to amend the Civil Code of the State of California, relating to accession of real property.

Read first time, and referred to Committee on Judiciary.

By Mr. Coghlan: Assembly Bill No. 981—An Act to amend Sections 608, 611, and 616 of the Civil Code; to repeal Section 612 of the Civil Code; to change the numbers of Section 613 to 612, Section 614 to 613, 615 to 614, 616 to 615 of the Civil Code, and to add a new section thereto, to be numbered 616, relating to cemetery associations.

Read first time, and referred to Committee on Judiciary.

By Mr. Branstetter: Assembly Bill No. 982—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

Read first time, and referred to Committee on County and Township Governments.

By Committee on Public Buildings and Grounds: Assembly Bill No. 983—An Act to provide for an appropriation for the preservation, protection, and improvement of the Monterey Custom-House property.

Read first time, and referred to Committee on Ways and Means.

By Mr. Espey: Assembly Bill No. 984—An Act to add a new section to the Political Code of California, to be known as Section 1374a, establishing a tribunal for settling contested primary elections, prescribing its powers and providing punishment for contempts thereof, and for false testimony before it and for violations of the provisions hereof.

Read first time, and referred to Committee on Election Laws.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

Leave was granted to standing committees to submit reports (out of order).

The Committee on State Prisons and Reformatory Institutions submitted the following, which were read:

#### ON STATE PRISONS AND REFORMATORIES

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. SPEAKER: Your Committee on State Prisons and Reformatories, to whom was referred Assembly Bill No. 898—An Act making an appropriation for the erection and construction of additional cells at the State Prison at Folsom, the erection of a wall around said prison, the purchase of necessary cement, derricks, and tools and other expenses incidental and relating to the purposes in this Act mentioned

Also: Assembly Bill No. 897—An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

McKENNEY, Chairman.

Assembly Bills Nos. 896 and 897 ordered on second-reading file.

#### ON FRUIT AND VINE INTERESTS

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. SPEAKER: Your Committee on Fruit and Vine Interests, to whom was referred Assembly Bill No. 150—An Act to amend Section 1 of an Act entitled "An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support, and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of

1889, and Chapter CXCIV of the Laws of 1891," approved March 26, 1903—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

CLEVELAND, Chairman.

Assembly Bill No. 150 ordered on second-reading file.

#### RECESS.

Mr. Atkinson, at four o'clock and fifty-four minutes P. M., moved that the Assembly take a recess until eight o'clock P. M.

Motion carried, and recess declared.

#### EVENING SESSION.

The Assembly reconvened at eight o'clock P. M.

Hon. T. E. Atkinson, of San Francisco, Speaker pro tem. of the Assembly, in the chair.

#### BILLS RECALLED FROM COMMITTEE.

On motion of Mr. John, Senate Bill No. 144—An Act making an appropriation of \$915 94 to pay the claim of George H. Shaw against the State of California—ordered recalled from Committee on Claims and placed on special Senate file.

#### SENATE MESSAGES.

The following Senate messages were, on motion of Mr. Johnstone, taken up and read:

SENATE CHAMBER, SACRAMENTO, February 15, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed Assembly Bill No. 182—An Act to amend Section 1593 of the Political Code of the State of California, relating to the election of school trustees.

Also: Assembly Bill No. 183—An Act to amend Sections 626, 626c, 626d, 626f, 626g, 626i, 626k, 627a, 627b, 631, and 631a of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631c, all relating to the protection and preservation of game.

And ask your honorable body to concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 15, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 13—Relative to making arrangements for appropriately celebrating Washington's birthday.

Also, passed: Senate Bill No. 68—An Act to amend Section 10 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to holidays.

Also, passed: Senate Bill No. 262—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Also, passed: Senate Bill No. 334—An Act to provide for an appropriation for the preservation, protection, and improvement of the Monterey Custom-House property.

Also, passed: Senate Bill No. 395—An Act making an appropriation to pay the claim of H. W. Scott, for costs of suits in foreclosing delinquent purchasers of State school lands.

Also, passed: Senate Bill No. 334—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.

Also, passed: Senate Bill No. 539—An Act making an appropriation to pay the claim of Messrs. Daugherty & Lacey against the State of California.

Also, passed: Senate Bill No. 133—An Act making an appropriation for the California Polytechnic School.

Also, passed: Senate Bill No. 10—An Act to provide for the appointment of the California Cereal Improvement Commission, defining the purposes of said commission, and providing for an appropriation to pay the expenses thereof.

Also, passed: Senate Bill No. 148—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 15, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 171—An Act providing for the purchase of a university farm for the use of the College of Agriculture of the University of California; providing for the appointment of a commission to select and purchase said farm, providing for a school of agriculture and a system of instruction on said farm, and appropriating money therefor.

Also: Assembly Bill No. 529—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Superintendent of Public Instruction's office for the fifty-sixth fiscal year.

Also: Assembly Bill No. 127—An Act to provide for the proper naming of trees, seeds, plants, and vines, sold, offered, or exposed for sale in this State, and providing a penalty for the violation of this Act.

Also: Assembly Bill No. 70—An Act to amend Section 1277 of the Code of Civil Procedure of the State of California, relating to fixing time for hearing applications for change of name, and publications of notice thereof.

Also: Assembly Bill No. 199—An Act to amend Section 890 of the Code of Civil Procedure of the State of California, relating to judgments of dismissal without prejudice.

Also: Assembly Bill No. 22—An Act to amend Section 585 of the Code of Civil Procedure, relating to the cases in which judgment may be had upon the failure of a defendant to answer.

Also: Assembly Bill No. 21—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 138 of said Civil Code, relating to orders respecting custody and maintenance of minor children of the marriage in actions for divorce.

Also: Assembly Bill No. 30—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895, which became a law March 4, 1899.

Also: Assembly Bill No. 739—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations, relating to the powers of boards of trustees of cities of the fifth class.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 15, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following: Assembly Bill No. 45—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of said officers thereof," approved March 5, 1901, relating to the compensation of the prosecuting attorney and assistant prosecuting attorneys, their appointment and term of office.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 182 and 183 ordered on file as unfinished business.

Assembly Concurrent Resolution No. 13 ordered to enrollment.

Senate Bill No. 68 read first time, and, on motion of Mr. McCartney, ordered on special Senate file.

Senate Bill No. 262 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 334 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 395 read first time, and, on motion, ordered on special Senate file.

Senate Bill No. 364 read first time, and referred to Committee on Judiciary.

Senate Bill No. 539 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 133 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 10 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 148 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 171 read first time, and referred to Committee on Ways and Means.

Assembly Bills Nos. 529, 127, 70, 199, 22, 21, 30, 239. and 45 ordered to enrollment.

#### MESSAGE FROM THE GOVERNOR.

By direction of the Speaker pro tem., the following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,  
SACRAMENTO, February 15, 1905.

*To the Assembly of the State of California*

I have the honor to inform your honorable body that I have approved Assembly Bill No. 53—An Act to amend Section 97 of the Code of Civil Procedure of the State of California, relating to the salaries of justices of the peace in cities and counties.

GEO. C. PARDEE,  
Governor of the State of California.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received (out of order) and read:

##### ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. SPEAKER. Your Committee on Claims, to whom was referred Assembly Bill No. 466—An Act making an appropriation to pay the claim of T. K. Norman.

Also: Assembly Bill No. 753—An Act to pay the claim of Philip Bauer against the State of California, and to make an appropriation therefor

Also: Assembly Bill No. 817—An Act making an appropriation to pay the claim of Dr. G. A. White for professional services rendered and expenses incurred by him at the instance and request of the State Prison officials at Represa, in attendance upon guards Cotter and Cochrane, after the prison break at the said State Prison at Represa on July 27, 1903.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 259—An Act to pay the claim of Mrs. A. McGinnes against the State, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, without recommendation.

SEVERANCE, Chairman.

Assembly Bills Nos. 466, 753, 817, and 259, ordered on file for second reading, and referred to Committee on Ways and Means.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on State Hospitals and Asylums submitted (out of order) the following report:

##### ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, which was heretofore granted leave of absence to visit certain of the State institutions under their jurisdiction, beg leave to report that on the 3d day of February, 1905, your committee, consisting of Held (chairman), Cromwell, King, Severance, Strobridge, Mitcheltree, Gates, Meincke, Pfaeffe, Pryor, and Jones of Tuolumne as substitute for Beardslee, did visit the Industrial Home of Mechanical Trades for the Adult Blind of California; that thereafter, and on the 6th day of February, 1905, the said above named did visit the Southern California State Hospital, at Highlands, in the County of San Bernardino, State of California; and thereafter, on the 8th day of February, 1905, your said committee did visit the Stockton State Hospital, in the County of San Joaquin, State of California; that at all of said places your committee did carefully inquire into the necessity for the appropriations asked for of your body, and now report as follows:



That we find that the appropriation asked for the Industrial Home of Mechanical Trades for the Adult Blind contemplates the sum of \$35,000 for the erection of a dormitory for the use of said institution, and also the sum of \$25,000 for the erection of a workshop for said institution.

In our opinion, there is no immediate necessity for the erection of said dormitory or the appropriation of the sum asked for said purpose, for the reason that the said institution can amply meet all the requirements placed upon it for said purposes. We are of the opinion, however, that it is necessary that an appropriation of \$25,000 be made for the purpose of erecting a workshop at said institution. We find that there is now upon said premises a wooden building used as a workshop, that this building is insufficient for the purpose for which it is used, that it is a fire trap and that its construction is such that it will be dangerous to the inmates of said institution to continue to work therein. In said building is now located stock and machinery of the value of about \$6,000. For the safety of the contents of said building and the welfare of the inmates of the institution and their protection against fire and a collapse of said building, we believe that suitable accommodations should be provided for said workshop. We commend the maintenance of said workshop, and believe it affords to the inmates of the institution a means of sustaining themselves. We find that in November, 1901, there was granted to said institution the sum of \$3,450 to open said workshop for the manufacture of brooms. We find that since that time there has been paid to the inmates of said institution the sum of \$17,000 in wages, and that there is now on hand bills receivable and stock of the value of \$12,000. The average monthly wage of the inmates is \$10 each. All these results are obtained without cost to the State, except the initial expenditure of \$3,450 above stated, and the cost of support of the inmates of said institution. We recommend that all State institutions purchase their brooms at this home.

At the Southern California State Hospital there was appropriated two years ago the sum of \$110,000 for the construction of additional buildings. We find that this money has been wisely expended, and that of said sum of \$110,000 appropriated there will remain on hand unexpended the sum of \$30,000.

We find at said institution there are now 535 male patients; that 294 can be conveniently and comfortably accommodated; that 64 patients are sleeping on floors, 49 in the basement, 46 in unprotected corridors, and 12 in the dining room. We find that there are 287 female patients in said institution; that 180 can be conveniently and comfortably accommodated; that 28 of said patients sleep in unprotected corridors, 11 in the attic, and one on the floor. We find, also, that the building now in process of construction will accommodate 60 patients, and will permit 40 additional patients to be accommodated in quarters now occupied for offices, which offices will be transferred to the new building. We believe, therefore, that it is necessary that there be expended the sum asked for, \$65,000, for an east wing for the accommodation of further patients at said institution. The sum of \$5,000 is also asked for for the erection of a dairy building and the purchase of equipment therefor for said institution. We believe that for said sum a modern dairy building and equipments can be constructed and procured. We feel that every public institution should be so equipped.

At the Stockton State Hospital we find that there are 1717 patients, 1142 being male and 575 female. For this institution an appropriation of \$40,000 is asked for the purchase of lands upon which to erect cottages and said land to be used for farm purposes. The said hospital is located upon 110 acres of land within the city limits of the City of Stockton. The officers in charge contemplate, if a sufficient appropriation is made, an alteration in the course of the treatment of the patients of said institution. It is sought to erect cottages upon the land to be purchased and to treat said patients in said cottages rather than collectively in a large building. It is necessary that said institution be permitted to expand, as it is now crowded to the full limit. Beyond its present confines it cannot go, inasmuch as the lands of the hospital are entirely surrounded by valuable city property. It is therefore necessary, if there be expansion, that premises be purchased at a distance from the hospital. Room must be made for the patients on said premises and for those to come in the future. We believe it would be well that said institution have a farm at which its inmates may be employed. We have carefully inquired into the cost of lands in the vicinity of said asylum, and believe that the sum of \$40,000 is necessary for the purchase of sufficient land for the purposes indicated. We suggest that the matter of the purchase of said land, if the sum requested be appropriated, be left in the hands of the State Board of Lunacy. We do not feel called upon at this time to recommend any particular tract, and prefer that that matter be left to the said board, as above stated.

Respectfully submitted.

HELD (Chairman),  
MITCHELL/TREE,  
MEINKE,  
SEVERANCE,  
STROBRIDGE,  
PFAEFFLE,  
GATES,  
CROMWELL,  
PRYOR,  
JONES of Tuolumne,  
Committee.

## SPECIAL FILE ON CODE REVISION.

Assembly Bill No. 216—An Act to amend Sections 47 and 49 of the Civil Code, and to add four new sections thereto, to be numbered 51, 52, 53, and 54, all relating to personal rights.

Read third time on a previous day.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Beckett, Branstetter, Burge, Chandler, Cleveland, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Hartman, Held, Jarvis, John, Johnstone, Jury, Manwell, McCartney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Slaven, Strobbridge, Thompson, Treadwell, Tripp, and Walsh—42.

NOES—None

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 334—An Act to amend Sections 414, 415, 417, and 418 of the Civil Code, to add a new section thereto, to be numbered 421, and to repeal Section 427, all relating to insurance corporations.

Read third time on a previous day.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Beckett, Branstetter, Burge, Chandler, Cleveland, Cooper, Cullen, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jury, King, McCartney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Pyle, Slaven, Strobbridge, Thompson, Transue, Treadwell, Tripp, Vogel, and Walsh—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 393—An Act to amend Sections 498, 504, and 507 of the Civil Code, all relating to street railway operations.

Read third time on a previous day.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Beckett, Burge, Chandler, Cleveland, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jury, King, Manwell, McCartney, McNamara, Meincke, Mitcheltree, Moore, Perkins, Pfaffle, Pryor, Pyle, Slaven, Strobbridge, Thompson, Transue, Treadwell, Tripp, Vogel, and Walsh—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 399—An Act to add a new section to the Civil Code, to be numbered 533b, and to repeal an Act entitled "An Act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1893, both relating to statements to be made and notices to be given by depositaries of money.

Read third time on a previous day.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Burge, Chandler, Cleveland, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jury, Manwell, McCartney, McNamara, Meincke, Mitcheltree, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Strobbridge, Thompson, Treadwell, Tripp, Vogel, and Walsh—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 481—An Act to add a title to Part IV of Division I of the Civil Code, to be known as Title XIIa, relating to societies for the prevention of cruelty to animals.

Read third time on a previous day.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Burge, Chandler, Cleveland, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jury, Manwell, McNamara, Meincke, Mitcheltree, O'Brien, Perkins, Pfaeffe, Pryor, Pyle, Slaven, Strobridge, Thompson, Treadwell, Tripp, Vogel, and Walsh—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 505—An Act to amend Sections 2170, 2172, 2180, and 2195 of the Civil Code, all relating to common carriers.

Read third time on a previous day.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Burge, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cullen, Drew, Duryea, Espey, Estudillo, Gans, Gates, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jury, Manwell, McCartney, McNamara, Meincke, Mitcheltree, O'Brien, Perkins, Pfaeffe, Pryor, Pyle, Slaven, Strobridge, Thompson, Treadwell, Tripp, Vogel, and Walsh—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 499—An Act to amend Sections 1386, 1388, 1395, 1399, 1405, and 1406 of the Civil Code, and to add a new section thereto, to be numbered 1409, all relating to succession to the property of deceased persons.

Read third time on a previous day.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Burge, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cullen, Drew, Duryea, Espey, Estudillo, Gans, Gates, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jury, Manwell, McCartney, McNamara, Meincke, Mitcheltree, O'Brien, Perkins, Pfaeffe, Pyle, Strobridge, Strohl, Thompson, Treadwell, Trip, Vogel, and Walsh—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 495—An Act to add a new section to the Civil Code, to be numbered 1218, relating to the recording of certified copies of instruments in writing.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Burge, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cullen, Drew, Duryea, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Jarvis, Johnson, Johnstone, Jury, Manwell, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaeffe, Pryor, Pyle, Severance, Strobridge, Strohl, Thompson, Treadwell, Tripp, Vogel, and Walsh—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 494—An Act to amend Sections 1181, 1185, 1190, 1202, and 1203 of the Civil Code, all relating to the proof or acknowledgment of instruments in writing.

Read third time on a previous day.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Burge, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cullen, Drew, Ellis, Espey, Estudillo, Gans, Gates, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Manwell, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Severance, Strobridge, Strohl, Thompson, Treadwell, Tripp, Vogel, and Walsh—49.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 493—An Act to amend Section 1161 of the Civil Code, relating to the recording of instruments in writing.

Read third time on a previous day.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Burge, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cullen, Drew, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Manwell, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Severance, Strobridge, Strohl, Thompson, Treadwell, Vogel, and Walsh—48.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 492—An Act to add a new section to the Civil Code, to be numbered 1096, relating to the mode of transferring real property.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Burge, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Manwell, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Severance, Strobridge, Strohl, Thompson, Treadwell, Vogel, and Walsh—48.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 491—An Act to amend Section 993 of the Civil Code, relating to the transfer of the good will and name of a business.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Barnes, Burge, Coghlan, Cooper, Coyle, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Manwell, McCartney, McGowan, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Strobridge, Thompson, Treadwell, Tripp, Vogel, and Walsh—45.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 490—An Act to amend Section 970 of the Civil Code, relating to the rules of navigation.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Burge, Chandler, Coghlan, Cooper, Coyle, Cromwell, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Maxwell, McCartney, McGowan, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Strobridge, Thompson, Treadwell, and Vogel—45.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 489—An Act to add Sections 842 and 843 to the Civil Code, both relating to persons associated in the use of conduits for the conveyance of water.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Branstetter, Burge, Chandler, Coghlan, Coyle, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Maxwell, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Trip, Vogel, and Walsh—50.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 488—An Act to amend Section 822 of the Civil Code, relating to the remedies of a lessor of real property against the assignees of his lessee.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Arnerich, Atkinson, Barnes, Bates, Boyle, Branstetter, Burge, Chandler, Cleveland, Coghlan, Cooper, Coyle, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Maxwell, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Strobridge, Strohl, Thompson, Transue, Tripp, Vogel, and Walsh—50.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 487—An Act to amend Section 793 of the Civil Code, relating to actions for the possession of real property leased or granted with a right of reentry.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Boyle, Branstetter, Burge, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Jarvis, John, Johnstone, Jones of Tuolumne, Jury, King, Maxwell, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Moore, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, and Walsh—51.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 486—An Act to add a Title XX to Part IV of Division I of the Civil Code, relating to coöperative business associations.

Read third time on a previous day.

The roll was called, and the bill passed by the following vote :

**AYES**—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Branstetter, Burge, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Manwell, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Strobridge, Strohl, Transue, Treadwell, Vogel, and Walsh—48.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 485—An Act to add a title to Part IV of Division I of the Civil Code, relating to cooperative business corporations.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Boyle, Branstetter, Burge, Chandler, Cleveland, Coghlan, Cooper, Coyle, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Manwell, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Moore, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Strobridge, Transue, Vogel, and Walsh—49.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 391—An Act to amend Section 493 of the Civil Code, relating to franchises for the construction of elevated and underground railroad tracks.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Branstetter, Burge, Chandler, Cleveland, Coghlan, Cooper, Coyle, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Manwell, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Strobridge, Strohl, Thompson, Treadwell, Tripp, Vogel, and Walsh—47.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 392—An Act to repeal Section 494 of the Civil Code, approved March 22, 1899, relating to the sale by any railroad company, owning any railroad in this State, of its property and franchises, or any part thereof, to any other railroad company, either organized under the laws of this State, or of any other State or Territory, or under any Act of Congress, and prescribing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Read third time on a previous day.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Boyle, Burge, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Manwell, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Moore, Perkins, Pfaffle, Pryor, Pyle, Slaven, Strobridge, Strohl, Thompson, Treadwell, Vogel, and Walsh—52.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 397—An Act to repeal Chapter VII of Title IV of Division I of the Civil Code, and each and every section of such chap-

ter, and to substitute a new Chapter VII, to take the place thereof in said Code, relating to telegraph and telephone corporations.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Boyle, Burge, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones, of Tuolumne, Jury, King, Manwell, McCartney, McGowan, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaeffe, Pryor, Pyle, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, and Walsh—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 398—An Act to amend Sections 549 and 551, and to repeal Section 550 of the Civil Code, all relating to water and canal corporations.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Boyle, Burge, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Manwell, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaeffe, Pryor, Pyle, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, and Walsh—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 687—An Act to amend Section 2161 of the Civil Code, relating to the carriage of telegraph and telephone messages.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Boyle, Busick, Chandler, Coghlan, Cooper, Coyle, Dorsey, Drew, Duryea, Estudillo, Gans, Hartman, Hawkins, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Manwell, McGowan, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pryor, Pyle, Rolley, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, and Walsh—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 389—An Act to add a Chapter VI of Title II of Part II of Division I of the Civil Code, relating to life, health, accident, and annuity, or endowment insurance on the assessment plan.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Boyle, Burge, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Manwell, McCartney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaeffe, Pryor, Pyle, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, and Walsh—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 879 (Substitute for Assembly Bill No. 327)—An Act to add a chapter to Title I of Part IV of Division I of the Civil Code, relating to foreign corporations.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Boyle, Burke, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cullen, Drew, Duryea, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, King, Manwell, McCartney, McNamara, Meincke, Moore, Perkins, Pfaffle, Pryor, Pyle, Strohl, Transue, Treadwell, Tripp, Vogel, and Walsh—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 885—An Act to add a new chapter to Title IV of Part III of the Code of Civil Procedure, to be known as Chapter IV, relating to certain liens on animals.

Read second time, ordered to engrossment, and on file for third reading.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 843—An Act to amend Sections 3, 7, and 10 of an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897.

Assembly Bill No. 845—An Act to amend an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor"; relating to the appointment and term of office of the members of said board.

Assembly Bill No. 42—An Act to amend an Act entitled "An Act to punish adultery," approved March 15, 1872.

Assembly Bill No. 636—An Act to amend Section 2 of Chapter I of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 15, 1883, and Acts amendatory thereof, relating to the manner of procedure in organizing a municipal corporation.

Assembly Bill No. 702—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Assembly Bill No. 260—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto to be known as Section 337, to prohibit betting or wagering by pool or otherwise upon the result of any trotting, pacing, or running race between horses, and providing the punishment therefor.

Assembly Bill No. 850—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery and wagons, buggies, vehicles, and other articles, providing for the collection thereof, and making the violation of this Act a misdemeanor.

Assembly Bill No. 622—An Act requiring every employer doing business in this State to pay their employees, and each of them, at least once in each and every month, the wages earned by such employees; to prohibit assignment of wages for the purpose of evading the provisions of this Act, and agreements to accept wages at any longer periods than as herein provided as a condition of employment.

Assembly Bill No. 254—An Act to amend an Act entitled an Act to establish a Penal Code by amending Section 412 thereof.

Assembly Bill No. 823—An Act to amend Section 315 of the Penal Code of the State of California, relating to the keeping of and residing in a house of ill-fame.

Assembly Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 183 thereof, relating to salaries and fees of county and township officers in counties of the twenty-sixth class.

Assembly Bill No. 711—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274a, providing for the taking down and transcribing of instructions to jurors by judges of the superior court, and for opinions rendered in cases before said superior court.



Assembly Bill No. 681—An Act to add a new section to the Civil Code, to be known as Section 108, relating to proceedings in actions for divorce.

Assembly Bill No. 734—An Act to prevent any combination, agreement, confederation, compact or understanding, directly or indirectly, by or between two or more fire insurance companies, transacting business in this State, or between officers, agents, or employes of any such companies, relating to the rates to be charged for insurance, regulating and fixing the minimum price or premium to be paid for insuring property located within this State, and providing the punishment for a violation thereof, and providing certain requirements to be had for insurance companies desiring to transact business within this State, in addition to the requirements now provided by law.

DEVLIN, Chairman.

The above reported bills were ordered on file for third reading.

#### SECOND-READING FILE.

On motion of Mr. Treadwell, the bills on second-reading file were taken up for consideration.

Assembly Bill No. 162—An Act to appropriate \$590 to pay the claim of N. Weisbaum against the State of California, upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Read second time.

Assembly Bill No. 163—An Act to appropriate \$815 to pay the claim of C. A. Weaver against the State of California upon a judgment in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of the County of Sacramento.

Read second time.

Assembly Bill No. 104—An Act to appropriate \$3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Read second time.

Assembly Bill No. 161—An Act to appropriate \$2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Read second time.

Assembly Bill No. 164—An Act to appropriate \$640, to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Read second time.

#### MOTION.

Mr. Treadwell moved that the Assembly resolve into a Committee of the Whole, with Speaker pro tem. Atkinson in the chair, for the purpose of considering Assembly Bills Nos. 162, 163, 104, 161, and 164.

Motion carried.

#### IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Atkinson in the chair.

Assembly Bills Nos. 162, 163, 104, 161, and 164 were considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker pro tem. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 162—An Act to appropriate \$590, to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 163—An Act to appropriate \$815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 104—An Act to appropriate \$3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 161—An Act to appropriate \$2,085, to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 164—An Act to appropriate \$640, to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

And do now report the same back, and recommend that they do pass.

ATKINSON, Chairman.

Report of Committee of the Whole adopted.

Bills ordered to engrossment and on file for third reading.

Assembly Bill No. 151—An Act making an appropriation for searching for beneficial insects.

Read second time.

The following committee amendment was read:

Amend by striking out all of Section 4 of said printed bill.

Amendment adopted.

## MOTION.

Mr. Duryea moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 151.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Atkinson in the chair.

Assembly Bill No. 151 was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker pro tem. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 151—An Act making an appropriation for searching for beneficial insects—and do now report the same back, and recommend that it do pass as amended.

ATKINSON, Chairman.

Report of Committee of the Whole adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 126—An Act to appropriate the sum of \$1,276, to pay the amount of a judgment against the Board of Trustees of Whittier State School, and in favor of Lucy J. Harvey, and directing the State Controller to draw his warrant for the same and the State Treasurer to pay the same.

Read second time.

MOTION.

Mr. Johnstone moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 126.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Atkinson in the chair.

Assembly Bill No. 126 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker pro tem. Atkinson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 126—An Act to appropriate the sum of \$1,276, to pay the amount of a judgment against the Board of Trustees of Whittier State School, and in favor of Lucy J. Harvey, and directing the State Controller to draw his warrant for the same and the State Treasurer to pay the same—and do now report the same back, and recommend that same do pass.

ATKINSON, Chairman.

Report of Committee of the Whole adopted.

Bill ordered to engrossment and on file for third reading.

Assembly Bill No. 538—An Act making an appropriation to pay the claim of W. H. Scott for costs of suit in foreclosing delinquent purchases of State school lands.

Read second time.

MOTION.

Mr. Slaven moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 538.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Atkinson in the chair.

Assembly Bill No. 538 considered in Committee of the Whole.

IN ASSEMBLY.

Speaker pro tem. Atkinson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 538—An Act making an appropriation to pay the claims of W. H. Scott for costs of suit in foreclosing delinquent purchases of State school lands—and do now report the same back, and recommend that the same do pass.

ATKINSON, Chairman.

Report of Committee of the Whole adopted.

Ordered to engrossment and on file for third reading.

Assembly Bill No. 562—An Act appropriating the sum of \$2,160 for rental of a building or buildings for the use of the San Francisco State Normal School.

/ Read second time.

MOTION.

Mr. McGowan moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 562.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Atkinson in the chair.

Assembly Bill No. 562 considered in Committee of the Whole.

IN ASSEMBLY.

Speaker pro tem. Atkinson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 562—An Act appropriating the sum of \$2,160 for rental of a building or buildings for the use of the San Francisco State Normal School—and do now report the same back, and recommend that the same do pass.

ATKINSON, Chairman

Report of Committee of the Whole adopted.

Ordered to engrossment and on file for third reading.

Assembly Bill No. 789—An Act to increase the number of judges of the Superior Court of the County of Shasta, State of California, and for the appointment of such additional judges.

Read second time.

COMMITTEE AMENDMENT.

The following amendment was read:

Amend by striking out of line 3 of the printed bill the word "on," and insert in lieu thereof the word "from."

Amendment adopted.

Ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 830—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 537 and 538 thereof, relating to the cases in which a writ of attachment shall issue, and to the contents of the affidavit for attachment.

Read second time.

Ordered to engrossment and on file for third reading.

Assembly Bill No. 752—An Act to amend the Political Code by adding thereto a new section, to be numbered 1874a, creating the office of secretary to the State Text-Book Committee, defining the duties pertaining to said office, authorizing the said text-book committee to elect a secretary to fill said office, and fixing his compensation, and to repeal all Acts and parts of Acts in conflict with this Act.

Read second time.

## COMMITTEE AMENDMENTS.

The following amendments were read:

## AMENDMENT No. 1.

Amend by inserting, after the word "monthly," on line 14, second page, printed bill, the words "Out of the State School Book Fund, and."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the words "and from the same fund," on line 15, second page printed bill.

Amendment adopted.

## MOTION.

Mr. Houser moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 752.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Atkinson in the chair.

Assembly Bill No. 752 was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker pro tem. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 752—An Act to amend the Political Code by adding thereto a new section, to be numbered 1874a, creating the office of secretary to the State Text-book Committee, defining the duties pertaining to said office, authorizing the said text-book committee to elect a secretary to fill said office, and fixing his compensation, and to repeal all Acts and parts of Acts in conflict with this Act—and do now report the same back, and recommend that the same do pass as amended

ATKINSON, Chairman.

Report of Committee of the Whole adopted.

Ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 762—An Act making an appropriation to pay the claim of John V. Powers.

Read second time.

Ordered to engrossment and on third-reading file.

## MOTION.

Mr. Cromwell moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 762.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Atkinson in the chair.

Assembly Bill No. 762 was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker pro tem. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 762—An Act making an appropriation to pay the claim of John V. Powers—and do now report the same back, and recommend that the same do pass.

ATKINSON, Chairman.

Report of Committee of the Whole adopted.

Ordered to engrossment and on file for third reading.

Assembly Bill No. 292—An Act to amend the Penal Code of California by adding a new section, to be numbered 773, to Chapter II of Title II of Part II thereof, providing for the summary removal from office of certain officers.

Read second time, ordered to engrossment and on file for third reading.

Assembly Bill No. 372—An Act amending the Political Code of the State of California by adding thereto a new section, to be numbered 3571½, relating to the public lands of this State.

Read second time, ordered to engrossment and on file for third reading.

Assembly Bill No. 463—An Act to amend Section 3805a of the Political Code of the State of California, relating to clearing title upon lands upon which assessments have been improperly made, and providing the procedure whereby title to such lands may be cleared.

Read second time, ordered to engrossment and on file for third reading.

Assembly Bill No. 250—An Act providing for the creation and management of the California Pine Park, making an appropriation therefor, and creating a board of three commissioners, with power to make, purchase, and to manage said California Pine Park.

Read second time.

## MOTION.

Mr. Cooper moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 250.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Atkinson in the chair.

Assembly Bill No. 250 was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker pro tem. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 250—An Act providing for the creation and management of the California Pine Park, making an appropriation therefor, and creating a board of three commissioners with power to make, purchase, and to manage such California Pine Park—and do now report the same back, and recommend that it do pass.

ATKINSON, Chairman.

Report of Committee of the Whole adopted.

Ordered to engrossment and on file for third reading.

Assembly Bill No. 871—An Act in relation to the State school lands of this State, amending and revising Sections 3546, 3547, 3548, 3549, 3550, and 3551; repealing Sections 3552, 3553, 3554, 3555, and 3556 of the Political Code, and repealing an Act approved March 7, 1881

(Statutes of 1881, page 65), entitled "An Act entitled 'An Act to enable purchasers of State lands to redeem the same, where their titles have been or may hereafter be foreclosed for non-payment of interest.'"

Read second time, ordered to engrossment and on file for third reading.

Assembly Bill No. 829—An Act authorizing the judges of the superior court in all counties, and cities and counties having a population of 200,000 inhabitants and over, to appoint a secretary, and fixing the terms and manner of appointment of such secretary.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 827—An Act relating to complaints in proceedings to remove or suspend police officers in municipalities.

Read second time, ordered to engrossment and on file for third reading.

Assembly Bill No. 804—An Act to amend Section 2 of an Act approved March 24, 1903, entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities; for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement.

Read second time, ordered to engrossment and on file for third reading.

Assembly Bill No. 406—An Act to amend Section 2 of an Act entitled "An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire, the property of the State of California located on the water-front at San Francisco, California," approved March 25, 1901.

Read second time.

#### MOTION.

Mr. McGowan moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 406.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Atkinson in the chair.

Assembly Bill No. 406 considered in Committee of the Whole.

#### IN ASSEMBLY.

Speaker pro tem. Atkinson in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 406—An Act to amend Section 2 of an Act entitled "An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California located on the water-front at San Francisco, California," approved March 25, 1901—and do now report the same, and recommend that it do pass.

ATKINSON, Chairman.

Report of Committee of the Whole adopted.

Ordered to engrossment and on file for third reading.

Assembly Bill No. 808—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence.

Read second time.

## MOTION.

Mr. Stanton moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 808.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Atkinson in the chair.

Assembly Bill No. 808 was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker pro tem. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 808—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence—and do now report the same back, and recommend that it do pass.

ATKINSON, Chairman.

Report of Committee of the Whole adopted.

Ordered to engrossment and on file for third reading.

Assembly Bill No. 760—An Act to amend Sections 418, 419, 456, and 485, of the Political Code, relating to the salaries of appointees in the offices of the Secretary of State, of the State Treasurer, and the Surveyor-General.

Read second time, ordered to engrossment and on file for third reading.

Assembly Bill No. 866—An Act to appropriate the sum of \$1,000 for the purpose of erecting a monument to permanently designate the place where the treaty of Cahuenga was effected between Colonel John C. Fremont and General Andrés Pico, on the 13th day of January, 1846, and to provide for the appointment of a commission to superintend the erection of said monument, and to prescribe their duties.

Read second time.

## COMMITTEE AMENDMENT.

The following amendment was read:

By committee:

Amend by striking out the words "one thousand" on line 1, first page, printed bill, and inserting in lieu thereof the following: "two hundred and fifty."

Amendment adopted.

## MOTION.

Mr. Houser moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 866.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Atkinson in the chair.

Assembly Bill No. 866 was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker pro tem. Atkinson in the chair.



## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 866—An Act to appropriate the sum of one thousand dollars for the purpose of erecting a monument to permanently designate the place where the treaty of Calhuenaga was effected between Colonel John C. Fremont and General Andrés Pico, upon the thirteenth day of January, eighteen hundred and forty-six, and to provide for the appointment of a commission to superintend the erection of said monument, and to prescribe their duties—and do now report the same back, and recommend that it do pass as amended.

ATKINSON, Chairman.

Report of Committee of the Whole adopted.

Ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 902—An Act to amend Section 2189 of the Political Code, relating to the discharge of persons from State hospitals.

Read second time, ordered to engrossment and on file for third reading.

Assembly Bill No. 889—An Act prohibiting the sale of intoxicating liquors within a certain distance of the Veterans' Home located at Yountville, Napa County.

Read second time, ordered to engrossment and on file for third reading.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received (out of order) and read:

## ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 674—An Act to provide for the incorporation of associations for lending money on personal property, and regulating the same, and to forbid certain loans of money, property, or credit—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WALSH, Chairman.

Ordered on file for second reading.

## ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. SPEAKER. Your Committee on Education, to whom was referred Assembly Bill No. 893—An Act to amend Section 1593 of the Political Code, relating to elections for school trustees—have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

SLAVEN, Chairman.

Ordered on file for second reading.

## INTRODUCTION OF BILL—(OUT OF ORDER).

The following bill was introduced (out of order) and referred as indicated:

By Mr. Cooper: Assembly Bill No. 985—An Act to establish a California State irrigation school and experiment farm, and appropriating money therefor.

Read first time, and referred to Committee on Irrigation.

## BILL RECALLED FROM COMMITTEE.

Senate Bill No. 364—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof and to support the privilege of free suffrage, by prohibiting certain acts and practices in relating thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to wit-

nesses in election cases—was, on motion of Mr. Anthony, recalled from the Committee on Elections and substituted on file in place of Assembly Bill No. 525, both bills being identical.

Senate Bill No. 364 ordered on special Senate file.

Assembly Bill No. 525 withdrawn, and ordered stricken from the file.

#### ADJOURNMENT.

At nine o'clock and fifty-five minutes P. M., on motion of Mr. McCartney, the Speaker pro tem. declared the Assembly adjourned until Thursday, February 16, 1905, at ten o'clock A. M.

#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Thursday, February 16, 1905. }

The Assembly met at ten o'clock A. M., pursuant to adjournment.  
Hon. Frank C. Prescott, Speaker of the Assembly, in the chair.

#### ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Bliss, Boyle, Branstetter, Burge, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jones of Tuolumne, Jury, Lynch, McGowan, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, Wickersham, Weyand, and Mr. Speaker—52.

Quorum present.

#### LEAVES OF ABSENCE.

Leave of absence for the day was granted to Messrs. Beardslee and Lucey, and to Mr. Beckett for an hour.

#### PRAYER.

Prayer by the Chaplain, Rev. George C. King.

#### READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Bliss, its further reading was dispensed with.

#### APPROVAL OF THE JOURNAL.

The Journals of Monday, February 13, and Tuesday, February 14, 1905, were corrected, and, as corrected, approved.

#### SPECIAL ORDERS POSTPONED.

Mr. Gans moved that Assembly Bills Nos. 767, 768, 769, 770, 765, and 766 (Nos. 4 to 9, inclusive, on file), set as special orders for this day,

immediately after the reading of the Journal, be postponed until three o'clock this afternoon.

Motion carried.

#### PETITIONS.

Mr. John presented the following petition, which was ordered printed in the Journal:

SAN LUIS OBISPO, CAL., February 14, 1905.

To the HON. WARREN M. JOHN, Member of Assembly, Sixty-third District, Sacramento, Cal.:

SIR: We, the undersigned, barbers, hereby request that you use your best endeavors to secure the passage of the bill now before your honorable bodies regulating the barber business.

J. E. COLLINS, and others.

Mr. Held presented the following petition, which was ordered printed in the Journal:

#### MEMORIAL.

We, the undersigned citizens and voters of Mendocino County, residents of Round Valley, and vicinity, are unanimously favorable to the bill introduced in the California Legislature by Assemblyman R. H. E. Espey, for the suppression of race-track gambling in this commonwealth. We believe that this form of gambling is especially mischievous and destructive, and that it should be outlawed in the interest of the good name of our State and the welfare of all our people. We call upon our legislators, irrespective of sectarian, partisan or local considerations, to support this measure and to do all in their power to deliver our State from the evil reputation and the baneful influence of this moral bubonic plague, and we invite all religious, fraternal, commercial, and industrial organizations to unite with us on behalf of this sane and wholesome measure.

CON. H. GOLDBERG, and others.

#### PETITION IN FAVOR OF DIRECT LEGISLATION.

Mr. Held presented the following petitions, which were ordered read:

HALL OF TIE-MAKERS' LABOR UNION, No. 11,239, }  
FORT BRAGG, CAL., February 5, 1905.

To the Members of the State Legislature of California:

At a meeting of this Union held on the fifth day of February, 1905, the following resolutions were adopted:

WHEREAS, This Union indorses the principle of direct legislation, as outlined in the proposed amendments to the State Constitution indorsed by the State Federation of Labor in convention at Sacramento, January 7, 1905, and now before the Legislature for approval; therefore, be it

Resolved, That we request the members of the State Senate and Assembly to submit in proper form to the people for adoption or rejection at the next general election these two amendments providing for the initiative and referendum in State, county, and city legislation; and be it further

Resolved, That a copy of these resolutions be forwarded to the Senators and Assemblymen from this county, and spread on the minutes of this Union.

Respectfully yours,

[SEAL] R. MELITALA, President,  
C. V. KESTR, Secretary.  
Number of Members of Union, 26.

HALL OF FEDERAL LABOR UNION, No. 10,917, }  
FORT BRAGG, CAL., February 4, 1905.

To the Members of the State Legislature of California:

At a meeting of this Union, held on the 4th day of February, 1905, the following resolutions were adopted:

WHEREAS, This Union indorses the principle of direct legislation, as outlined in the proposed amendments to the State Constitution indorsed by the State Federation of Labor in convention at Sacramento, January 7, 1905, and now before the Legislature for approval; therefore, be it

Resolved, That we request the members of the State Senate and Assembly to submit in proper form to the people for adoption or rejection at the next general election these two amendments providing for the initiative and referendum in State, county, and city legislation, and be it further

Resolved, That a copy of these resolutions be forwarded to the Senators and Assemblymen from this county, and spread on the minutes of this Union.

Respectfully yours,

[SEAL] C. F. M. HOYERDAHL, President.  
BEN SIEBE, Secretary.  
Number of Members of Union, 100.

## BILL TAKEN UP OUT OF ORDER.

Mr. Strobridge moved to take up Assembly Bill No. 11 (No. 158 on the file) for third reading and for the purpose of amendment.

Motion carried.

Assembly Bill No. 11—An Act to abate the gopher and squirrel nuisance upon or adjacent to cultivated lands, and for the protection of agriculture and horticulture from destruction by said gophers and squirrels, and to provide for the enforcement of this Act.

Read third time.

## SELECT COMMITTEE AMENDMENT.

Mr. Strobridge moved that a select committee of one be appointed to amend Assembly Bill No. 11, as follows:

Strike out of Section 3, line 10, page 2, of printed bill, the word "shall" after the word "supervisors," and insert in lieu thereof the words "may in their discretion!"

Amendment adopted.

Mr. Strobridge was appointed as such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 11—An Act to abate the gopher and squirrel nuisance upon or adjacent to cultivated lands, and for the protection of agriculture and horticulture from destruction by said gophers and squirrels, and to provide for the enforcement of this Act—with instructions, does now report that the instructions of the Assembly have been carried out.

STROBRIDGE, Committee.

The report of the select committee of one adopted.

Assembly Bill No. 11 ordered to reprint, reëngrossment, and on file for passage.

## BILL RE-REFERRED.

Mr. Jones of Tuolumne moved that Senate Bill No. 9 be recalled from the Committee on Public Buildings and Grounds and referred to the Committee on Ways and Means, it being identical with Assembly Bill No. 66.

Motion carried.

## BILL WITHDRAWN.

Mr. Jones of Tuolumne was granted permission to withdraw Assembly Bill No. 66.

## BILL CALLED UP OUT OF ORDER.

Mr. Burge moved to call up Assembly Bill No. 421 (No. 31 on file) for third reading, for the purpose of amendment.

Motion carried.

Assembly Bill No. 421—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relating to salaries and fees of county officers in counties of the thirty-ninth class.

Read third time.

## SELECT COMMITTEE AMENDMENT.

Mr. Burge moved that a select committee of one be appointed to amend Assembly Bill No. 421, as follows:

## AMENDMENT No. 1.

On line 5, of the title in the printed bill, insert after the word "county," the words "and township"

Amendment adopted.

## AMENDMENT No. 2.

In line 37, page 2 of printed bill, strike out all after the word "annum," and insert in lieu thereof the following: "and such fees as now or may hereafter be allowed by law. The Assessor shall be allowed the following deputies, viz: One deputy for each bona fide increase of one hundred real estate statements made for assessment purposes, over and above twenty-four hundred such statements, and not to exceed in all five deputies. Each of such deputies shall receive a monthly compensation of one hundred dollars for a period not to exceed two months in any one year, said compensation to be paid monthly in the same manner as county officers are paid. He shall prepare the military roll, for which he shall receive five cents for each name thereon."

Amendment adopted.

## AMENDMENT No. 3.

On line 59, page 3, printed bill, after the word "law," insert the following: "Provided, the Surveyor shall annually revise the plats in the office of the Assessor, for which he shall receive a sum not to exceed two hundred dollars in any one year."

Amendment adopted.

Mr. Burge was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 421—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relative to salaries and fees of county officers in counties of the thirty-ninth class—with instructions, does now report that the instructions of the Assembly have been carried out.

BURGE, Committee.

The report of the select committee of one was adopted.

Assembly Bill No. 421 ordered to print, reëngrossment, and on file for passage.

## REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary submitted the following report:

## ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Senate Bill No. 243—An Act to amend Section 3805½ of the Political Code of the State of California, relating to public lands upon which final payment has not been made—reports the same back, with two amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 717—An Act to amend Section 737 of the Political Code, relating to the salaries of superior judges—reports the same back, with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 798—An Act to select and adopt the colors "green and gold" as the State colors of California—reports the same back, without recommendation.

Also: Assembly Bill No. 812—An Act to amend Section 1470 of the Code of Civil Procedure of the State of California—reports the same back, with three amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 855—An Act to amend Section 213 of the Penal Code and to add a new section, to be numbered 214, relating to the crime of robbery, and punishment therefor—reports the same back, with six amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 834—An Act to amend Section 164 of the Civil Code, relating to separate and community property—reports the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 925—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 21, 1872, by amending Section 340 thereof, relating to the time within which certain actions must be commenced—reports the same back, with the recommendation that it do pass.

DURYEA, Chairman.

Senate Bill No. 243 ordered to second-reading on special Senate file.  
Assembly Bills Nos. 717, 798, 812, 855, 834, and 925 ordered on second-reading file.

The Committee on Roads and Highways submitted the following report, which was read:

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 670—An Act to provide for the improvement of the public highways, and to make an appropriation therefor—have had the same under consideration, and respectfully report the same back with three amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 923—An Act to provide for the construction of permanent bridge work on the Lake Tahoe wagon road, a State highway, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with recommendation that it do pass.

Also: Assembly Bill No. 633—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California, and to make an appropriation therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that same do not pass.

COYLE, Chairman.

Assembly Bills Nos. 670, 923, and 633 ordered on second-reading file.

INTRODUCTION AND REFERENCE OF BILLS.

Bills were introduced and referred, as follows:

By Mr. Arnerich: Assembly Bill No. 986—An Act to amend Sections 319, 320, 321, 324, 325, and 326 of the Penal Code of the State of California.

Read first time, and referred to Committee on Public Morals.

By Mr. Espey: Assembly Bill No. 987—An Act to amend Section 69 of the Civil Code of the State of California, relating to marriage licenses.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 988—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Held: Assembly Bill No. 989—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to county officers, and their compensation in counties of the fourteenth class.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 990—An Act to amend Section 359 of the Code of Civil Procedure, relating to the time of commencing actions.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 991—An Act to amend the Code of Civil Procedure, by adding thereto a new section, to be numbered 560, relating to the release of attachments.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 992—An Act to amend an Act entitled "An Act to confer certain powers upon the directors of the Deaf, Dumb and

Blind Asylum," approved April 1, 1876, by changing the name of such asylum.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 993—An Act to add a new section to the Political Code, to be known and numbered as Section 2236 and to amend Section 2237 of the Political Code, all relating to the Deaf, Dumb, and Blind Asylum at Berkeley.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Anthony: Assembly Bill No. 994—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavits of registration.

Read first time, and referred to Committee on Election Laws.

By Mr. Meincke: Assembly Bill No. 995—An Act entitled "An Act to protect the purchasers of merchandise against fraud and deception."

Read first time, and referred to Committee on Judiciary.

By Mr. Vogel: Assembly Bill No. 996—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California," which became a law under constitutional provisions February 27, 1901, amending by adding to Section 16 of the said Act.

Read first time, and referred to Committee on Judiciary.

By Mr. Thompson (on behalf of Los Angeles County Delegation): Assembly Bill No. 997—An Act to amend an Act entitled "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, relating to county and township officers of the counties of the second class, and providing for the appointments of assistants, deputies, clerks, and employes of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employes," approved March 18, 1903, to provide for the appointment and compensation of certain additional assistants, stenographers, and clerks for county officers, in counties of the second class.

Read first time, and, on motion of Mr. Thompson, placed on second-reading file without reference to a committee, and with a rush order to printer.

By Mr. Drew: Assembly Bill No. 998—An Act to amend Sections 134 and 135 of the Code of Civil Procedure, both relating to judicial days.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 999—An Act to repeal Sections 156 and 157 of the Code of Civil Procedure, both relating to the eligibility of judicial officers.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1000—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1001—An Act to amend Sections 392, 394,

395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1002—An Act to add two new sections to the Code of Civil Procedure, to be numbered 417 and 418, both relating to actions for libel or slander.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1003—An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, and 459 of the Code of Civil Procedure, all relating to pleadings in civil actions.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1004—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1005—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1006—An Act to amend Sections, 539, 553, 554, and 555 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1007—An Act to amend Sections 566 and 567 of the Code of Civil Procedure, both relating to receivers.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1008—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposit in court.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1009—An Act to amend Sections 581 and 585 of the Code of Civil Procedure, to repeal Section 572 thereof, as approved March 11, 1872, and to add two new sections thereto, to be numbered 582 and 583, all relating to judgments.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1010—An Act to add a new section to the Code of Civil Procedure, to be numbered 635, relating to trials of questions of fact by the court.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1011—An Act to amend Section 641 of the Code of Civil Procedure, relating to referees.

Read first time, and referred to Committee on Revision and Reform of Laws.



Also: Assembly Bill No. 1012—An Act to amend Sections 647, 649, 650, 651, and 652 of the Code of Civil Procedure, all relating to exceptions. Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1013—An Act to amend Sections 656, 658, 659, 660, 661, and 663½ of the Code of Civil Procedure, all relating to new trials.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1014—An Act to amend Sections 664, 670, 672, and 674 of the Code of Civil Procedure, all relating to the entering and docketing of judgments.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1015—An Act to amend Section 700 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 700a, both relating to execution sales.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1016—An Act to amend Sections 714, 717, 719, and 720 of the Code of Civil Procedure, all relating to proceedings supplementary to execution.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1017—An Act to amend Section 728 of the Code of Civil Procedure, relating to sales in actions to foreclose mortgages.

Read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Manwell: Assembly Bill No. 1018—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 203 thereof, relating to the compensation of county and township officers in counties of the forty-sixth class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Prescott: Assembly Bill No. 1019—An Act to regulate the use of artesian wells, and to prevent the waste of subterranean waters in this State.

Read first time, and referred to Committee on Irrigation.

#### WASHINGTON'S BIRTHDAY COMMITTEE.

The Speaker announced the appointment of Messrs. O'Brien, Coghlan, and Johnson as the special committee to act with the Senate committee to arrange for exercises on Washington's Birthday, in accordance with Assembly Concurrent Resolution No. 13.

#### BILLS RE-REFERRED.

Mr. Bates moved that Senate Bill No. 30 (No. 379 on file) be referred to the Committee on Insurance and Insurance Laws.

Motion carried.

Mr. Stanton moved that Assembly Bill No. 12 (No. 136 on file) be referred to a select committee, consisting of the Committee on Irrigation, for further consideration and amendment.

## BILL TAKEN UP OUT OF ORDER.

Mr. Cromwell moved that Assembly Bill No. 938 (No. 64 on file) be taken up for the purpose of amendment.

Motion carried.

Assembly Bill No. 938—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relative to health officers and health regulations, and the powers of boards of supervisors in connection therewith.

Read second time.

Mr. Cromwell moved to amend by striking out Subdivision 4, printed bill, and inserting in lieu thereof the following:

## AMENDMENT No. 1.

4. To lay out, maintain, control, erect, and manage public roads, turnpikes, ferries, and bridges within the county, and to grant franchises and licenses to collect tolls thereon; *provided*, where the cost of the erection of any bridge exceeds the sum of five hundred dollars they must advertise for bids, together with plans and specifications, strain sheets, and working details thereof, and shall let the contract therefor upon the plans adopted by them, which shall be attached to and made a part of such contract, and the person or corporation whose plans are adopted, and to whom the contract is awarded, shall be required to execute a bond, to be approved by said board, for the faithful performance of such contract; *provided*, that the road commissioners in their respective districts shall employ all labor required, and direct the conduct of work of any kind done upon any and all public roads; *provided further*, that in case of great emergency, by the unanimous consent of the whole board, they may proceed at once to replace or repair any and all bridges and structures without notices.

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out of the printed bill on lines 554 and 555, page 16, the words "outside of any incorporated city or town," and strike out in lines 558 and 559 the words "in the several road districts, in proportion to the amount collected from such district," and insert after the period "The board of supervisors shall by order duly made and entered upon the minutes of the board, designate such road or roads within the county as shall be known as main public roads within the meaning of this subdivision."

Amendment adopted.

Assembly Bill No. 938 ordered to reprint, engrossment, and on third-reading file.

## REPORTS OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following reports, which were read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly engrossed:

Assembly Bill No. 204—An Act to amend Section 634 of the Political Code, relating to the registration of life insurance policies, and deposit of security with Insurance Commissioner therefor.

DEVLIN, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 581—An Act to add a new section to the Civil Code of the State of California, to be numbered 328, and relating to lost or destroyed certificates of stock, or of shares in a corporation.

Assembly Bill No. 564—An Act making an appropriation for traveling and contingent expenses of the Department of Highways for the remainder of the fifty-sixth fiscal year.

Assembly Bill No. 536—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 177 of the said Act, relating to salaries of officers of counties of the twentieth class.

Assembly Bill No. 527—An Act to add a new section, to be known as Section 42a, to an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893; extending the provisions of Sections 19 to 33, inclusive, and Sections 39 to 42, inclusive, of said Act to primary elections, and so providing for punishment of offenses at primary elections.

Assembly Bill No. 188—An Act to amend an Act entitled "An Act to amend an Act entitled an Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 208 thereof, relating to counties of the fifty-first class.

Assembly Bill No. 697—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.

Assembly Bill No. 39—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 939 and 963 of said Code of Civil Procedure, relating to appeals.

Assembly Bill No. 94—An Act to amend Section 1618 of the Code of Civil Procedure, relating to the compensation of executors and administrators, and to add a new section to said Code, to be known as Section 1619, relating to the compensation of attorneys of executors and administrators.

DEVLIN, Chairman.

#### ASSEMBLY CONCURRENT RESOLUTION.

Mr. Creighton introduced the following Assembly concurrent resolution, which was read, and ordered printed in the Journal:

#### ASSEMBLY CONCURRENT RESOLUTION No. 19.

*Resolved by the Assembly, the Senate concurring, That leave of absence from the State of California is hereby granted to the Honorable John E. Raker, Superior Judge of the County of Modoc, State of California, for six (6) months from and after the first day of June, 1905.*

#### RESOLUTION ADOPTED.

Mr. Creighton moved the adoption of the resolution.

On being put to vote, the resolution was declared adopted.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Ways and Means was granted leave to introduce the following report (out of order), which was read:

#### ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 596—An Act providing for an appropriation of \$3,000 for the purpose of improving the grounds and repairing the buildings of Sutter's Fort, and for the necessary incidental expenses for maintenance—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STANTON, Chairman.

Assembly Bill No. 596 ordered on second-reading file.

#### RESOLUTION.

Mr. Duryea offered the following resolution, which was read:

(To substitute a clerk.)

*Resolved, That the name of E. F. Duden be stricken from the roll as Stenographer to the Judiciary Committee, dating from and including this day, and that the name of F. L. Gafney be, and it is hereby substituted therefor, at the same per diem, and the Controller is hereby authorized and directed to draw his warrants in favor of said F. L. Gafney for such per diem for the balance of the session, and the Treasurer is hereby directed to pay the same.*

Mr. Duryea moved the adoption of the resolution.

Motion carried.

## ASSEMBLY CONCURRENT RESOLUTION.

Mr. Busick offered the following Assembly concurrent resolution, which was read, and ordered printed in the Journal:

## ASSEMBLY CONCURRENT RESOLUTION NO. 20.

Relative to the consent of the Legislature to absence from the State of Assemblyman Frank J. O'Brien, for a period not to exceed six months.

*Resolved by the Assembly, the Senate concurring,* That the Legislature of the State of California has consented, and does hereby consent, that Assemblyman Frank J. O'Brien, of the Eighteenth Assembly District, may depart from the State of California at any time during the remainder of his official term as Assemblyman, and remain absent from the State of California for a period not to exceed six months, from and immediately succeeding the time of his departure.

Mr. Busick moved the adoption of the resolution.

Motion carried.

## INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

Leave was granted for the introduction and reference of bills, out of order, as follows:

By Mr. McKenney: Assembly Bill No. 1020—An Act to amend Section 1183 of the Code of Civil Procedure, relating to mechanics', laborers', miners' and materialmen's liens.

Read first time, and referred to Committee on Judiciary.

By Mr. Beckett: Assembly Bill No. 1021—An Act to provide against the adulteration of milk and cream, and to fix the standard of purity thereof.

Read first time, and referred to Committee on Dairies and Dairy Products.

## UNFINISHED BUSINESS.

Bills on the unfinished business file were called up, as follows:

Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

## THE PREVIOUS QUESTION DEMANDED.

Mr. King, at eleven o'clock and twenty-five minutes A. M., moved the previous question.

The question being: "Shall the main question be now put?" was put to vote.

Motion carried.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Barnes, Beckett, Boyle, Busick, Coghlan, Creighton, Cromwell, Cullen, Drew, Duryea, Ells, Espey, Estudillo, Gates, Goodrich, Hartman, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lynch, Manwell, McKenney, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—51.

NOES—Messrs. Chandler, Cooper, Devlin, Dorsey, Gans, Hawkins, Jarvis, McGowan, McNamara, Meincke, Mitcheltree, O'Brien, Stanton, and Strobridge—14

Title read and approved.

Assembly Bill No. 114 ordered transmitted to Senate.

Assembly Bill No. 468—An Act to amend Section 626m of the Penal Code of the State of California, relating to hunting at night-time.

Passed on file.

Assembly Bill No. 219—An Act to repeal Sections 3824 and 3825 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Passed on file.

Assembly Bill No. 498—An Act to amend Sections 1275, 1276, 1285, 1300, 1306, 1307, 1327, 1360, 1364, and 1376 of the Civil Code, and to add a new section thereto, to be numbered 1314, all relating to wills.

Read third time.

#### SELECT COMMITTEE AMENDMENTS.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 498, as follows:

##### AMENDMENT No. 1.

On page 3, Section 7, line 4 of the printed bill, strike out the words "the murder," and insert in lieu thereof the words "of murder in the first degree for the murder."

Amendment adopted.

##### AMENDMENT No. 2.

Strike out the whole of Section 9, pages 3 and 4 of printed bill, and renumber the remaining sections of the bill accordingly.

Amendment adopted.

##### AMENDMENT No. 3.

Strike out of line 6 of the title, page 1 of the printed bill, the words "thirteen hundred and sixty."

Amendment adopted.

Mr. Drew was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 498—An Act to amend Sections 1275, 1276, 1285, 1300, 1306, 1307, 1327, 1360, 1364, and 1376 of the Civil Code, and to add a new section thereto, to be numbered 1314, all relating to wills—with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

The report of select committee of one was adopted.

Assembly Bill No. 498 ordered to print, reengrossment, and on third-reading file for passage.

#### REPORTS OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following reports, which were read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly reengrossed:

Assembly Bill No. 24—An Act to add a new section to the Code of Civil Procedure, to be known as Section 637, relating to equity causes and to appeals therein

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly engrossed:

Assembly Bill No. 525—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.

DEVLIN, Chairman.

## UNFINISHED BUSINESS—(RESUMED).

Assembly Bill No. 182—An Act to amend Section 1593 of the Political Code of the State of California, relating to the elections of school trustees.

Passed on file.

Assembly Bill No. 183—An Act to amend Section 1615 of the Political Code of the State of California, relating to the organization of a new school district.

Passed on file.

## VOTE ON BILL RECONSIDERED.

Mr. Cromwell called up his notice of reconsideration (set for this day) whereby Senate Bill No. 36 was refused final passage on January 30, 1905.

The question being, "Shall the Assembly reconsider the vote whereby Senate Bill No. 36 was refused final passage?"

The roll was called, with the following result:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Boyle, Branstetter, Burge, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, Lynch, Manwell, McKenney, McNamara, Meincke, Mitchellree, Olmsted, Perkins, Pfaffle, Pyle, Severance, Slaven, Strobbridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—54.

NOES—Messrs. Creighton, Pryor, and Rolley—3.

## MR. BATES CALLED TO THE CHAIR.

The Speaker, at twelve o'clock noon, called Hon. J. Clem Bates to the chair.

## SENATE BILL TAKEN UP.

Senate Bill No. 36 (Substitute for Assembly Bill No. 4)—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 580 thereof, relating to banking corporations.

## CALL OF THE HOUSE.

Pending the roll call, and the announcement of the result, Mr. Cromwell, at twelve o'clock and six minutes P. M., moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Arnerich, Barnes, Bates, Beckett, Bliss, Boyle, Branstetter, Burge, Busick, Chandler, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lynch, Manwell, McGowan, McKenney, McNamara, Meincke, Mitchellree, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Rolley, Severance, Slaven, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Weyand, and Whiting—63.

The doors were ordered closed.

The Sergeant-at-Arms was furnished with a warrant containing the list of unexcused members, and instructed to bring them before the bar of the House.

The Sergeant-at-Arms, at twelve o'clock and fifteen minutes P. M., brought Messrs. Cleveland, Wickersham, and Houser before the bar of the House.

The gentlemen were excused.

## FURTHER PROCEEDINGS DISPENSED WITH.

Mr. Cromwell, at twelve o'clock and sixteen minutes p. m., moved that further proceedings under the call of the House be dispensed with.  
Motion carried.

## FINAL PASSAGE OF BILL.

The question being on the final passage of the bill.

The roll was called, and the Senate Bill No. 36 finally passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Barnes, Bliss, Boyle, Branstetter, Burge, Busick, Coghlan, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Espey, Estudillo, Gates, Goodrich, Hartman, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Lynch, Manwell, McKenney, McNamara, Meincke, Mitchelltree, O'Brien, Olmsted, Pfaffle, Severance, Stanton, Strobridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Walsh, and Wickersham—45

NOES—Messrs. Bates, Beckett, Chandler, Cleveland, Cooper, Creighton, Duryea, Ellis, Gans, Hawkins, Jarvis, Jones of San Francisco, Jury, King, McGowan, Perkins, Pryor, Pyle, Rolley, Slaven, Transue, Weyand, and Whiting—23.

Title read and approved.

## NOTICE OF RECONSIDERATION.

Mr. Stanton gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 36 was finally passed this day.

## POINT OF ORDER.

Mr. Houser raised the point of order that reconsideration having been once had on this bill there could be no further reconsideration on the same bill.

## SPECIAL FILE.

Bills on the special file were taken up for consideration, as follows:

Assembly Bill No. 87—An Act making an appropriation of \$5,075 to repay the Regents of the University of California for moneys appropriated by them to repair, maintain, and erect necessary buildings for a forestry station at Santa Monica, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Barnes, Bates, Boyle, Branstetter, Burge, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Gans, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lynch, McKenney, McNamara, Meincke, Mitchelltree, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Rolley, Slaven, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Weyand, Whiting, and Wickersham—53

NOES—Messrs. Beckett and Dorsey—2.

Title read and approved.

Bill ordered transmitted to the Senate.

## RECESS.

Mr. Jones of San Francisco, at twelve o'clock and twenty-seven minutes p. m., moved that the Assembly take a recess until three o'clock p. m.

Motion carried, and recess declared.

## REASSEMBLED.

The Assembly reconvened at three o'clock P. M.  
The Speaker, Hon. Frank C. Prescott, in the chair.

## PRIVILEGES OF THE FLOOR EXTENDED TO HON. JULIUS KAHN.

The Speaker announced that he noticed among the spectators Hon. Julius Kahn, Representative-elect from the Fourth Congressional District of California, and an ex-member of the Assembly. On behalf of the Assembly, the Speaker extended to Mr. Kahn the privileges of the floor, and invited the gentleman to a seat at the Speaker's desk.

## PRIVILEGES OF THE FLOOR.

On motion of Mr. Estudillo the privileges of the floor were extended to Hon. Grant I. Taggart, an ex-member of the Assembly.

## MR. KAHN ADDRESSES THE ASSEMBLY.

Mr. Coghlan moved that the Hon. Julius Kahn be invited to address the Assembly.

Motion carried.

Mr. Kahn was greeted with applause, and briefly addressed the Assembly, returning his thanks for the compliment extended to him.

## REPORTS OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following reports, which were read:

## ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly reengrossed:

Assembly Bill No. 766—An Act to repeal Chapter II of Title IV of the Political Code of California, and substituting therefor a new Chapter II, relating to the State militia.

DEVLIN, Chairman

Also:

## ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 170—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violating of ordinances

Assembly Bill No. 483—An Act to repeal Title XV of Part IV of Division I of the Civil Code, and to substitute therefor in said Code a new Title XV, relating to corporations formed for the purpose of furnishing light for public use.

Assembly Bill No. 873—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, by amending Section 167, relating to counties of the tenth class, and providing for certain increases of salaries and deputies.

Assembly Bill No. 840—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 129 thereof.

Assembly Bill No. 524—An Act to amend Sections 435, 3668, and 3746 of the Political Code of the State of California, all relating to revenue and taxation.

DEVLIN, Chairman.

## DAY FOR SPECIAL ORDER CHANGED.

Mr. Slaven moved that the day for the consideration of Assembly Bill No. 297 as a special order be changed from Wednesday, February 22, to Tuesday, February 21, 1905.

Motion carried.



## SPECIAL ORDERS.

This being the time set for certain special orders, they were called up and acted upon in the following order :

Assembly Bill No. 765—An Act to repeal Chapter II, of Title IV of the Political Code of California, and to substitute therefor a new Chapter II, relating to the State militia.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Bliss, Boyle, Branstetter, Burge, Chandler, Cooper, Creighton, Cullen, Devlin, Duryea, Ellis, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jury, King, Manwell, McNamara, Meincke, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Strobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—51.

NOES—Mr. Cleveland—1.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 767—An Act to repeal Sections 725, 728, 729, 730, 731, 732, and 733, all of Chapter V, Title I, Part II of the Penal Code of California, relating to suppression of riots.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Bliss, Boyle, Branstetter, Burge, Chandler, Coghlan, Cooper, Creighton, Cullen, Devlin, Duryea, Ellis, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Jones of Tuolumne, Jury, King, Manwell, McGowan, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—55.

NOES—Messrs. Cleveland and Walsh—2.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 768—An Act to amend the Penal Code of the State of California by adding thereto new sections, numbered 421 and 422, providing for punishment of persons and associations conniving against and attempting to injure the National Guard of California, and members thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Bliss, Boyle, Branstetter, Burge, Chandler, Coghlan, Cooper, Creighton, Duryea, Ellis, Gans, Gates, Hartman, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Manwell, McGowan, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Strobridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Walsh, Weyand, Whiting, and Mr. Speaker—50.

NOES—Mr. Cleveland—1.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 769—An Act to repeal Section 443, Title XII, of the Penal Code of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Bliss, Boyle, Branstetter, Burge, Chandler, Cooper, Creighton, Devlin, Duryea, Ellis, Gans, Gates, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Manwell, McGowan, McNamara, Meincke, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—50.

**NOES**—Mr. Cleveland—1.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 770—An Act to amend Section 442, Title XII of the Penal Code of California, relating to crimes against the revenue and property of this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Bliss, Boyle, Branstetter, Burge, Chandler, Cleveland, Coghlan, Cooper, Creighton, Cullen, Duryea, Ellis, Estudillo, Gans, Gates, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Manwell, McGowan, McNamara, Meincke, Mitcheltree, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Severance, Strobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—52.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 766—An Act to repeal Chapter I of Title IV of the Political Code of California, and to substitute therefor a new Chapter I, relating to the State militia.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Bliss, Boyle, Branstetter, Burge, Chandler, Coghlan, Cooper, Creighton, Cullen, Duryea, Ellis, Estudillo, Gans, Gates, Hawkins, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Manwell, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Strobridge, Thompson, Transue, Treadwell, Walsh, Weyand, Whiting, and Mr. Speaker—47.

**NOES**—Mr. Cleveland—1.

Title read and approved.

Bill ordered transmitted to Senate.

Senate Bill No. 179 (Substitute for Assembly Bill No. 356)—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.

Read third time.

MR. PERKINS CALLED TO THE CHAIR.

The Speaker, Hon. Frank C. Prescott, at four o'clock and twelve minutes P. M., called Hon. David T. Perkins to the chair, to briefly discuss the pending measure.

SPEAKER RESUMES THE CHAIR.

At four o'clock and sixteen minutes P. M. the Speaker resumed the chair.

## TIME FOR ADJOURNMENT EXTENDED.

Mr. John, at four o'clock and thirty-four minutes P. M., moved that the hour for adjournment be extended for fifteen minutes.

Motion carried.

## CALL OF THE HOUSE.

Pending the roll call and the announcement of the result, Mr. Pyle, at four o'clock and forty minutes P. M., moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beckett, Bliss, Boyle, Burge, Busick, Chandler, Cleveland, Coghlan, Cooper, Creighton, Cullen, Ellis, Estudillo, Gans, Gates, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, Manwell, McGowan, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Rolley, Severance, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—55.

The doors were ordered closed.

The Sergeant-at-Arms was furnished with a warrant containing a list of members absent without excuse.

At four o'clock and fifty minutes P. M., the Sergeant-at-Arms brought Messrs. Pryor, Branstetter, McKenney, Drew, and Coyle before the bar of the House, and they were excused.

At four o'clock and fifty-five minutes P. M., the Sergeant-at-Arms brought Mr. Tripp before the bar of the House.

Mr. Tripp was excused.

## FURTHER PROCEEDINGS DISPENSED WITH.

Mr. Duryea, at four o'clock and fifty-six minutes P. M., moved that further proceedings under the call of the House be dispensed with.

Motion carried.

The doors were ordered reopened.

## CONSIDERATION OF SENATE BILL—(RESUMED).

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 179 refused final passage by the following vote:

AYES—Messrs. Anthony, Arnerich, Bates, Beckett, Bliss, Boyle, Branstetter, Burge, Cleveland, Coghlan, Cooper, Creighton, Cullen, Dorsey, Ellis, Espey, Goodrich, Hartman, Held, John, Johnson, Jones of San Francisco, Jury, Lynch, McGowan, McNamara, Meincke, Mitcheltree, Moore, Olmsted, Perkins, Pfaffle, Pyle, Severance, Slaven, Strobridge, Vogel, Weyand, and Whiting—39.

NOES—Messrs. Amerige, Barnes, Busick, Chandler, Coyle, Cromwell, Devlin, Drew, Duryea, Estudillo, Gans, Gates, Hawkins, Houser, Johnstone, Jones of Tuolumne, King, Manwell, McKenney, O'Brien, Pryor, Rolley, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Wickersham, and Mr. Speaker—32.

## NOTICE OF MOTION TO RECONSIDER.

Mr. Waste gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 179 was refused final passage this day.

## REPORTS OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following reports, which were read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined and found correctly enrolled Assembly Bill No. 211—An Act to appropriate out of the State School-Book Fund of the State Treasury the sum of \$4,119.11 to pay the claim of Bonestell, Richardson & Co. for money due and owing said Bonestell, Richardson & Co. from the State of California—and presented the same to the Governor on this day at ten o'clock A. M.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined and found correctly enrolled Assembly Bill No. 844—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session—and presented the same to the Governor on this day at four o'clock and fifteen minutes P. M.

DEVLIN, Chairman.

Also.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined and found correctly enrolled Assembly Concurrent Resolution No. 9—Approving six certain amendments to the charter of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein for that purpose on the 5th day of December, 1904.

Also: Assembly Concurrent Resolution No. 14—Relative to Lincoln memorial exercises.

And presented the same to the Governor on this day at two o'clock and fifteen minutes P. M.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined and found correctly enrolled Assembly Bill No. 407—An Act to amend Section 78 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Also: Assembly Bill No. 20—An Act to repeal two sections of the Code of Civil Procedure, each being numbered 1161, approved April 1, 1878, and to substitute therefor a new section, to be numbered 1161, relating to unlawful detainer.

Also: Assembly Bill No. 122—An Act to regulate the work and hours of employes engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

And presented the same to the Governor on this day at three o'clock and thirty minutes P. M.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined and found correctly enrolled Assembly Bill No. 6—An Act to amend Section 849 of the Code of Civil Procedure relating to service of summons issued out of the justice court.

Also: Assembly Bill No. 101—An Act to amend Section 1489 of the Political Code, relating to State normal schools.

And presented the same to the Governor on this day at four o'clock P. M.

DEVLIN, Chairman.

## TIME EXTENDED FOR ADJOURNMENT.

Mr. Transue, at five o'clock and ten minutes P. M., moved that the hour for adjournment be extended for fifteen minutes.

Motion carried.

## SENATE MESSAGES.

Mr. Houser moved to take up Senate messages.

Motion carried.

The following messages from the Senate were read:

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Concurrent Resolution No. 7, and in accordance with such resolution appointed as the Senate committee Senators Curtin, Shortridge, and Leeke, and respectfully ask your honorable body to appoint a like committee.

Also: That in accordance with Assembly Concurrent Resolution No. 13, the President of the Senate appointed as the Senate committee Senators Ralston, Leavitt, and Sanford.

Also: That the Senate concurred in the Assembly amendments to Senate Bills Nos. 27 and 143.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Concurrent Resolution No. 13 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 16, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed Assembly Bill No. 112—An Act to amend Section 424 of the Penal Code of the State of California, relative to embezzlement and falsification of accounts by public officers.

Also: Assembly Bill No. 26—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Also: Assembly Bill No. 25—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Also: Assembly Bill No. 47—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 4235 of said Code, relative to the recording of instruments

And respectfully ask that your honorable body concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

#### SENATE AMENDMENTS TO ASSEMBLY BILL TAKEN UP.

Mr. Houser moved to take up Assembly Bill No. 112 for the purpose of considering amendments to the bill made in the Senate.

Motion carried.

Assembly Bill No. 112—An Act to amend Section 425 of the Penal Code of the State of California, relative to embezzlement and falsifications of accounts by public officers.

The following amendments to Assembly Bill No. 112 made in the Senate were read:

##### AMENDMENT No. 1.

On page 1, Section 1, line 10, after the figure "2," insert "loans the same or any portion thereof."

##### AMENDMENT No. 2.

On page 1, Section 1, line 10, strike out the capital letter "M" of the word "make," and insert a lower-case "m."

##### AMENDMENT No. 3.

On pages 1 and 2, Section 1, lines 12, 13, and 14, strike out all of Subdivision 3.

##### AMENDMENT No. 4.

On page 2, Section 1, line 15, strike out the figure "4" and insert the figure "3."

##### AMENDMENT No. 5.

In line 17, strike out the figure "5" and insert the figure "4."

##### AMENDMENT No. 6.

In line 19, strike out the figure "6" and insert the figure "5."

##### AMENDMENT No. 7.

In line 23, strike out the figure "7" and insert the figure "6."

## AMENDMENT No. 8.

In line 25, strike out the figure "8" and insert the figure "7."

## AMENDMENT No. 9.

On page 2, Section 1, lines 28 to 30, beginning with the word "is," in line 28, and ending with the word "State," in line 30, strike same out of Subdivision 8 of printed bill, and include the same in a new paragraph.

## SENATE AMENDMENTS CONCURRED IN.

Mr. Houser moved that the Assembly concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 112?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Beckett, Bliss, Boyle, Branstetter, Burge, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Cullen, Drew, Espey, Estudillo, Gates, Goodrich, Hartman, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Manwell, McGowan, McKenney, Meincke, Mitcheltree, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—53.

NOES—None.

Assembly Bill No. 112 was ordered to enrollment.

Assembly Bills Nos. 26, 25, and 47 ordered to unfinished business for consideration of Senate amendments.

## SENATE MESSAGES.

SENATE CHAMBER, SACRAMENTO, February 16, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed Assembly Bill No. 738—An Act to amend an Act entitled "The Political Code of the State of California," relating to the employment of women as physicians in the State hospitals for the care and treatment of the insane, and in the California Home for the Care and Training of Feeble-Minded Children at Eldridge, Sonoma County, by amending Section 2153a thereof—and respectfully ask your concurrence in same.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary.

Assembly Bill No. 738 ordered to unfinished business for consideration of Senate amendments.

Also:

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 18—Relative to amending the charter of the City of Pasadena.

Also passed: Assembly Bill No. 57—An Act to amend Section 1560 of the Political Code of the State of California, relating to the public schools.

Also passed, as case of urgency, Senate Bill No. 794—An Act making an appropriation to pay the expenses of legislative printing for the thirty-sixth session

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary.

Assembly Concurrent Resolution No. 18 and Assembly Bill No. 57 ordered to enrollment.

## INTRODUCTION OF BILL—(OUT OF ORDER).

Leave was granted to Mr. Hartman to introduce a bill out of order.

By Mr. Hartman (by request): Assembly Bill No. 1022—An Act to amend Chapter I of Title VI, of Part III of the Political Code, by

adding thereto an article, to be numbered XI, providing for the regulation and control of wharves and public waters at and near San Pedro, in Los Angeles County.

Read first time, and referred to Committee on Commerce and Navigation.

EXCUSED FOR THE EVENING.

Mr. Wickersham requested and was excused from attendance at the evening session.

RECESS.

Mr. Treadwell, at five o'clock and twenty minutes P. M., moved that the Assembly take a recess until eight o'clock P. M. this day.

Motion carried, and recess declared.

EVENING SESSION.

The Assembly reconvened at eight o'clock P. M.

The Speaker, Hon. Frank C. Prescott, in the chair.

RECONSIDERATION OF VOTE.

Mr. Drew moved that the vote whereby the amendments to Assembly Bill No. 498 were this day adopted be reconsidered.

Motion carried.

Whereupon Mr. Drew asked for and was granted leave to withdraw those certain amendments.

Amendments withdrawn.

On motion of Mr. Drew, Assembly Bill No. 498—An Act to amend Sections 1275, 1276, 1285, 1300, 1306, 1307, 1327, 1360, 1364, and 1376 of the Civil Code, and to add a new section thereto, to be numbered 1314, all relating to wills—was taken up for further consideration.

Bill previously read third time.

SELECT COMMITTEE AMENDMENTS.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 498, as follows:

AMENDMENT No. 1.

On page 3, Section 7, line 4 of the printed bill, strike out the words "the murder of," and insert "murdering."

AMENDMENT No. 2.

Insert on page 3, Section 7, line 5, after the word "testator," the following: "where the final verdict is murder in the first degree, and where such person"

AMENDMENT No. 3.

Strike out the whole of Section 9, pages 3 and 4 of the printed bill, and renumber the remaining sections of the bill accordingly.

AMENDMENT No. 4.

Strike out of line 6 of the title, page 1 of the printed bill, the words "thirteen hundred and sixty."

Motion carried.

Mr. Drew was appointed such select committee.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 498—An Act to amend Sections 1275, 1276, 1285, 1300, 1306, 1307, 1327, 1360, 1364, and

1376 of the Civil Code, and to add a new section thereto, to be numbered 1314, all relating to wills—with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

Report of select committee adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

On motion of Mr. Drew, Senate Bill No. 794 was set as a special order for consideration, immediately after the reading of the Journal, on Friday, February 17, 1905.

### THIRD READING OF BILLS.

Assembly Bill No. 177—An Act to provide for the classification of supervisors in counties of the fifteenth class where they are not now classified, so that not all of them shall go out of office at the same time.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Boyle, Branstetter, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Espey, Goodrich, Hartman, Hawkins, Held, Johnson, Johnstone, Jury, Lynch, McGowan, McKenney, McNamara, Mitcheltree, Olmsted, Perkins, Pfaffel, Slaven, Stanton, Strohl, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 742—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 201 thereof, relating to salaries and fees of county and township officers in counties of the forty-fourth class.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Goodrich, Hartman, Hawkins, Held, Houser, John, Johnson, Johnstone, Jury, King, Lynch, McNamara, Mitcheltree, Olmsted, Perkins, Pfaffel, Pryor, Rolley, Slaver, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Whiting, Wickersham, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to Senate.

### WITHDRAWAL OF BILLS.

Mr. Johnstone asked for and was granted unanimous consent to withdraw the following bills:

Assembly Bill No. 781—An Act making an appropriation of \$5,000 to be used by the Board of Trustees of the Whittier State School, Whittier, California, for the purpose of purchasing five inches of water from the East Whittier ditch, to be used at said school.

Also: Assembly Bill No. 787—An Act making an appropriation of \$600, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new band instruments for use in said school.

Bills withdrawn, and ordered stricken from the file.



## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 836—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 412 thereof, relating to the service of summons by publication, and as to the nature of the judgment in such cases.

Assembly Bill No. 538—An Act making an appropriation to pay the claim of H. W. Scott for costs of suits in foreclosing delinquent purchases of State School lands.

Assembly Bill No. 562—An Act appropriating the sum of \$2,160 for rental of a building or buildings for the use of the San Francisco State Normal School.

Assembly Bill No. 830—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 537 and 538 thereof, relating to the cases in which a writ of attachment shall issue, and to the contents of the affidavit for attachment.

Assembly Bill No. 762—An Act making an appropriation to pay the claim of John V. Powers.

Assembly Bill No. 872—An Act amending the Political Code of the State of California by adding thereto a new section, numbered 35714, relating to the public lands of this State.

Assembly Bill No. 870—An Act amending the Political Code of the State of California by adding thereto a new section, numbered 3418, relating to the public lands of this State.

Assembly Bill No. 463—An Act to amend Section 3805a of the Political Code of the State of California, relative to clearing title upon lands upon which assessments have been improperly made, and providing the procedure whereby title to such lands may be cleared.

Assembly Bill No. 292—An Act to amend the Penal Code of California by adding a new section, to be numbered 773, to Chapter II of Title II of Part II thereof, providing for the summary removal from office of certain officers.

Assembly Bill No. 871—An Act in relation to State school lands of this State, amending and revising Sections 3546, 3547, 3548, 3549, 3550, and 3551, repealing Sections 3552, 3553, 3554, 3555, and 3556 of the Political Code, and repealing an Act approved March 7, 1881 (Statutes of 1881, page 65), entitled "An Act to enable purchasers of State lands to redeem the same, where their titles have been or may hereafter be foreclosed for non-payment of interest."

Assembly Bill No. 829—An Act authorizing judges of the superior court in all counties, and cities and counties having a population of 200,000 inhabitants and over to appoint a secretary, and fixing the term and manner of appointment of such secretary.

Assembly Bill No. 827—An Act relating to complaints in proceedings to remove or suspend police officers in municipalities.

Assembly Bill No. 804—An Act to amend Section 11 of an Act approved March 24, 1903, entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts, and the assessment of property therein to pay the expense of such improvement."

Assembly Bill No. 406—An Act to amend Section 2 of an Act entitled "An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California, located on the water front at San Francisco, California," approved March 25, 1901.

Assembly Bill No. 808—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence.

Assembly Bill No. 760—An Act to amend Sections 418, 419, 456, and 485 of the Political Code, relating to the salaries of appointees in the offices of the Secretary of State, of the State Treasurer, and of the Surveyor-General.

Assembly Bill No. 902—An Act to amend Section 2189 of the Political Code, relating to the discharge of persons from State hospitals.

Assembly Bill No. 889—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Veterans' Home, located at Yountville, Napa County.

Assembly Bill No. 162—An Act to appropriate \$590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 163—An Act to appropriate \$815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 104—An Act to appropriate \$3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 161—An Act to appropriate \$2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 164—An Act to appropriate \$640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled, "N. Weisbaum vs. The State of California," numbered 86,125 upon the register of the Superior Court of the City and County of San Francisco.

Assembly Bill No. 126—An Act to appropriate the sum of \$1,276 to pay the amount of a judgment against the Board of Trustees of the Whittier State School, and in favor of Lucy J. Harvey, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Assembly Bill No. 885—An Act to add a new chapter to Title IV of Part III of the Code of Civil Procedure, to be known as Chapter IV, relating to certain liens upon animals.

Assembly Bill No. 250—An Act providing for the creation and management of the California Pine Park, making an appropriation therefor, and creating a board of three commissioners, with power to make, purchase, and to manage said California Pine Park.

DEVLIN, Chairman.

The above reported bills were ordered on file for third reading.

#### SECOND READING OF BILLS.

Assembly Bill No. 780—An Act making an appropriation of \$1,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing type and printing materials to be used in the printing office of said school.

Read second time.

The following amendments were read:

#### COMMITTEE AMENDMENT No. 1.

Amend by striking out the words "one thousand," on line 1, first page, printed bill; and inserting in lieu thereof the words "five hundred."

Amendment adopted.

#### COMMITTEE AMENDMENT No. 2.

Amend by striking out Section 3.

Amendment adopted.

Assembly Bill No. 782—An Act making an appropriation of \$2,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of constructing a reservoir to be used in storing the water supply of said school.

Read second time.

The following committee amendment was read:

Amend by striking out Section 3

Amendment adopted.

Assembly Bill No. 783—An Act making an appropriation of \$500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the assembly hall of the boys' department.

Read second time

The following committee amendment was read:

Amend by striking out Section 3.

Amendment adopted.

Assembly Bill No. 785—An Act making an appropriation of \$350, to be used by the Board of Trustees of the Whittier State School, at

Whittier, California, for the purpose of purchasing new books for the library of said school.

Read second time.

The following amendments were read :

COMMITTEE AMENDMENT No. 1.

Amend by striking out the word "three" in the title of printed bill, and inserting in lieu thereof the word "two."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by striking out the word "three," on line 1, Section 1, first page, printed bill, and inserting in lieu thereof the word "two."

Amendment adopted.

COMMITTEE AMENDMENT No. 3.

Amend by striking out Section 3.

Amendment adopted.

Assembly Bill No. 786—An Act making an appropriation of \$650, to be used by the Board of Trustees of the Whittier State School at Whittier, California, for the purpose of purchasing new sewing machines for use in said school.

Read second time.

The following amendments were read :

COMMITTEE AMENDMENT No. 1.

Amend by striking out the words "six hundred," on line 1, first page, printed bill, and insert in lieu thereof "two hundred (200)."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by striking out Section 3.

Amendment adopted.

Assembly Bill No. 779—An Act making an appropriation of \$900, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of refurnishing "B" cottage at the girls' department.

Read second time.

The following amendments were read :

COMMITTEE AMENDMENT No. 1.

Amend by striking out the words "nine hundred," in the title, printed bill, and inserting in lieu thereof the words "seven hundred and fifty."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by striking out the words "nine hundred dollars (\$900.00)," on line 1, Section 1, first page, printed bill, and inserting in lieu thereof the following: "seven hundred and fifty dollars (\$750.00)."

Amendment adopted.

COMMITTEE AMENDMENT No. 3.

Amend by striking out Section 3.

Amendment adopted.

## MOTION.

Mr. Johnstone moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bills Nos. 780, 782, 783, 785, 786, and 779.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Assembly Bills Nos. 780, 782, 783, 785, 786, and 779 were considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 780, 782, 783, 785, 786, and 789, and do now report the same back, and recommend that they do pass as amended.

—PRESCOTT, Chairman.

Report of Committee of the Whole adopted.

Bills ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 848—An Act to amend Section 57 of an Act entitled "An Act to establish a uniform system of county and township governments, approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Boyle, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Gans, Goodrich, Hartman, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, McKenney, McNamara, Mitcheltree, Perkins, Pfaffle, Pryor, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, and Mr. Speaker—43.

NOES—Mr. Stanton—1.

Title read and approved.

Bill ordered transmitted to Senate.

On motion of Mr. Anthony, Senate Bill No. 364 was substituted on file for Assembly Bill No. 525, the bills being identical.

Senate Bill No. 364—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.

Read second time, and ordered on file for third reading.

Assembly Bill No. 706—An Act to amend Sections 1359 and 1367 of the Political Code of the State of California, relating to primary elections.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Boyle, Branstetter, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Gans, Goodrich, Hartman, Hawkins, Held, Houser, Johnson, Johnstone, Jury, King, Lynch, McKenney, McNamara, Mitcheltree, Perkins, Pfaffle, Pryor, Rolley, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 188—An Act to amend an Act entitled "An Act to amend an Act entitled an Act to establish a uniform system of county and township governments," approved March 23, 1901, by amending Section 208 thereof, relating to counties of the fifty-first class.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Boyle, Branstetter, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Gans, Hartman, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, Manwell, McKenney, McNamara, Mitcheltree, Perkins, Pfaffle, Pryor, Rolley, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—50.

NOES—None

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 840—An Act to amend an Act entitled "An Act to establish a uniform system of county government," by amending Section 179 thereof.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Bates, Boyle, Branstetter, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Ellis, Estudillo, Gans, Goodrich, Hartman, Hawkins, Held, Houser, John, Johnson, Johnstone, Jury, King, Lynch, Manwell, McKenney, Mitcheltree, Perkins, Pfaffle, Pryor, Rolley, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 536—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 177 of the said Act, relating to salaries of officers of counties of the twentieth class.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Bates, Boyle, Branstetter, Busick, Chandler, Coghlan, Cooper, Coyle, Creighton, Cullen, Devlin, Drew, Ellis, Estudillo, Gans, Goodrich, Hawkins, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, Manwell, McGowan, McKenney, McNamara, Mitcheltree, O'Brien, Perkins, Pfaffle, Pryor, Rolley, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—51.

NOES—Messrs. Cromwell and Weyand—2

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 700—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 16, 1903, by amending Section 23 thereof.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Beckett, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Cullen, Drew, Duryea, Ellis, Gans, Goodrich, Hartman, Hawkins, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, Manwell, McGowan, McKenney, McNamara, Mitcheltree, O'Brien, Perkins, Pfaffle, Pryor, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—48.

NOES—Messrs. Estudillo and Strobridge—2.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 618—An Act to authorize the appointment of an interpreter of the Spanish language in counties of the first and one-half class.

Read second time.

The following committee amendments were read:

#### AMENDMENT No. 1.

In line 3, page 1 of printed bill, in title, amend by striking out the words "first and one half" and insert in lieu thereof the word "second."

Amendment adopted.

#### AMENDMENT No. 2.

In line 1, page 1 of printed bill, amend by striking out the words "first and one half," and insert in lieu thereof the word "second."

Amendment adopted.

On motion of Mr. Transue, Senate Bill No. 241 was considered instead of Assembly Constitutional Amendment No. 9, on special file.

Senate Bill No. 241—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Read third time on a previous day.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Boyle, Branstetter, Busick, Chandler, Cooper, Creighton, Cullen, Devlin, Dorsey, Duryea, Ellis, Estudillo, Gans, Goodrich, Hawkins, Held, Houser, Johnson, Johnstone, Jury, King, Lynch, Manwell, McGowan, McKenney, McNamara, Mitcheltree, Perkins, Pfaffle, Pryor, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to Senate.

On motion of Mr. Transue, Assembly Bill No. 204 was considered in place of Assembly Constitutional Amendment No. 13, on special file.

Assembly Bill No. 204—An Act to amend Section 634 of the Political Code, relating to the registration of life insurance policies and deposit of security with Insurance Commissioner thereof.

Read third time on a previous day.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Boyle, Branstetter, Busick, Chandler, Cooper, Coyle, Creighton, Cullen, Devlin, Dorsey, Duryea, Ellis, Estudillo, Gans, Held, Johnson, Jury, King, Lynch, Manwell, McGowan, McNamara, Mitcheltree, O'Brien, Perkins, Pfaffle, Pryor, Severance, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—44.

NOES—Mr. Goodrich—1.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 601—An Act to amend Sections 1830, 1831, 1832, 1835, 1836, 1837, and 1839 of the Political Code, relating to district school tax.

Read third time.

SELECT COMMITTEE AMENDMENT.

Mr. McGowan moved that a select committee of one be appointed to amend Assembly Bill No. 601, as follows:

In line 9, of Section 2 of printed bill, insert a comma after the word "provide," and on same line insert a comma after the word "county"; also, in line 11, after the word "education," insert the word "out"; also, in line 12, insert the word "the" after the word "in"; also, in line 13, strike out "the" after the word "against."

In line 10, Section 7 of printed bill, after the word "provided," insert a comma; also, in the same line, after the word "that," strike out the word "the," and insert in lieu thereof the letter "a," and, also, in the same line, after the word "rate," strike out the word "shall," and insert in lieu thereof the word "of"; also, in line 11, Section 7 of the printed bill, strike out the word "exceed" and insert in lieu thereof the word "exceeding"; also, in same line, after the word "cents," strike out the words "more levy," and insert in lieu thereof the words "may be levied."

Motion carried.

Mr. McGowan was appointed such select committee.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 601—An Act to amend Sections 1830, 1831, 1832, 1835, 1836, 1837, and 1839 of the Political Code, relating to a district school tax—with instructions, does now report that the instructions of the Assembly have been carried out.

MCGOWAN, Committee.

Report of select committee adopted.

Ordered to reprint, reengrossment, and on file for passage.

BILL RECALLED FROM ENGROSSMENT.

On motion of Mr. Ellis, Assembly Bill No. 819—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628a, 628b, 628c, 628d, and 632a, all relating to the protection and preservation of fish—was recalled from engrossment, and ordered restored to second-reading file, for the purpose of amendment.

Assembly Bill No. 842—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the powers of boards of supervisors.

Read second time.

The following amendments were read:

COMMITTEE AMENDMENT No. 1

Amend by striking out all of subdivision 21, on page 2 of printed bill.

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by renumbering consecutively subdivisions following Section 20 of printed bill.

Amendment adopted.

## COMMITTEE AMENDMENT No. 3.

Amend by striking out all of Section 2 of printed bill.

Amendment adopted.

Ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No 647—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto.

Read second time.

The following amendment was read:

Amend by striking out of printed bill on page 1, all of the title, and everything there-after down to and including line 9 on said page, and inserting in lieu thereof the following:

"An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 31 thereof, relating to counties of the thirtieth class."

"The people of the State of California, represented in Senate and Assembly, do enact as follows:

"Section 1. Section 34 of an Act entitled 'An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, is hereby amended so as to read as follows:

"Section 34. Section one hundred and eighty-seven (187) of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, is hereby amended as follows:

"Section 187. In counties of the thirtieth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, to wit:"

Amendment adopted.

Assembly Bill No. 586—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to the compensation of county officers in counties of the fourteenth class.

Bill read second time.

The following amendments were read:

## COMMITTEE AMENDMENT No. 1.

Amend in line 5, of title, page 1, printed bill, after the word "hundred" insert the word "and"

Amendment adopted.

## COMMITTEE AMENDMENT No. 2.

Amend in line 6, of title, page 1, printed bill, by striking out all after the word "amending," and inserting in lieu thereof the following: "Section 171 thereof, relating to the compensation of county officers in counties of the fourteenth class."

Amendment adopted.

## COMMITTEE AMENDMENT No. 3.

Amend in line 5, page 1, printed bill, by inserting after the word "hundred" the word "and"

Amendment adopted.



## COMMITTEE AMENDMENT No. 4.

Amend in line 14, page 2, of printed bill, by striking out the words "retained by him and."

Amendment adopted.

## COMMITTEE AMENDMENT No. 5.

Amend in page 2, line 32, printed bill, by striking out all beginning with the word "all," down to and including the word "and," being the next to the last word in line 33.

Amendment adopted.

## COMMITTEE AMENDMENT No. 6.

Amend in line 42, page 2, printed bill, by inserting after the word "thousand" the words "six hundred."

Amendment adopted.

## COMMITTEE AMENDMENT No. 7.

Amend in line 44, page 2, printed bill, after the word "annum" by striking out the balance of the subdivision.

Amendment adopted.

## COMMITTEE AMENDMENT No. 8.

Amend on page 3, line 72, printed bill, by inserting after the word "trial" the words "of the issues of fact."

Amendment adopted.

## COMMITTEE AMENDMENT No. 9.

Amend by striking out all of subdivision 16 on pages 3 and 4.

Amendment adopted.

## COMMITTEE AMENDMENT No. 10.

Amend in line 106, page 4, printed bill, by changing the figures "16" to "17."

Amendment adopted.

## COMMITTEE AMENDMENT No. 11.

Amend by striking out all of subdivision 18.

Amendment adopted.

## COMMITTEE AMENDMENT No. 12.

On page 3, line 61, of printed bill, after the word "duties" insert the words "within the county."

Amendment adopted.

## COMMITTEE AMENDMENT No. 13.

On page 3, line 62, strike out the word "five" and insert in lieu thereof the word "six."

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

## BILL RE-REFERRED.

On motion of Mr. Dorsey, Assembly Bill No. 316—An Act to provide for the erection of embankments or levees to care for the flood waters of Kern River, in Kern County—was re-referred to Committee on Ways and Means.

Assembly Bill No. 886—An Act to amend an Act entitled "An Act to amend 'An Act entitled an Act to establish a uniform system of county and township governments,' approved March 23, 1901, by amending Section 205 thereof, relating to counties of the forty-eighth class."

Read second time.

The following amendments were read:

COMMITTEE AMENDMENT No. 1.

Amend in line 1 title, page 1 of printed bill by striking out everything after the word "Act," and inserting in lieu thereof the following: "to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, and the amendment thereof, approved March 3, 1901, by amending Section, 205 thereof, relating to counties of the forty-eighth class."

Amendment adopted.

AMENDMENT No. 2.

In line 4, page 1 of printed bill, amend by striking out the figure "8" and inserting in lieu thereof the figure "5."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out all of Section 2.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 139—An Act to repeal an Act entitled "An Act to provide for the payment by the State or counties or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903.

Read second time.

The following committee amendment was read:

Amend by striking out all of Section 2, page 1, of printed bill.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 145—An Act to provide for the payment by the State, or counties, or cities and counties, of the premium or charge on official bonds.

Read second time.

The following committee amendment was read:

Amend by striking out all of Section 2, on page 1, printed bill.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

ADJOURNMENT.

At ten o'clock and ten minutes P. M., on motion of Mr. Jury, the Speaker declared the Assembly adjourned until Friday, February 17, 1905, at ten o'clock and thirty minutes A. M.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Friday, February 17, 1905. }

The Assembly met at ten o'clock and thirty minutes A. M., pursuant to adjournment.

Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beckett, Bliss, Boyle, Branstetter, Burge, Busick, Chandler, Cleveland, Cooper, Creighton, Cronwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Gans, Goodrich, Hartman, Hawkins, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lynch, Manwell, McGowan, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Rolley, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—62.

Quorum present.

## LEAVE OF ABSENCE.

Leave of absence for the day was granted to Messrs. Mindham, Houser, and Coyle.

Messrs. Cooper and Beckett were excused for this afternoon and Saturday.

Messrs. Bates, Manwell, and Hartman were excused for Saturday.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Pfaeffle, its further reading was dispensed with.

## APPROVAL OF JOURNALS.

The Journals of Wednesday, February 15, and Thursday, February 16, 1905, were corrected, and, as corrected, approved.

## REPORTS OF STANDING COMMITTEES.

Reports of standing committees were submitted and read, as follows:

## ON COUNTIES AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 899—An Act to amend Sections 3909, 3911, 3912, 3913, 3914, 3915, 3916, 3917, 3919, 3920, 3921, 3922, 3925, 3931, 3934, 3938, 3939, 3940, 3941, 3943, 3944, 3945, 3946, 3947, 3948, 3949, and to repeal Section 3910 of the Political Code, and to add eight new sections thereto, to be numbered 3959, 3960, 3961, 3962, 3963, 3964, 3965, and 3966, all relating to county boundaries—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PYLE, Chairman.

Assembly Bill No. 899 ordered on second-reading file.

## ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 225—An Act entitled "An Act to amend Section 1701 of the Political Code of the State of California, relating to employment and payment of teachers"—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 837—An Act requiring the payment of a tuition fee from all Japanese children attending the public schools—have had the same under consideration, and respectfully report the same back, without recommendation.

SLAVEN, Chairman.

Assembly Bills Nos. 225 and 837 ordered on second-reading file.

## ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 746—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested—have had the same under consideration, and respectfully report the same back, with four amendments, and recommend that it do pass as amended.

BATES, Chairman.

Assembly Bill No. 746 ordered on second-reading file.

## ON STATE LIBRARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER: Your Committee on State Library, to whom was referred Assembly Bill No. 575—An Act to amend Sections 2293 and 2303 of the Political Code, relating to the State Library—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 577—An Act to amend Sections 4 and 6 of an Act entitled "An Act to provide for the maintenance of public libraries within municipalities," approved March 23, 1901—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LYNCH, Chairman.

Assembly Bills Nos. 575 and 577 ordered on second-reading file.

## SENATE MESSAGES.

Messages from the Senate were taken up and read, as follows:

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to Assembly Bill No. 1—An Act to amend Section 1813 of the Civil Code, relating to devises.

Also: Refused passage to Assembly Bill No. 184—An Act to amend an Act entitled "An Act to establish a Penal Code approved February 14, 1872," by adding a new section thereto, to be known as Section 416½, relating to the carrying of concealed deadly weapons and fixing the penalty therefor.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 14—An Act to amend Section 7 of the Penal Code, relating to definitions.

Also: Senate Bill No. 134—An Act to repeal Title I of Part III of Penal Code, relating to State prisons.

Also: Senate Bill No. 120—An Act to amend Section 27 of the Penal Code, relating to persons liable to punishment for crime.

Also: Senate Bill No. 136—An Act to amend Section 76 of the Penal Code, relating to the refusal by an officer to surrender property to his successor.

Also: Senate Bill No. 137—An Act to amend Section 100 of the Penal Code, relating to collusion and corruption by Superintendent of State Printing.

Also: Senate Bill No. 139—An Act to amend Sections 109 and 110 of the Penal Code, both relating to aiding unlawful escapes of prisoners and others in custody.

Also: Senate Bill No. 140—An Act to amend Section 111 of the Penal Code, relating to the costs of trials of escaped prisoners and expenses incident thereto.

Also: Senate Bill No. 135—An Act to add a new section to the Penal Code, to be numbered 74a, relating to the retention by an officer of any part of the salary or fees allowed to his subordinate officer.

Also: Senate Bill No. 152—An Act to amend Section 165 of the Penal Code, relating to bribery.

Also: Senate Bill No. 151—An Act to add a new section to the Penal Code, to be numbered 161a, making it a misdemeanor for any person other than a regularly licensed attorney to advertise or hold himself out as an attorney.

Also: Senate Bill No. 141—An Act to amend Sections 119, 121, and 124 of the Penal Code, and add two new sections thereto, to be numbered 118a and 129, all relating to perjury.

Also: Senate Bill No. 142—An Act to amend Section 159½ of the Penal Code, relating to advertising to procure alimony, divorce, or annulment of marriage, or to aid therein.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bills Nos. 14, 134, 120, 136, 137, 139, 140, 135, 152, 151, 141, and 142 read first time, and referred to Committee on Revision and Reform of Laws.

Also:

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 376—An Act to amend Section 1579 of the Code of Civil Procedure, relating to leases of real property belonging to estates of deceased persons, minors, and incompetent persons.

Also: Senate Bill No. 375—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Also: Senate Bill No. 156—An Act to repeal Sections 178 and 179 of the Penal Code, relating to the employment of Chinese or Mongolians.

Also: Senate Bill No. 157—An Act to amend Section 207 of the Penal Code, relating to kidnaping.

Also: Senate Bill No. 161—An Act to add seven new sections to the Penal Code, to be numbered 266a, 266b, 266c, 266d, 266e, 266f, and 266g, all relating to the prostituting of women.

Also: Senate Bill No. 153—An Act to amend Section 168 of the Penal Code, relating to disclosing the fact of an information or indictment having been made.

Also: Senate Bill No. 159—An Act to amend Section 218 of the Penal Code, relating to attempted wrecking or derailment of railroad trains, cars, or engines.

Also: Senate Bill No. 160—An Act to add a new section to the Penal Code, to be numbered 219, relating to the wrecking or derailment of railroad trains, cars, or engines.

Also: Senate Bill No. 158—An Act to add a new section to the Penal Code, to be numbered 214, relating to the going upon or doing any act in relation to any railroad train, car, or engine, for the purpose of robbery thereon.

Also: Senate Bill No. 164—An Act to amend Section 302 of the Penal Code, relative to disturbing religious meetings.

Also: Senate Bill No. 165—An Act to repeal Section 303 of the Penal Code, relating to the sale of liquors at places of amusement, and the employing of women to sell liquors thereat.

Also: Senate Bill No. 166—An Act to repeal Section 306 of the Penal Code, relating to the exhibiting of females in public places.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bills Nos. 376, 375, 156, 157, 161, 153, 159, 160, 158, 164, 165, and 166 read first time, and referred to Committee on Revision and Reform of Laws.

Also:

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 167—An Act to repeal Section 310½ relating to the keeping open and conducting of barber-shops, hair-dressing establishments, and bath-houses on Sundays and legal holidays.

Also: Senate Bill No. 164—An Act to amend Section 171 of the Penal Code, and to add to said Code three new sections, to be numbered 171a, 171b, and 171c, and to repeal Section 180a thereof, and all relating to acts tending to create breaches of discipline in State prisons, jails, and reformatories by persons not inmates thereof.

Also: Senate Bill No. 359—An Act to add two new sections to the Penal Code, to be numbered 653c, and 653d, both relating to crimes against employes.

Also: Senate Bill No. 451—An Act to add a new section to the Penal Code, to be numbered 597*g*, relating to offenses against public decency.

Also: Senate Bill No. 455—An Act to amend Sections 487, 496, 497, 498, and 500, and to renumber Section 502 $\frac{1}{4}$  of the Penal Code, all relating to larceny.

Also: Senate Bill No. 456—An Act to amend Section 591 of the Penal Code, and to add two new sections thereto, to be numbered 587*a* and 593*a*, all relating to malicious injuries.

Also: Senate Bill No. 469—An Act to amend Section 602 of the Penal Code, and to repeal Section 603 thereof, both relating to trespasses.

Also: Senate Bill No. 473—An Act to amend Sections 777, 784, and 789 of the Penal Code, and to add new sections thereto, to be numbered 778*a*, and 778*b*, all relating to the local jurisdiction of public offenses.

Also: Senate Bill No. 474—An Act to amend Section 840 of the Penal Code, relating to arrests.

Also: Senate Bill No. 480—An Act to amend Section 1147 of the Penal Code, relating to verdicts in criminal cases.

Also: Senate Bill No. 485—An Act to amend Sections 1214, 1221, 1222, 1223, 1224, 1225, 1226, and 1227 of the Penal Code, all relating to the execution of judgments in criminal cases.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bills Nos. 167, 154, 359, 451, 455, 456, 469, 473, 474, 480, and 485 read first time, and referred to Committee on Revision and Reform of Laws.

Also:

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 493—An Act to amend Section 1476 of the Penal Code, relating to the writ of habeas corpus.

Also: Senate Bill No. 496—An Act to add a new section to the Penal Code, to be numbered 1541*a*, relating to rewards.

Also: Senate Bill No. 548—An Act to amend Section 600 of the Penal Code, relating to, and defining the offense of burning structures and other property not the subject of arson.

Also: Senate Bill No. 497—An Act to amend Sections 1603 and 1605 of the Penal Code, and to add a new section thereto, to be numbered 1615, all relating to county jails.

Also: Senate Bill No. 495—An Act to amend Section 1541 of the Penal Code, relating to search warrants.

Also: Senate Bill No. 492—An Act to amend Section 1427 of the Penal Code, and to add a new section thereto, to be numbered 1425, both relating to proceedings in justices' and police courts.

Also: Senate Bill No. 491—An Act to amend Sections 1390 and 1391 of the Penal Code, both relating to criminal prosecutions against corporations.

Also: Senate Bill No. 490—An Act to amend Section 1338 of the Penal Code, relating to criminal prosecutions against minors.

Also: Senate Bill No. 489—An Act to amend Sections 1370, 1372, and 1373 of the Penal Code, all relating to inquiries into the sanity of the defendant in criminal cases.

Also: Senate Bill No. 494—An Act to amend Sections 1510, 1512, 1513, and 1515 of the Penal Code, and to add new sections thereto to be numbered 1511*a*, 1511*b*, and 1514*a*, all relating to coroners.

Also: Senate Bill No. 487—An Act to amend Sections 1305, 1306, and 1307 of the Penal Code, all relating to the forfeiture of bail in criminal cases.

Also: Senate Bill No. 486—An Act to amend Sections 1235, 1238, 1240, 1241, 1245, and 1264 of the Penal Code, all relating to appeals in criminal cases.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bills Nos. 493, 496, 548, 497, 495, 492, 491, 490, 489, 494, 487, and 486 read first time, and referred to the Committee on Revision and Reform of Laws.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 484—An Act to amend Sections 1191, 1201, 1206, and 1207 of the Penal Code, all relating to judgments in criminal cases.

Also: Senate Bill No. 483—An Act to amend Sections 1185, 1186, and 1187 of the Penal Code, all relating to arrest of judgment in criminal cases.

Also: Senate Bill No. 482—An Act to amend Section 1182 of the Penal Code, relating to new trials in criminal cases.

Also: Senate Bill No. 479—An Act to amend Sections 1108 and 1110 of the Penal Code, and to add a new section thereto, to be numbered 1103a, all relating to evidence necessary to convict in certain criminal cases.

Also: Senate Bill No. 478—An Act to amend Sections 1033 and 1034 of the Political Code, both relating to the change of the place of trial in criminal cases.

Also: Senate Bill No. 477—An Act to amend Sections 954, 969, 1004, 1008, and 1020 of the Penal Code, and to add a new section thereto, to be numbered 1025, all relating to pleadings in criminal cases.

Also: Senate Bill No. 476—An Act to amend Sections 915, 919, 923, and 925 of the Penal Code, to repeal Sections 907, 908, 909, 910 and 916 thereof, and to repeal Chapter IV of Title IV of Part II of said Code, and Sections 931, 932, 933, 934, 935, 936, and 937 of said Code, contained in said Chapter IV, all relating to proceedings by and before grand juries.

Also: Senate Bill No. 475—An Act to amend Sections 872 and 882 of the Penal Code, both relating to the examinations of persons accused of crime and the testimony taken thereat.

Also: Senate Bill No. 472—An Act to amend Sections 753 and 769, and to repeal Section 772 of the Penal Code, all relating to the removal of officers otherwise than by impeachment.

Also: Senate Bill No. 471—An Act to amend Sections 619, 620, 621, 638, 639, 640, and 641 of the Penal Code, all relating to telegraphic and telephonic messages.

Also: Senate Bill No. 470—An Act to amend Section 609 of the Penal Code, relating to the removal or injuring of buoys and beacons.

Also: Senate Bill No. 468—An Act to amend Section 601 of the Penal Code, relating to explosives.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bills Nos. 484, 483, 482, 479, 478, 477, 476, 475, 472, 471, 470, and 468 read first time, and referred to Committee on Revision and Reform of Laws.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Contingent Expenses and Accounts was granted leave to submit a report (out of order), which was read as follows:

#### ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was re-referred the following resolution:

*Resolved*, That the Chief Clerk of the Assembly be and he hereby is instructed to purchase for the use of the members of the Assembly eighty-five (85) copies of Fairall's Criminal Law and Procedure, the cost of the same to be paid for out of the Contingent Fund of the Assembly. The Controller of State is hereby directed to draw his warrant in favor of the Chief Clerk for the same and the State Treasurer is directed to pay said warrant.

Have had the same under consideration, and respectfully report the same back, without recommendation.

CROMWELL, Chairman.

#### RESOLUTION ADOPTED.

Mr. Cromwell moved the adoption of the report of the committee.

Mr. Dorsey moved as a substitute that the resolution offered by himself, providing for the purchase of eighty-five copies of Fairall's Criminal Law, be adopted.

#### MOTION TO POSTPONE LOST.

Mr. Anthony moved that the motion of Mr. Dorsey be indefinitely postponed.

Motion lost.

MR. TREADWELL CALLED TO THE CHAIR.

The Speaker, at eleven o'clock and five minutes A. M., called Hon. E. F. Treadwell to the chair.

The roll was called on the adoption of Mr. Dorsey's motion, with the following result:

**AYES**—Messrs. Arnerich, Barnes, Bates, Beckett, Boyle, Burge, Busick, Cleveland, Cooper, Creighton, Cullen, Dorsey, Duryea, Ellis, Gans, Hartman, Held, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, Lucey, Lynch, Manwell, McGowan, McNamara, Meincke, Moore, O'Brien, Pfaffle, Pryor, Pyle, Strobridge, Strohl, Transue, Treadwell, Tripp, Vogel, Walsh, Weyand, Whiting, and Wickersham—42.  
**NOES**—Messrs. Amerige, Anthony, Chandler, Drew, Goodrich, Hawkins, Jarvis, Mitchellree, Olmsted, Perkins, Thompson, and Waste—12.

The resolution was declared adopted.

#### INTRODUCTION AND REFERENCE OF BILLS.

Bills were introduced and referred, as follows:

By Mr. Bates: Assembly Bill No. 1023—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160.

Read first time, and referred to Committee on County and Township Governments.

By Mr. McGowan: Assembly Bill No. 1024—An Act to amend Section 340 of the Penal Code of the State of California, relating to and defining the rate of interest which may be charged by pawnbrokers.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1025—An Act to amend Section 341 of the Penal Code of the State of California, relating to the selling of pledges by pawnbrokers before the time of redemption has expired, relating to the holding of pledges by pawnbrokers and the passage of title of said pledges.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1026—An Act making an appropriation to pay the claim of F. Marion Wells.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 1027—An Act to amend Section 563 of the Penal Code of the State of California, relating to the punishment of directors, officers or agents of corporations for the commission of certain acts.

Read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 1028—An Act to amend Section 565 of the Code of Civil Procedure of the State of California, relating to the appointment of receivers for certain corporations.

Read first time, and referred to Committee on Corporations.

By Mr. Olmsted: Assembly Bill No. 1029—An Act making an appropriation to pay the claims of the County of Marin against the State of California.

Read first time, and referred to Committee on Claims.

#### REPORTS OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following reports:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 814—An Act to add a new section, to be numbered 273, to Chapter II of Title IX of Part I of the Penal Code of the State of California

Assembly Bill No. 470—An Act to amend Section 924 of the Code of Civil Procedure, relating to costs in actions in justices' courts.

Assembly Bill No. 679—An Act fixing the rates of interest and charges on loans upon chattel mortgages on certain personal property, and prescribing penalties for the violation of the Act.



Assembly Bill No. 635—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 736 of said Act, relative to the salary of justices of the Supreme Court.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reengrossed:

Assembly Bill No. 469—An Act to amend Section 1021 of the Code of Civil Procedure, relating to compensation of attorneys and costs in civil actions.

Assembly Bill No. 820—An Act to amend Sections 626, 626c, 626d, 626f, 626g, 626i, 626k, 627a, 627b, 631, 631a, of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631c, all relating to the protection and preservation of game.

Assembly Bill No. 849—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof in relation to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices.

DEVLIN, Chairman.

#### INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

Bills were introduced and referred, as follows:

By Mr. Beckett: Assembly Bill No. 1030—An Act to amend Section 1159 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relative to recording certain instruments and validating records heretofore made.

Read first time, and referred to Committee on Judiciary.

By Mr. Cooper: Assembly Bill No. 1031—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 229a, relating to the adoption of children.

Read first time, and referred to Committee on Judiciary.

By Mr. Amerige: Assembly Bill No. 1032—An Act to provide for physical education in high schools.

Read first time, and referred to Committee on Education.

By Mr. Held: Assembly Bill No. 1033—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new section to the said Code, to be numbered Section 1242½, relating to eminent domain and the condemnation of rights of way by railroads.

Read first time, and referred to Committee on Judiciary.

By Mr. Jury: Assembly Bill No. 1034—An Act making an appropriation to pay for printing, binding, and ruling and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals and other State institutions, for the remainder of the fifty-sixth fiscal year.

Read first time, and referred to Committee on Ways and Means.

By Mr. Creighton: Assembly Bill No. 1035—An Act to provide for the payment of the fees of county surveyors and to designate from what fund such fees shall be paid.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1036—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 654a, relating to the taking of fees by persons obtaining employment for others.

Read first time, and referred to Committee on Judiciary.

By Mr. Gaus: Assembly Bill No. 1037—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897," and amended March 23, 1901, by amending Section 193 thereof, relating to the fees, salaries, and compensation of officers of counties of the thirty-sixth class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Pryor: Assembly Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Sections 2 and 3 of Article IV thereof, relating to the legislative department of the State of California.

Referred to Committee on Constitutional Amendments.

By Mr. Weyand: Assembly Bill No. 1038—An Act making an appropriation to pay the claims for services, subsistence, supplies, and transportation of the National Guard of California, called into service by order of the Governor in the month of July, 1903.

Read first time, and referred to Committee on Ways and Means.

By Mr. Lynch: Assembly Bill No. 1039—An Act authorizing and directing the Board of State Capitol Commissioners to remodel and repair the State Capitol building, making the same fire-proof, rendering all space therein available, and making an appropriation therefor.

Read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 1040—An Act authorizing and directing the Board of State Capitol Commissioners to make certain repairs and improvements and to remodel the State Capitol building and its appurtenances, and making an appropriation therefor.

Read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Drew: Assembly Bill No. 1041—An Act to amend Sections 752, 753, 756, 757, 758, 759, 761, 763, 764, 765, 766, 774, 775, 784, 785, and 799, and to repeal Sections 795 and 797 of the Code of Civil Procedure, all relating to actions for the partition of real property.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1042—An Act to amend Sections 832, 836, 845, 848, 855, 859, 866, 867, 887, 892, 893, 895, 905, and 906 of the Code of Civil Procedure, and to repeal Section 837 thereof, all relating to civil actions in justices' courts.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1043—An Act to amend Sections 992 and 993 of the Code of Civil Procedure, both relating to proceedings against joint debtors.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1044—An Act to amend Section 1005 of the Code of Civil Procedure, relating to motions and notices thereof.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1045—An Act to amend Section 1055 of the Code of Civil Procedure, relating to judgments upon bonds of indemnity. Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1046—An Act to amend Section 1057 of the Code of Civil Procedure, relating to the justification of sureties.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1047—An Act to amend Section 1069 of the Code of Civil Procedure, relating to writs of review.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1048—An Act to amend Sections 1086, 1087, 1088, and 1089 of the Code of Civil Procedure, all relating to writs of mandate.

Read first time, and referred to Committee on Revision and Reform of Laws.

THE SPEAKER RESUMES THE CHAIR.

At eleven o'clock and twenty-four minutes A. M., the Speaker, Hon. Frank C. Prescott, resumed the chair.

INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. Drew: Assembly Bill No. 1049—An Act to amend Sections 1103 and 1104 of the Code of Civil Procedure, both relating to writs of prohibition.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1050—An Act to add a new section to the Code of Civil Procedure, to be numbered 1110a, requiring notice to be given to the real parties in interest in certain proceedings.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1051—An Act to amend Sections 1115 and 1126 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1124, all relating to the contesting of elections.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1052—An Act to repeal Chapter III, of Title IV, of Part III of the Code of Civil Procedure, and each and every section of said Chapter III, and to substitute a new Chapter III to take the place thereof in said Code, relating to liens for salaries and wages.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1053—An Act to amend Sections 1223, 1230, and 1234 of the Code of Civil Procedure, all relating to the voluntary dissolution of corporations.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1054—An Act to repeal Title VIII of Part III of the Code of Civil Procedure, and each and every section of said Title VIII, and to substitute a new Title VIII to take the place thereof in said Code, relating to escheated estates.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1055—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systemizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of the Law," and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending Section 9 thereof, relating to the tenure of such commission.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1056—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1057—An Act to amend Sections 1436 and 1437 of the Code of Civil Procedure, both relating to removal of executors and administrators.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1058—An Act to add a new section to the Code of Civil Procedure, to be numbered 1454, relating to collections of deposits made by deceased persons in savings banks.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1059—An Act to amend Sections 1458, 1459, and 1460 of the Code of Civil Procedure, all relating to proceedings against persons who unlawfully hold or dispose of the property of decedents.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1060—An Act to amend Sections 1497, 1498, 1502, 1503, 1504, and 1505 of the Code of Civil Procedure, to repeal Section 1509 thereof, and to add a new section thereto, to be numbered 1501a, all relating to claims against the estates of decedents.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1061—An Act to amend Sections 1598, 1600, and 1607 of the Code of Civil Procedure, all relating to conveyance of real property pursuant to contracts made by deceased persons.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1062—An Act to amend Section 1612 of the Code of Civil Procedure, relating to the liability of executors and administrators.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1063—An Act to amend Sections 1622 and 1636 of the Code of Civil Procedure, and to repeal Sections 1623, 1624, 1625, and 1640 thereof, all relating to accounts of executors and administrators and the settlement of such accounts.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1064—An Act to amend Sections 1643, 1644, and 1647 of the Code of Civil Procedure, all relating to the payment of the debts of deceased persons.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1065—An Act to amend Sections 1750, 1753, 1763, 1766, 1768, 1773, 1776, 1793, 1800, 1807, and 1809 of the Code of Civil Procedure, to repeal Sections 1752 and 1774 thereof, and to add a new section thereto, to be numbered 1760, all relating to guardians.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1066—An Act to repeal Title XIII, of Part III, of the Code of Civil Procedure, and to substitute a new Title XIII to take the place thereof in said Code, relating to the estates of missing persons.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1067—An Act to amend Sections 1825, 1848, 1851, 1852, 1855, 1870, 1875, 1880, 1881, 1905, 1906, 1915, 1918, 1921, 1922, 1925, 1935, 1939, 1941, 1942, 1943, 1946, 1947, 1948, 1951, 1962, 1963, and 1982 of the Code of Civil Procedure, to repeal Section 1973 thereof, and to add a new section thereto, to be numbered 1947a, all relating to evidence.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1068—An Act to amend Sections 1986 and 1991 of the Code of Civil Procedure, both relating to subpoenas.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1069—An Act to amend Sections 2006, 2024, 2025, 2026, 2036, and 2037 of the Code of Civil Procedure, to repeal Section 2033 thereof, and to add two new sections thereto, to be numbered 2022 and 2023, all relating to depositions.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1070—An Act to amend Section 2012 of the Code of Civil Procedure, relating to affidavits.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1071—An Act to amend Sections 2043 and 2054 of the Code of Civil Procedure, both relating to the examinations of witnesses.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1072—An Act to amend Sections 2064 and 2070 of the Code of Civil Procedure, both relating to witnesses.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1073—An Act to repeal Section 2104 of the Code of Civil Procedure, relating to deposit in court.

Read first time, and referred to Committee on Revision and Reform of Laws.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Judiciary was granted leave to submit the following report (out of order), which was read:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Senate Bill No. 417—An Act to amend Section 7 of the Political Code of the State of California, relating to definitions of certain terms used in said Code—reports the same back with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 846—An Act to repeal Section 1143 of the Penal Code, relating to fees of jurors in criminal cases—reports the same back, with the recommendation that it do not pass.

Also: Assembly Bill No. 913—An Act to amend Section 2191 of the Political Code of the State of California, relating to the return to the country or State to which they belong of insane or incompetent persons not resident for one year of the State of California—reports the same back with three amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 614—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities, to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality, and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien—reports the same back with the recommendation that it do pass.

Also: Assembly Bill No. 947—An Act to add a new section to the Penal Code, to be known as Section 353d, relating to attempts by members of boards of directors of State institutions or State commissions to ask, solicit, demand, or control appointments to be made by any officer appointed by said State board or commission—reports the same back with three amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 341—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 290½, relating to the names, powers of corporations, and the purposes for which certain corporations may be formed—reports the same back with the recommendation that it do pass.

Also: Senate Bill No. 182—An Act to amend Section 259 of the Code of Civil Procedure, relating to the duties and powers of court commissioners of superior courts—reports the same back with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 815—An Act to repeal Section 270 of the Penal Code, and to add a new section to Chapter II, Title IX, of Part I of the Penal Code of California, to be numbered 270, relative to minor children and their care by parents—reports the same back with two amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 381—An Act to provide for the manner of establishing heirship in cases where property is granted to the heirs of a deceased person without naming them—reports the same back with nine amendments, and with the recommendation that it do pass as amended.

DURYEA, Chairman

Senate Bills Nos. 417 and 182 ordered on special Senate file.

Assembly Bills Nos. 846, 913, 614, 947, 341, 815, and 381 ordered on second-reading file.

## INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

Leave was granted for the introduction and reference of bills, out of order, as follows:

By Mr. Rolley: Assembly Bill No. 1074—An Act to amend Section 506 of the Penal Code of the State of California, relating to the embezzlement of trust funds.

Read first time, and referred to Committee on Judiciary.

By Mr. Walsh: Assembly Bill No. 1075—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof, relating to the compensation of officers in counties of the third class.

Read first time, and referred to Committee on County and Township Governments.

## ADJOURNMENT OVER SATURDAY.

Mr. Waste moved that when the Assembly adjourns this day it be until Monday, February 20, 1905, at ten o'clock A. M.

MR. TREADWELL CALLED TO THE CHAIR.

The Speaker, at eleven o'clock and thirty-five minutes A. M., called Hon. E. F. Treadwell to the chair.

Mr. Waste's motion was then put to vote, and declared carried.

THE SPEAKER RESUMES THE CHAIR.

At eleven o'clock and forty minutes A. M., the Speaker, Hon. Frank C. Prescott, resumed the chair.

MOTION TO PLACE BILL ON SPECIAL FILE LOST.

Mr. Cleveland moved that Assembly Bill No. 151 (No. 204 on file) be placed on the special file.

Motion lost.

SPECIAL ORDER.

The Speaker called up the special order, Senate Bill No. 794, set for consideration for this day after the reading of the Journal.

Senate Bill No. 794—An Act making an appropriation to pay the expenses of legislative printing for the thirty-sixth session.

URGENCY RESOLUTION.

By Mr. Treadwell:

*Resolved*, That Senate Bill No. 794 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

RESOLUTION ADOPTED.

The roll was called, and the urgency resolution was declared adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beckett, Bliss, Boyle, Branstetter, Burge, Busick, Cleveland, Cooper, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, Goodrich, Hartman, Hawkins, Held, John, Johnson, Jury, Lucey, Lynch, Manwell, McGowan, McKenney, McNamara, Mettcke, O'Brien, Olmsted, Perkins, Pfaffie, Pryor, Pyle, Rolley, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—55.

NOES—None

Senate Bill No. 794—An Act making an appropriation to pay the expenses of legislative printing for the thirty-sixth session.

Bill read first and second times.

MOTION.

Mr. Treadwell moved that the Assembly resolve itself into Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 794.

So ordered.

## IN COMMITTEE OF THE WHOLE.

The Speaker, Hon. Frank C. Prescott, in the chair.

Senate Bill No. 794 considered in Committee of the Whole.

Mr. Treadwell moved that the Committee of the Whole rise and report back to the Assembly Senate Bill No. 794, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

The Speaker, Hon. Frank C. Prescott, in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 794—An Act making an appropriation to pay the expenses of legislative printing for the thirty-sixth session—and do now report the same back, and recommend that the same do pass

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 794—An Act making an appropriation to pay the expenses of legislative printing for the thirty-sixth session.

Read third time.

The question being on the final passage of the bill.

The roll was called, and Senate Bill No. 794 was finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beckett, Bliss, Boyle, Branstetter, Burge, Busick, Cooper, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hawkins, Held, John, Johnson, Jones of Tuolumne, Jury, King, Lynch, Maxwell, McGowan, McKenney, McNamara, Meincke, Mitcheltree, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Rolley, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—57.

NOES—None.

Title read and approved.

## RECONSIDERATION OF VOTE ON SENATE BILL No. 179.

Mr. Devlin called up the notice of motion given on the previous legislative day to reconsider the vote whereby Senate Bill No. 179 was refused passage.

Senate Bill No. 179 (Substitute for Assembly Bill No. 356)—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.

The question being, "Shall the Assembly reconsider the vote whereby Senate Bill No. 179 was refused final passage?"

The roll was called, and the vote on Senate Bill No. 179 reconsidered by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Bliss, Boyle, Branstetter, Busick, Cleveland, Cooper, Creighton, Cromwell, Cullen, Devlin, Dorsey, Espey, Gans, Goodrich, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lynch, Maxwell, McGowan, McKenney, McNamara, Meincke, Mitcheltree, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—55.

NOES—Messrs. Drew and Rolley—2.

## SENATE BILL MADE A SPECIAL ORDER.

Mr. Pyle moved that further consideration of Senate Bill No. 179 be made a special order for Tuesday, February 21, 1905, immediately after the reading of the Journal.

Motion carried.



## RECONSIDERATION OF VOTE ON SENATE BILL No. 36

Mr. Stanton called up the notice he had given yesterday to reconsider the vote on the previous legislative day, whereby Senate Bill No. 36 was passed.

Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 580 thereof, relating to banking corporations.

The question being, "Shall the Assembly reconsider the vote whereby Senate Bill No. 36 was finally passed?"

The roll was called, and the vote on Senate Bill No. 36 reconsidered by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beckett, Bliss, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Creighton, Cullen, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Hartman, Hawkins, Held, Jarvis, John, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lynch, Manwell, McGowan, McKenney, McNamara, Miencke, Mitcheltree, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—55.

**NOES**—Messrs. Devlin, Johnstone, Olmsted, Rolley, Strobridge, and Tripp—6.

## SENATE BILL No. 36 REFUSED PASSAGE.

Mr. Stanton moved that Senate Bill No. 36 be placed on its final passage.

Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 580 thereof, relating to banking corporations.

The roll was called, and Senate Bill No. 36 was refused final passage by the following vote:

**AYES**—Messrs. Cromwell, Devlin, Goodrich, Held, John, Johnson, Johnstone, McKenney, Olmsted, Strobridge, and Tripp—11.

**NOES**—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Creighton, Cullen, Dorsey, Ellis, Espey, Gans, Gates, Hartman, Hawkins, Jarvis, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lynch, Manwell, McGowan, McNamara, Miencke, Mitcheltree, Perkins, Pfaffle, Pryor, Pyle, Rolley, Stanton, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—53.

## UNFINISHED BUSINESS.

Bills on the unfinished business file were called up and considered, as follows:

Assembly Bill No. 468—An Act to amend Section 626m of the Penal Code of the State of California, relating to hunting at night-time.

Passed on file.

Assembly Bill No. 219—An Act to repeal Sections 3824 and 3825 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Passed on file.

Assembly Bill No. 182—An Act to amend Section 1593 of the Political Code of the State of California, relating to the elections of school trustees.

## SENATE AMENDMENT.

The following amendment to Assembly Bill No. 182, made in the Senate, was read:

Amend on page 1, line 1, of the printed bill, by striking out the figures "16," and inserting in lieu thereof the figure "1."

## SENATE AMENDMENT CONCURRED IN.

Mr. Waste moved that the Assembly concur in the Senate amendment. The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 182?"

The roll was called, and the amendment concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beckett, Bliss, Boyle, Busick, Chandler, Creighton, Cromwell, Devlin, Dorsey, Drew, Espey, Gans, Gates, Goodrich, Hawkins, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, Manwell, McKenney, McNamara, Meincke, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Stanton, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—51.

NOES—None.

Assembly Bill No. 182 ordered to enrollment.

Assembly Bill No. 183—An Act to amend Section 1615 of the Political Code of the State of California, relating to the organization of a new school district.

## SENATE AMENDMENT.

The following Senate amendment to Assembly Bill No. 183 was read:

Amend on page 2 of the printed bill, by striking out the figure "3" after the word "Sec.," and inserting in lieu thereof the figure "2."

Mr. Waste moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 183?"

The roll was called, and the amendment concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beckett, Boyle, Burge, Busick, Chandler, Cleveland, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Espey, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, Manwell, McNamara, Meincke, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Stanton, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—52.

NOES—None.

Assembly Bill No. 183 ordered to enrollment.

Assembly Bill No. 25—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

## SENATE AMENDMENT.

The following Senate amendment to Assembly Bill No. 25 was read:

On page 3, Section 1, line 60, after the word "justices," insert a period, and strike out the remainder of the line; also, strike out lines 61, 62, 63, 64, and 65, page 3.

Mr. Stanton moved to concur in Senate amendment.

## TIME FOR RECESS EXTENDED.

Mr. Bates, at twelve o'clock and twenty-five minutes P. M., moved that the hour for recess be extended for fifteen minutes.

Motion carried.

## SENATE AMENDMENT CONCURRED IN.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 25?"

The roll was called, and the Senate amendment concurred in by the following vote :

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Bliss, Boyle, Branstetter, Burge, Busick, Chandler, Cleveland, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Espey, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, Manwell, McGowan, McKenney, McNamara, Meincke, Moore, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—56.

NOES—None.

Assembly Bill No. 25 ordered to enrollment.

Assembly Bill No. 26—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

#### SENATE AMENDMENT.

The following Senate amendment to Assembly Bill No. 26 was read :

Amend by adding thereto the following: "Section 2. This Act shall take effect immediately."

#### SENATE AMENDMENT CONCURRED IN.

Mr. Waste moved that the Senate amendment be concurred in.

The question being "Shall the Assembly concur in Senate amendment to Assembly Bill No. 26?"

The roll was called, and the Senate amendment concurred in by the following vote :

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Boyle, Branstetter, Burge, Busick, Chandler, Creighton, Cullen, Devlin, Dorsey, Drew, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, Manwell, McGowan, McKenney, McNamara, Meincke, Moore, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Stanton, Strobridge, Strohl, Thompson, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—53.

NOES—None

Assembly Bill No. 26 ordered to enrollment.

#### INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

Leave was granted for the introduction and reference of bills (out of order), as follows:

By Mr. Walsh: Assembly Bill No. 1076—An Act to provide for prosecuting attorneys in police courts in cities of the second class, and regulating the compensation of such officers.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1077—An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said court, and to fix the compensation of certain officers thereof.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Devlin: Assembly Bill No. 1078—An Act providing for the selection and sale by the State of California of lands in lieu of the vacant sixteenth and thirty-sixth school sections embraced in confirmed or proposed Government forest reserves.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1079—An Act forfeiting to the State, of California all payments for State lands where a fraudulent title was sought to be obtained thereto.

Read first time, and referred to Committee on Judiciary.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Ways and Means submitted the following report (out of order), which was read:

## ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 722—An Act making an appropriation to pay the claim of the County of El Dorado against the State of California—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that the same do pass as amended.

Also: Assembly Bill No. 924—An Act making an appropriation to pay the judgment against the State of California recovered by Abe Darlington, in the Superior Court of El Dorado County, March 11, 1903, for and on account of claims for bounty on coyote scalps—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

STANTON, Chairman.

Assembly Bills No. 722 and 924 ordered on second-reading file.

## INTRODUCTION OF BILL BY COMMITTEE ON WAYS AND MEANS.

The Committee on Ways and Means was granted leave to introduce (out of order) a bill:

By Committee on Ways and Means: Assembly Bill No. 1080—An Act to provide for the location and construction of a public highway from Grant Park to the Kings River Canyon, a distance of about thirty miles, and making an appropriation for the construction thereof, and providing for a commission to take charge of, locate, and construct said highway.

Read first time, and ordered on the file for second reading.

## RESOLUTION BY COMMITTEE ON WAYS AND MEANS.

The Committee on Ways and Means submitted the following resolution, which was read:

(Resolution to draw warrant in favor of Chief Clerk to pay certain bills.)

Resolved, That the Controller of the State be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Assembly in favor of the Chief Clerk for the sum of six hundred and seventy-seven dollars and ninety-five cents (\$677.95) in payment of the following bills, and the Treasurer is hereby directed to pay the same:

Henry E. Sleeper.....	\$42 00
Siller Bros.....	5 00
H. S. Crocker Co.....	497 75
Postal Telegraph Co.....	133 20

## RESOLUTION ADOPTED.

Mr. Stanton moved the adoption of the resolution.

The roll being called, the resolution was declared adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Bliss, Boyle, Branstetter, Burge, Busick, Chandler, Cleveland, Creighton, Cullen, Devlin, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lynch, Maxwell, McGowan, McKenney, McNamara, Meincke, Moore, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Stanton, Stobridge, Strohl, Thompson, Transue, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—59.

NOES—None.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Education was granted leave to submit (out of order) the following report, which was read :

## ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

MR. SPEAKER. Your Committee on Education, to whom was referred Assembly Bill No. 941—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that the same do pass as amended.

SLAVEN, Chairman.

Assembly Bill No. 941 ordered on second-reading file.

## SENATE MESSAGES TAKEN UP.

Mr. King moved to take up Senate messages.

Motion carried.

## SENATE MESSAGE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, February 17, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 402—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse, to qualified applicants by the Board of Regents of the University of California and to provide penalties for violation hereof.

Also: Senate Bill No. 691—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Veterans' Home, located at Yountville, Napa County.

Also: Senate Bill No. 388—An Act relating to commitments to the Whittier State School and to the Preston School of Industry, and prescribing the term thereof; providing for the transfer of boys from the Whittier State School to the Preston School of Industry in certain cases; and prescribing the term of commitments of girls to the Whittier State School.

Also: Senate Bill No. 415—An Act to add a new section to the Civil Code of the State of California, to be numbered 328, and relating to lost or destroyed certificates of stock or shares in a corporation.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary.

Senate Bills Nos. 402 and 415 read first time, and ordered on second-reading file.

Senate Bill No. 388 read first time, and ordered on second-reading file.

Mr. Coghlan moved that Senate Bill No. 691 be placed on the special Senate file, being identical with Assembly Bill No. 889, which he desired to withdraw.

Motion carried.

Also:

SENATE CHAMBER, SACRAMENTO, February 16, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 467—An Act to add two new sections to the Penal Code, to be numbered 598a and 599, both relating to the injuring or taking of birds or their nests or eggs.

Also: Senate Bill No. 457—An Act to amend Section 564 of the Penal Code, relating to fraud in the management of corporations.

Also: Senate Bill No. 454—An Act to amend Sections 512, 513, and 514 of the Penal Code, all relating to embezzlement.

Also: Senate Bill No. 458—An Act to amend Sections 529, 530, 532, 537½, and 538, and to renumber Section 538½, and to repeal Sections 531, and 537, approved March 9, 1893, of the Penal Code, and to add a new section thereto, to be numbered 538b, all relating to false personation and cheats.

Also: Senate Bill No. 481—An Act to amend Sections 1171, 1174, and 1176 of the Penal Code, all relating to bills of exception in criminal cases.

Also: Senate Bill No. 488—An Act to amend Sections 1335, 1336, 1337, 1338, 1339, 1340, and 1341 of the Penal Code, all relating to the conditional examination of witnesses in criminal cases.

Also: Senate Bill No. 252—An Act to amend and renumber Section 654 of the Penal Code, relating to the abuse of teachers of public schools.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary

Senate Bills Nos. 467, 457, 454, 458, 481, 488, and 252 read first time, and referred to Committee on Revision and Reform of Laws.

#### RESOLUTION—(OUT OF ORDER).

Mr. O'Brien was granted leave to introduce the following resolution, which was read:

(Relative to Washington's Birthday.)

*Resolved*, That on Wednesday, February 22, 1905, between the hours of eight P. M. and ten P. M., be devoted to exercises appropriately observing Washington's Birthday.

Mr. O'Brien moved the adoption of the resolution.

Motion carried.

#### INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

Leave was granted for the introduction and reference of bills and constitutional amendments, as follows:

By Mr. Anthony: Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to Article IV of the Constitution, relative to the length of legislative sessions, and compensation of members and employes.

By Mr. Lynch: Assembly Bill No. 1081—An Act making an appropriation to pay the claim of Dr. Geo. T. Hesser for professional services rendered and expenses incurred by him at the instance and request of the State Prison officials at Represa, in attendance upon Guards Cotter, Cochrane, and Chalmers, after the prison break at the said State Prison on July 27, 1903.

Read first time, and referred to Committee on Claims.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Swamp and Overflowed Lands and Drainage was granted leave to submit the following report (out of order):

##### ON SWAMP AND OVERFLOWED LANDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands and Drainage, to whom was referred Assembly Bill No. 721—An Act to create a drainage district, to be called "Sacramento Drainage District"; to promote drainage therein; to provide for the election and appointment of officers for said drainage district; defining the powers, duties, and compensation of such officers, and providing for the creation, division, and management of reclamation, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage districts—have had the same under consideration, and respectfully report the same back, with a committee substitute therefor, and recommend that said substitute do pass, by a majority vote, and that the author be permitted to withdraw Assembly Bill No. 721.

MOORE, Chairman.

#### SUBSTITUTE COMMITTEE BILL.

By Committee on Swamp and Overflowed Lands and Drainage: Assembly Bill No. 1082—An Act to create a drainage district to be called "Sacramento Drainage District"; to promote drainage therein; to provide for the

election and appointment of officers for said drainage district; defining the powers, duties, and compensation of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said "Sacramento Drainage District," and providing for the levying and collection of assessments upon lands within said drainage districts.

Placed on file.

Rush order to printer.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Roads and Highways was granted leave to submit the following report (out of order), which was read:

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 963—An Act to provide for the formation of boulevard districts and the construction, maintenance, and use of boulevards and defining the term "boulevard"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COYLE, Chairman.

Assembly Bill No. 963 ordered on second-reading file.

RECESS.

The Speaker, at twelve o'clock and forty-two minutes P. M., declared a recess of the Assembly until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.

The Speaker, Hon. Frank C. Prescott, in the chair.

The Speaker declared the next business in order to be the consideration of the special Senate file.

SPECIAL SENATE FILE.

Senate bills on second reading were taken up, as follows:

Senate Bill No. 104—An Act to amend Sections 1 and 7 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Passed on file.

Senate Bill No. 98—An Act to amend Section 625 of the Code of Civil Procedure, relating to verdicts of juries.

Passed on file.

Senate Bill No. 260—An Act to authorize the appointment of an interpreter of the Spanish language, in criminal proceedings, in counties and cities and counties of one hundred thousand inhabitants and over.

Read second time.

Senate Bill No. 260 ordered to third reading on special Senate file.

Senate Bill No. 88—An Act forbidding the payment of municipal officers out of the funds of the county.

Read second time.

Senate Bill No. 88 ordered to third reading on special Senate file.

Senate Bill No. 12—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

Read second time.

Senate Bill No. 12 ordered to third reading on special Senate file.

Senate Joint Resolution No. 6—A resolution instructing our Senators in Congress and requesting our Members of Congress to obtain the passage of an Act permitting the withdrawal from the Government Arsenal at Benicia, California, under bond from the Division Commander of the Division of California, Sons of Veterans, of certain firearms.

Senate Joint Resolution No. 6 ordered on special Senate file.

Senate Bill No. 519—An Act to provide one additional judge of the Superior Court of the County of San Joaquin, State of California, for the manner of his appointment, and for his compensation.

Passed on file.

Senate Bill No. 306—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Read second time.

Senate Bill No. 306 ordered to third reading on special Senate file.

Senate Bill No. 68—An Act to amend Section 10 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to holidays.

Read second time.

Senate Bill No. 68 ordered to third reading on special Senate file.

Senate Bill No. 395—An Act making an appropriation to pay the claim of H. W. Scott, for costs of suits in foreclosing delinquent purchases of State school lands.

Read second time.

#### MOTION.

Mr. Treadwell moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 395.

Motion carried.

#### IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Senate Bill No. 395 considered in Committee of the Whole.

Mr. Treadwell moved that the Committee of the Whole rise and report back Senate Bill No. 395 with a recommendation that it do pass. So ordered.

#### IN ASSEMBLY.

Speaker Prescott in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 395—An Act making an appropriation to pay the claim of H. W. Scott for costs of suit in foreclosing delinquent purchases of State school lands—and do report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 395 ordered to third reading on special Senate file.



Senate Bill No. 243—An Act to amend Section No. 3805a of the Political Code of the State of California, relating to public lands upon which final payment has not been made.

Read second time.

The Assembly Committee on Judiciary submitted the following amendments:

AMENDMENT No. 1.

Amend by striking out of lines 3 and 4, page 1 of printed bill, the words in italics, to wit: "*public lands upon which final payment not made.*"

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of line 20, page 2 of printed bill, the word "of," where it occurs before the word "deeds," and insert in lieu thereof the word "or."

Amendment adopted.

Senate Bill No. 243 ordered to print, and to third reading on special Senate file.

THIRD READING OF BILLS ON SPECIAL SENATE FILE.

Senate bills for third reading on special Senate file were taken up, as follows:

Senate Bill No. 190 (Substitute for Assembly Bill No. 193)—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

The question being on the final passage of the bill.

CALL OF THE HOUSE.

Pending the calling of the roll, and the announcement of the result, Mr. Weyand, at two o'clock and twenty-four minutes P. M., moved a call of the House.

Motion carried.

Mr. Weyand, at two o'clock and twenty-seven minutes P. M., moved that further proceedings under the call of the House be dispensed with.

Motion carried.

The roll was called, and Senate Bill No. 190 finally passed by the following vote:

AYES—Messrs Amerige, Barnes, Bates, Bliss, Branstetter, Burge, Busick, Creighton, Devlin, Drew, Espey, Estudillo, Gans, Gates, Goodrich, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, Lynch, McGowan, Mitchellree, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Rolley, Strobridge, Strohl, Thompson, Transue, Treadwell, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—42.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 193 (Substitute for Assembly Bill No. 194)—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts.

Read third time.

The question being on the final passage of the bill.

MR. TREADWELL CALLED TO THE CHAIR.

The Speaker, at two o'clock and thirty minutes P. M., called Hon. E. F. Treadwell to the chair.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Barnes, Bates, Branstetter, Burge, Busick, Creighton, Devlin, Drew, Espey, Estudillo, Gans, Gates, Goodrich, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lynch, McGowan, Meincke, Mitcheltree, O'Brien, Olmsted, Pfaeffe, Pryor, Pyle, Rolley, Strobridge, Strohl, Thompson, Transue, Treadwell, Waste, Weyand, Whiting, and Wickersham—43.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Barnes, Bates, Branstetter, Burge, Busick, Creighton, Devlin, Drew, Espey, Estudillo, Gans, Gates, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, Lynch, McGowan, McKenney, Meincke, Mitcheltree, O'Brien, Olmsted, Pfaeffe, Pryor, Pyle, Rolley, Strobridge, Strohl, Thompson, Transue, Treadwell, Walsh, Waste, Weyand, Whiting, and Wickersham—44.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 116—An Act to amend Section 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

Passed on file.

Senate Bill No. 117 (Substitute for Assembly Bill No. 166)—An Act to amend Sections 773 and 871 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the assessment and collection of taxes in municipalities of the fifth and sixth classes.

Read second time.

The Assembly Committee on Municipal Corporations submitted the following amendment:

Amend by striking out all of Section 3, page 3, printed bill, and insert in lieu thereof the following:

"Section 3. This Act shall not repeal, or in any manner affect, modify, or interfere with the provisions of an Act entitled 'An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations,' approved March 27, 1895; or any of the provisions of an Act entitled 'An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State, except municipal corporations of the first, second, third, and fourth classes, and cities operating under a charter framed under Section 3, Article XI, of the Constitution,' approved March 2, 1891.

Amendment adopted.

Senate Bill No. 117 ordered to print and third reading.

#### SPECIAL SENATE FILE.

Senate Bill No. 92—An Act adding a new section to the Penal Code, to be numbered 273, relating to the protection of children under eighteen years of age.

Ordered on special Senate file.

Senate Bill No. 98--An Act to amend Section 625 of the Code of Civil Procedure, relating to verdicts of juries.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES--Messrs. Amerige, Anthony, Barnes, Bates, Branstetter, Burge, Creighton, Devlin, Drew, Espey, Estudillo, Gans, Gates, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, Lynch, McGowan, McKenney, Meincke, Mitcheltree, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Rolley, Strobridge, Stahl, Thompson, Transue, Treadwell, Weyand, Whiting, and Wickersham--41.

NOES--None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 344 (identical with Assembly Bill No. 441)--An Act making it a misdemeanor to sell or exchange property under the representation, advertisement, notice, or inducement that an unidentified, unknown, unselected, or chance prize, premium, or premium-gift, or that a stamp, trading-stamp, coupon, or other like device entitling the holder to receive such a prize, premium, or premium-gift, or that the redemption of such a stamp, trading-stamp, coupon, or other like device so given, is to be part of the transaction, or to sell or exchange any trading-stamp, stamp, coupon, or other like device to aid such sale or exchange as aforesaid, and providing a penalty therefor.

Mr. Coghlan moved that Senate Bill No. 344 (No. 361 on file) be made a special order for Monday, February 20, 1905, at twelve o'clock, noon.

Motion carried.

Senate Bill No. 266--An Act amending Section 9 of an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution."

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES--Messrs. Amerige, Anthony, Barnes, Bates, Branstetter, Burge, Creighton, Drew, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lynch, McGowan, McKenney, McNamara, Meincke, Mitcheltree, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Rolley, Strohl, Thompson, Transue, Treadwell, Waste, Weyand, Whiting, and Wickersham--42.

NOES--None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 246 (Committee Substitute for Senate Bill No. 246)--An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES--Messrs. Amerige, Anthony, Barnes, Bates, Branstetter, Burge, Creighton, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, McGowan, McKenney, McNamara, Meincke, Mitcheltree, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Rolley, Strobridge, Strohl, Thompson, Transue, Treadwell, Waste, Weyand, Whiting, and Wickersham--43.

NOES--None.

Title read and approved.

Bill ordered transmitted to the Senate.

## EXCUSED FOR THE AFTERNOON.

Mr. Devlin, at his own request, was excused for the remainder of the afternoon session.

Senate Bill No. 60—An Act to repeal an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880, and the Act amendatory thereof, approved March 9, 1897, relating to the protection of stockholders in mining companies.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Amerige, Barnes, Bates, Branstetter, Burge, Busick, Chandler, Coghlan, Cromwell, Drew, Ellis, Gates, Hartman, Held, Johnson, Lynch, McGowan, McKenney, O'Brien, Olmsted, Rolley, Transue, Treadwell, Tripp, Walsh, Waste, and Weyand—27.

NOES—Messrs. Anthony, Cleveland, Creighton, Duryea, Espey, Gans, Hawkins, Jarvis, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, Meincke, Mitchellree, Perkins, Pfaffle, Pryor, Pyle, Strobridge, Strohl, Thompson, Whiting, and Wickersham—23.

## NOTICE OF RECONSIDERATION.

Mr. Duryea gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 60 was refused final passage this day.

## EXCUSED FOR THE AFTERNOON.

Mr. Hartman, at his own request, was excused for the remainder of the afternoon session.

Senate Bill No. 8 (identical with Assembly Bill No. 155)—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Passed on file.

Senate Bill No. 529—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Bates, Branstetter, Burge, Busick, Chandler, Cleveland, Coghlan, Creighton, Cromwell, Dorsey, Drew, Duryea, Estudillo, Gans, Gates, Hawkins, Held, Jarvis, Johnson, Johnstone, Jury, Lynch, McGowan, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Strobridge, Thompson, Transue, Treadwell, Waste, Weyand, and Whiting—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

## BILL RECALLED FROM COMMITTEE.

Mr. Johnstone moved that Assembly Bill No. 670 (No. 349 on file) be recalled from the Committee on Ways and Means and placed on file.

Motion carried.

Senate Bill No. 150—An Act to amend Section 2 of an Act entitled "An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the

State of California located on the water front at San Francisco, California," approved March 25, 1901.

Read third time:

The question being on the final passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Barnes, Bates, Branstetter, Busick, Coghlan, Dorsey, Duryea, Estudillo, Goodrich, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, Lynch, Meincke, O'Brien, Olmsted, Pfaeffe, Pryor, Pyle, Rolley, Stanton, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, and Whiting—33.

NOES—Messrs. Amerige, Anthony, Burge, Chandler, Cleveland, Cromwell, Drew, Espey, Gans, Gates, Hawkins, King, McGowan, Perkins, and Strobridge—15.

#### NOTICE OF RECONSIDERATION.

Mr. McGowan gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 150 was refused final passage this day.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

Leave was granted for the introduction and reference of bills (out of order), as follows:

By Mr. Estudillo: Assembly Bill No. 1083—An Act providing the manner of purchasing furniture for public county buildings by boards of supervisors in certain cases.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1084—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 12, 1903, relating to officers of township.

Read first time, and referred to Committee on County and Township Governments.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

Leave was granted to the Committee on Election Laws to submit the following report (out of order), which was read:

##### ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER. Your Committee on Election Laws, to whom was referred Assembly Bill No. 748—An Act to add a new section to the Political Code, to be numbered 1366a, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering

Also: Assembly Bill No. 916—An Act to add a new section to the Political Code of the State of California, to be known as Section 1264a, relating to canvassing and returning the vote and the delivery and custody of the roster of voters after elections and primary elections.

Also: Assembly Bill No. 917—An Act to amend Section 1204 of the Political Code of the State of California, relating to election tickets and ballots, and the manner of voting.

Also: Assembly Bill No. 918—An Act to add a new section to the Political Code of the State of California, to be known as Section 1367a, relating to primary elections and the manner of voting thereat.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ROLLEY, Chairman.

Assembly Bills Nos. 748, 915, 917, and 916 ordered on second-reading file.

#### BILL ORDERED ON FILE.

Mr. Houser moved that Assembly Bill No. 955 be withdrawn from the Committee on Fish and Game and placed on file.

Motion carried.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Constitutional Amendments was granted leave to submit the following report, which was read:

## ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the right of suffrage—have had the same under consideration, and respectfully report the same back, and a majority of said committee recommend that it do pass

HOUSER, Chairman.

Assembly Constitutional Amendment No. 1 ordered on special file.

## CONSTITUTIONAL AMENDMENT INTRODUCED—(OUT OF ORDER).

Mr. Houser was granted leave to introduce (out of order) a constitutional amendment:

By Mr. Houser: Assembly Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to Section 23 of Article IV of the Constitution of the State of California, limiting the expenses of the Legislature, and regulating the salary of the members thereof.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on State Hospitals and Asylums was granted leave to introduce the following reports (out of order), which were read:

## ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Senate Bill No. 225—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children; for equipping and furnishing the same, and to appropriate money therefor.

Also: Senate Bill No. 223—An Act to provide for the completion of certain buildings at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Senate Bill No. 228—An Act to provide for the completion of the main building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Senate Bill No. 229—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Senate Bill No. 257—An Act to provide for the fencing and improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 378—An Act to appropriate \$4,500 to sink artesian wells and to develop artesian water on the lands of the Mendocino State Hospital.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HELD, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Senate Bill No. 226—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

HELD, Chairman.

Senate Bills Nos. 225, 223, 228, 229, 257, 378, and 226 ordered on special Senate file.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

Leave was granted for the introduction and reference of bills (out of order), as follows:

By Mr. Duryea: Assembly Bill No. 1085—An Act appropriating money for the expenses of the care and improvement of the grounds at the John Marshall monument, at Coloma.

Read first time, and referred to Committee on Ways and Means.

By Mr. Waste: Assembly Bill No. 1086—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 611 of said Political Code, relating to time of filing statements by insurance companies.

Read first time, and referred to Committee on Insurance and Insurance Laws.

## RESOLUTION—(OUT OF ORDER).

Mr. Dorsey was granted leave to introduce the following resolution (out of order), which was read:

*Resolved*, That the State Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Assembly in favor of the Chief Clerk of the Assembly for the sum of \$510, in payment for 85 copies of Fairall's Criminal Law and Procedure, as per resolution adopted February 17, 1905, and the State Treasurer is hereby authorized and directed to pay the said warrant.

Referred to Committee on Contingent Expenses and Accounts.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Universities was granted leave to submit the following report (out of order), which was read:

## ON UNIVERSITIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

MR. SPEAKER: Your Committee on Universities, to whom was referred Senate Bill No. 171—An Act providing for the purchase of a university farm for the use of the College of Agriculture of the University of California, providing for the appointment of a commission to select and purchase said farm, providing for a school of agriculture and a system of instruction on said farm, and appropriating money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

WASTE, Chairman.

Senate Bill No. 171 ordered on special Senate file, and referred to Committee on Ways and Means.

## UNFINISHED BUSINESS—(RESUMED).

Assembly Bill No. 47—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 4235 of said Code, relating to the recording of instruments.

## SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 47 were read:

## COMMITTEE AMENDMENT No. 1.

On page 1, Section 1, line 4, after the word "separately," insert the words "in a fair hand or typewriting."

## COMMITTEE AMENDMENT No. 2.

On page 1, Section 1, line 6, strike out the words "in a fair hand or typewriting."

Mr. Transue moved to concur in the Senate amendments.

The question being put: "Shall the Assembly concur in Senate amendments to Assembly Bill No. 47?"

## SENATE AMENDMENTS CONCURRED IN.

The roll was called, and the amendments concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Bates, Burge, Busick, Chandler, Cleveland, Coghlan, Creighton, Cromwell, Dorsey, Drew, Duryea, Gans, Gates, Goodrich, Held, Houser, Johnson, Johnstone, Jury, King, Lynch, McGowan, McKenney, Meincke, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, and Wickersham—43.

NOES—None.

Assembly Bill No. 47 ordered to enrollment.

Assembly Bill No. 738 (Committee Substitute for Assembly Bill No. 103)—An Act to amend an Act entitled "The Political Code of the State of California," relating to the employment of women as physicians in State hospitals for the care and treatment of the insane, and in the California Home for the Care and Training of Feeble-Minded Children at Eldridge, Sonoma County, by amending Section 2153a thereof.

## SENATE AMENDMENT.

The following Senate amendment to Assembly Bill No. 738 was read:

On page 2, Section 1, line 14, after the words "their profession," insert the following: "who have received a certificate from the State Board of Medical Examiners."

## AMENDMENT CONCURRED IN.

Mr. Waste moved to concur in the Senate amendment.

The question being put: "Shall the Assembly concur in Senate amendment to Assembly Bill No. 738?"

The roll was called, and the amendment concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Bates, Burge, Busick, Chandler, Cleveland, Coghlan, Creighton, Dorsey, Drew, Duryea, Gans, Gates, Goodrich, Held, Jarvis, Johnson, Johnstone, Jury, Lynch, McGowan, McKenney, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, and Whiting—41

NOES—None.

Assembly Bill No. 738 ordered to enrollment.

## RESOLUTION—(OUT OF ORDER).

Mr. McGowan was granted leave to introduce (out of order) the following resolution, which was read:

(To fix time for consideration of Code Revision bills.)

WHEREAS, The literary exercises for the celebration of the birthday of George Washington have been set for next Wednesday evening; and

WHEREAS, The special order heretofore set for said evening is the consideration of Code Revision bills; therefore, be it

Resolved, That the special file of Code Revision bills be for said week considered on Tuesday evening instead of Wednesday evening, and that after said Wednesday evening the original rule adopted as to the consideration of said bills stand unchanged.

Referred to Committee on Rules.

## REGULAR ORDER TO BE FOLLOWED.

Mr. Dorsey moved that Assembly Bill No. 925 (No. 338 on file) be now taken up.

Mr. Goodrich moved as a substitute that the regular order of business be followed.

Substitute carried.



## EVENING SESSION TO BE HELD.

Mr. Waste moved that when the Assembly take a recess this afternoon, it be until eight o'clock this evening, and that the second-reading file be taken up for consideration.

Motion carried.

## SPECIAL FILE.

Bills on the special file were considered, as follows: .

Assembly Bill No. 865—An Act to prohibit the sale of spirits, liquors, or wines without a State license, to provide for the issuance of such a license, and for the violation of the provisions of this Act, and prescribing the duties of certain officers in connection therewith.

Passed on file.

Assembly Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 61 of said Act, relating to county officers.

Passed on file.

Assembly Bill No. 299—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class.

Passed on file.

Assembly Bill No. 818—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 25 of said Act a new subdivision, to be known as Section 64, and relating to coöperation by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services.

Passed on file.

Assembly Bill No. 619—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.

Passed on file.

Assembly Bill No. 849—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof, relating to the fees, salaries and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices.

Passed on file.

Assembly Bill No. 664—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to the designation of one of the prisons of the State as a reformatory, relating to the powers of the State Board of Prison Directors, relating to the selection and duties of the wardens, relating to the transfer of prisoners, and to other matters incident thereto.

Passed on file.

Assembly Bill No. 525—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.

Passed on file.

Assembly Bill No. 440—An Act to amend Section 10 of an Act entitled "An Act creating a State commission on voting or balloting machines; defining their powers, and providing for the use, at the option of indicated local authorities, of voting or balloting machines for receiving or registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result of such elections, and providing for the punishment of all violations of the provisions of this Act relating to voting machines."

Passed on file.

Assembly Bill No. 527—An Act to add a new section, to be known as Section 42½, to an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893; extending the provisions of Sections 19 to 33, inclusive, and Sections 39 to 42, inclusive, of said Act, to primary elections, and so providing for punishment of offenses at primary elections.

Passed on file.

Assembly Bill No. 802—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Passed on file.

Assembly Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 183 thereof, relating to salaries and fees of county and township officers in counties of the twenty-sixth class.

Passed on file.

Assembly Bill No. 697—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.

Passed on file.

Assembly Bill No. 832—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 25 of said Act a new subdivision to be known as Section 6½, and relating to coöperation by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services.

Passed on file.

Assembly Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 12 of Article XIII, relating to revenue and taxation.

Passed on file.

Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 19 of Article V of said Constitution, relating to the compensation of State officers.

Passed on file.

Assembly Constitutional Amendment No. 13—A resolution proposing to the people of the State of California an amendment to Article XI of the Constitution of the State of California, by adding a new section thereto, to be numbered Section 13½ of Article XI, relating to the making of public bonds payable at any place within the United States.

Passed on file.

Assembly Bill No. 800—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 180 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-third class.

Read second time.

Assembly Bill No. 800 ordered to engrossment and third reading.

#### REPORTS OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following reports, which were read:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reengrossed:

Assembly Bill No. 484—An Act to repeal Section 648½ of the Civil Code, and to add a new section thereto, to be numbered 638a, all relating to land and building corporations.

Assembly Bill No. 653—An Act to provide one additional judge of the Superior Court of the County of San Joaquin, State of California; for the manner of his election and for his compensation.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 43—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 283 and 284 of the Penal Code of the State of California, relating to the punishment of bigamy.

Assembly Bill No. 877—An Act to amend Section 1365 of the Code of Civil Procedure of the State of California, relating to the order in which, and to whom, letters of administration upon the estate of a deceased person may be issued, and further relating to the method of identification of certain persons interested in such estates.

Assembly Bill No. 775—An Act to amend Section 1771 of the Political Code, relating to powers of county boards of education.

Assembly Bill No. 680—An Act to amend Section 92 of the Civil Code, relating to causes for divorce.

Assembly Bill No. 352—An Act to amend Section 1185 of the Code of Civil Procedure, relating to mechanics' liens.

Assembly Bill No. 673—An Act to authorize the construction, maintenance, and operation of private spur tracks in municipalities.

Assembly Bill No. 411—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered 2370, relating to the duties of factors.

Assembly Bill No. 151—An Act making an appropriation for searching for beneficial insects.

Assembly Bill No. 838—An Act to amend Section 1547 of the Penal Code by adding a new subdivision thereto, and to repeal an Act entitled "An Act imposing certain duties upon the Governor of the State," approved April 3, 1876.

DEVLIN, Chairman.

## SPECIAL FILE—(RESUMED).

Assembly Bill No. 799—An Act authorizing and empowering boards of supervisors of the counties of this State to change the names of streets and avenues.

Read second time.

Assembly Bill No. 799 ordered engrossed and to third-reading special file.

Assembly Bill No. 15—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof in relation to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices.

Passed on file.

Assembly Bill No. 197—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 25, 1901.

Passed on file.

Assembly Bill No. 198—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto by amending Section 34 of said Act."

Passed on file.

Assembly Bill No. 247—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 25, 1901.

Passed on file.

Assembly Bill No. 221—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat, and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the superior court.

Read second time.

The Committee on County and Township Governments submitted the following amendments:

## AMENDMENT No. 1.

Amend page 1, line 7, printed bill, after the word "seat" by inserting the words "in the court house or in the room or rooms designated or authorized by the board of supervisors."

Amendment adopted.

## AMENDMENT No. 2.

In line 16, page 2, of printed bill, after the word "affidavit," strike out the following: "to the effect that the said office has, during the hours hereby required, been open for the transaction of business," and insert in lieu thereof "setting forth that he has complied with the provisions of this section."

Amendment adopted.

Assembly Bill No. 221 ordered to print, engrossment, and on third-reading file.

Assembly Bill No. 908—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 25, 1901, and amended March 19, 1903, by amending Section 200 thereof, relating to the compensation of officers of the forty-third class.

Passed on file.

Assembly Bill No. 932—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

Read second time.

The Committee on County and Township Governments submitted the following amendments:

AMENDMENT No. 1.

In line 3 of title, page 1, of printed bill, after the word "government," insert the letter "s"

Amendment adopted.

AMENDMENT No. 2

In line 54, page 3, of printed bill, after the word "of," insert the words and figures "sixty-five (65) dollars."

Amendment adopted.

Assembly Bill No. 932 ordered to print, engrossment, and on third-reading special file.

Assembly Bill No. 852—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903.

Read second time.

The Committee on County and Township Governments submitted the following amendments:

AMENDMENT No. 1

In line 49, page 2, of printed bill, strike out the word "two" and insert in lieu thereof the word "three."

Amendment adopted.

AMENDMENT No. 2.

In line 187, page 6, of printed bill, insert the word "five" after the word "twenty"

Amendment adopted.

AMENDMENT No. 3.

In line 198, page 6, of printed bill, after the word "townships," strike out balance of section and insert in lieu thereof the following: "contiguous to municipalities containing twenty-five thousand or more inhabitants, or in which a State penal institution is located, shall be allowed a salary of seventy-five dollars per month each, and fifteen cents per mile for every mile actually traveled in taking prisoners to the county jail in lieu of all fees in criminal cases; provided, however, that constables in townships not contiguous to municipalities containing twenty-five thousand or more inhabitants and constables in townships in which a State penal institution is not located shall receive in addition to the fees now provided by law three dollars per diem for each day in actual attendance on the court in criminal cases and fifteen cents per mile for every mile actually traveled in taking prisoners to the county jail. The salaries of the constables as above provided to be paid at the same time and in the same manner as county officers are paid."

Amendment adopted.

AMENDMENT No. 4.

In line 203, page 7, of printed bill, strike out the word "seventy-five," and insert in lieu thereof the words "one hundred and twenty-five."

Amendment adopted.

Assembly Bill No. 852 was ordered to print, engrossment, and on third-reading special file.

Assembly Bill No. 876—An Act to amend Section 20 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to county and township officers of counties of the sixteenth class, and providing for the compensation of such officers and their deputies.

Passed on file.

Assembly Bill No. 914—An Act to amend an Act establishing a uniform system of county and township governments, relating to salaries and fees of county officers in counties of the ninth class.

Read second time.

The Committee on County and Township Governments submitted the following amendments:

AMENDMENT No. 1.

Amend by striking out all of the title, page 1, printed bill, and insert the following:  
An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 14 thereof, relating to the compensation of officers of counties of the ninth class.

Amendment adopted.

AMENDMENT No. 2.

After the enacting clause insert the following:  
Section 1 Section 14 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, is hereby amended to read as follows:

Amendment adopted.

AMENDMENT No. 3.

Amend subdivision 10, by substituting in lieu thereof the following:  
"10. The Public Administrator, such fees as are now or may hereafter be allowed by law."

Amendment adopted.

AMENDMENT No. 4.

Amend subdivision 13, line 89, by inserting after the word "that" the words "in all townships the constables thereof."

Amendment adopted.

AMENDMENT No. 5.

Amend subdivision 15 at line 110 thereof, by substituting in lieu of "five" the word "sixty" and omitting therefrom the word "calendar," and by substituting in line 111 the word "year" in place of the word "month," and in the last part of line 115, by substituting for the word "five" the word "sixty," and in line 116 by striking out the word "calendar," and substituting the word "year" for the word "month."

Amendment adopted.

AMENDMENT No. 6.

Amend line 127 by substituting in lieu of the figure "19" the words "Sec. 2."

Amendment adopted.

Assembly Bill No. 914 ordered to print, engrossment, and on third-reading special file.

Assembly Bill No. 900—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended

March 19, 1903, by amending Section 186 thereof, relating to the compensation of officers of the counties of the twenty-ninth class.

Read second time.

Mr. Olmsted submitted the following amendments:

AMENDMENT No. 1.

Amend by striking out of line 12 of printed bill the words and figures "one hundred (\$2100)," and inserting in lieu thereof the following: "two hundred and fifty (\$2250) dollars."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of line 24 of printed bill the words and figures "dollars (\$4000)," and inserting in lieu thereof the following: "five hundred dollars (\$4500)."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out all of line 27 of printed bill and inserting in lieu thereof the following: "3. The recorder two thousand one hundred dollars (\$2100)."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out of line 29 "five hundred dollars (\$500)," and inserting in lieu thereof the following: "two hundred dollars (\$200)."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out of lines 33 and 34 "five hundred dollars (\$1500)," and inserting in lieu thereof the figures: "(\$1000)."

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the period at the end of line 36, and inserting in lieu thereof the following: " ; and also such fees and commissions as are allowed by law."

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out of line 49 all after the word "law", also by striking out all of lines 50 and 51.

Amendment adopted.

Assembly Bill No. 900 was ordered to print, engrossment, and on third-reading file.

Assembly Bill No. 931—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Read second time.

Assembly Bill No. 931 ordered to engrossment and on third-reading special file.

TIME FOR ADJOURNMENT EXTENDED.

Mr. Waste, at four o'clock and twenty-five minutes P. M., moved that the hour for adjournment be extended fifteen minutes.

Motion carried.

TRANSFERRED TO SPECIAL FILE.

On motion of Mr. Waste, Assembly Bill No. 421 (No. 275 on file) was ordered placed on the special file.

Assembly Bill No. 471—An Act to establish and maintain a State hygienic laboratory for bacteriological and chemical analysis for the

use of the State Board of Health, providing for the appointment of a director thereof, and assistants, making an appropriation therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto.

Read second time.

The following committee amendment was submitted:

Amend by striking out Section 6.

Amendment adopted.

MOTION.

Mr. Waste moved that the Assembly resolve into a Committee of the Whole, with Mr. Treadwell in the chair, for the purpose of considering Assembly Bill No. 471.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Treadwell in the chair.

Assembly Bill No. 471 was considered in Committee of the Whole.

Mr. Waste moved that the Committee of the Whole rise and report back Assembly Bill No. 471, with a recommendation that it do pass.

Motion carried.

IN ASSEMBLY.

Mr. Treadwell in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 471—An Act to establish and maintain a State hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health, providing for the appointment of a director thereof, and assistants, making an appropriation therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto—and do now report the same back, with amendments, and recommend that the same do pass as amended.

TREADWELL, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 471 ordered to print, engrossment, and on third-reading file.

ORDERED ON SPECIAL FILE.

Mr. Cleveland moved that Assembly Bill No. 151 (No. 204 on file) be transferred to the special file.

Motion carried.

Mr. King moved that Assembly Bill No. 201 (No. 139 on file) be placed on the special file and taken up for final action.

Motion carried.

Assembly Bill No. 201—An Act authorizing the directors of the Veterans' Home of California to purchase and take over for the State of California, to be used and controlled by said board in the interests of the Veterans' Home of California, a certain piece of land adjoining the premises of the said Veterans' Home of California, in the County of Napa, and appropriating the sum of \$3,000 to pay for the purchase of same.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Barnes, Bates, Branstetter, Burge, Busick, Chandler, Cleveland, Coglian, Creighton, Cronwell, Dorsey, Duryea, Gans, Gates, Goodrich, Hawkins, Held, Houser, Jarvis, Jones of Tuolumne, Jury, King, Lynch,



McGowan, McKenney, Meincke, Moore, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Rolley, Stanton, Strobridge, Thompson, Transue, Treadwell, Waste, Weyand, and Whiting—43.  
Nones—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 151—An Act making an appropriation for searching for beneficial insects.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Bates, Branstetter, Burge, Busick, Chandler, Cleveland, Coghlan, Creighton, Cromwell, Dorsey, Duryea, Espey, Gans, Gates, Goodrich, Hawkins, Held, Houser, Jarvis, Johnson, Jones of Tuolumne, Jury, King, Lynch, McGowan, McKenney, Meincke, Moore, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Rolley, Stanton, Strobridge, Thompson, Transue, Treadwell, Waste, Weyand, and Whiting—45.  
Nones—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

Leave was granted to Mr. McGowan for the introduction and reference of a bill (out of order), as follows:

Assembly Bill No. 1087—An Act making an appropriation of \$6,765 to pay for postage, expressage, and telegraphing, Secretary of State's office, for the balance of the fifty-sixth fiscal year.

Read first time, and referred to Committee on Ways and Means.

#### ORDERED ON SPECIAL FILE.

On motion of Mr. McGowan, Assembly Bill No. 562 (No. 207 on file) was ordered placed on the special file.

#### BILL TAKEN UP FOR AMENDMENT.

Mr. O'Brien moved that Assembly Bill No. 819 (No. 152 on file) be taken up for the purpose of amendment.

Motion carried.

Assembly Bill No. 819 (Substitute for Assembly Bills Nos. 231, 455, and 570)—An Act to amend Sections 623, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628a, 628b, 628c, 628d, and 632a, all relating to the protection and preservation of fish.

Read third time.

#### SELECT COMMITTEE AMENDMENT.

Mr. O'Brien moved that a select committee of one be appointed to amend Assembly Bill No. 819, as follows:

In line 13, page 4, Section 7, strike out the word "about," and insert in lieu thereof the word "above."

Also: In line 14, page 4, Section 7, strike out the words "or any trout of less than one pound in weight."

Amendment adopted.

Mr. O'Brien was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 819 (Substitute for Assembly Bills Nos. 231, 455, and 570)—An Act to amend Sections

628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628a, 628b, 628c, 628d, and 632a, all relating to the protection and preservation of fish—with instructions, does now report that the instructions of the Assembly have been carried out.

O'BRIEN, Committee.

The report of the select committee of one was adopted.

Assembly Bill No. 819 ordered to print, reëngrossment, and on file for passage.

#### THIRD-READING FILE.

Bills on third-reading file were considered, as follows :

Assembly Bill No. 56—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justice courts and justices.

Passed on file.

Mr. Stanton, with the consent of Mr. Cromwell, called up Assembly Bill No. 533 (No. 169 on file), in place of Assembly Bill No. 301 (No. 68 on file).

Assembly Bill No. 530—An Act making an appropriation of \$4,731.20 for transportation of officers and members of the National Guard of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Amerige, Anthony, Barnes, Bates, Branstetter, Burge, Busick, Chandler, Coghlan, Creighton, Cromwell, Duryea, Espey, Gans, Gates, Goodrich, Hawkins, Held, Houser, Johnson, Jones of Tuolumne, Jury, King, Lynch, McCowan, McKenney, Meincke, Moore, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Rolley, Stanton, Strobridge, Thompson, Transue, Treadwell, Waste, Weyand, and Whiting—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### BILLS TAKEN UP FOR AMENDMENT.

Mr. Moore moved to take up Assembly Bill No. 60 (No. 127 on file), for the purpose of amendment.

Motion carried.

Assembly Bill No. 60—An Act providing for the appointment by the county superintendent of schools, in counties so desiring, of a supervisor of nature study, agriculture, and related subjects; indicating necessary qualifications and duties, and providing for the fixing of his salary and the payment thereof.

Read third time.

#### SELECT COMMITTEE AMENDMENTS.

Mr. Moore moved that a select committee of one be appointed to amended Assembly Bill No. 60, as follows:

##### AMENDMENT No. 1.

Amend by striking out of line 4 of the title, the word "and" after the word "agriculture," and insert in lieu thereof the words "or mining or."

Amendment adopted.

##### AMENDMENT No. 2.

Amend by striking out of lines 2 and 3, Section 1, page 1, of the printed bill, the words "of each district of at least twenty-five (25 %) per cent."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out the word "and" after the word "agriculture" in line 6, Section 1, page 1, of the printed bill, and insert in lieu thereof the words "or mining or."

Amendment adopted.

Mr. Moore was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 60—An Act providing for the appointment by the county superintendent of schools, in counties so desiring, of a supervisor of nature study, agriculture, and related subjects; indicating necessary qualifications and duties, and providing for the fixing of his salary and the payment thereof—with instructions, does now report that the instructions of the Assembly have been carried out.

MOORE, Committee.

The report of the select committee of one was adopted.

Assembly Bill No. 60 ordered to print, reëngrossment, and on file for passage.

Mr. Amerige moved that Assembly Bill No. 254 (No. 195 on file) be taken up for the purpose of amendment.

Motion carried.

Assembly Bill No. 254—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof.

Read third time.

## SELECT COMMITTEE AMENDMENTS.

Mr. Amerige moved that a select committee of one be appointed to amend Assembly Bill No. 254, as follows:

## AMENDMENT No. 1.

Amend by striking out all of the words after the word "held," in line 14 of the printed bill, all of the words in line 15, all of the words in line 16 and line 17, and all of the words in line 18 up to and including the word "each," in said line, and inserting in lieu thereof the words "when such."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out all of the words in line 18 of the printed bill, after the word "exhibition" and up to and including the word "amateurs," in line 19.

Amendment adopted.

## AMENDMENT No. 3.

Amend by inserting a period after the word "minutes," in line 19 of the printed bill.

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out the word "and," in line 19 of the printed bill, also all of lines 20 and 21

Amendment adopted.

Mr. Amerige was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 254—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof—with instructions, does now report that the instructions of the Assembly have been carried out.

AMERIGE, Committee.

The report of the select committee of one was adopted.

Assembly Bill No. 254 ordered to print, reëngrossment, and on file for passage.

Mr. Creighton moved that Assembly Bill No. 59 (No. 128 on file) be taken up for the purpose of amendment.

Motion carried.

Assembly Bill No. 59—An Act to amend Sections 1521, 1665, 1771, and 1775 of the Political Code of the State of California (all relating to public schools and education), by making provisions for the teaching, in the public schools, in connection with nature study, the elements of agriculture.

Read third time.

SELECT COMMITTEE AMENDMENTS.

Mr. Moore moved that a select committee of one be appointed to amend Assembly Bill No. 59, as follows:

AMENDMENT No. 1.

Amend by striking out the period after the word "agriculture" in line 8 of title, and inserting in lieu thereof the words "or mining."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting in line 34, page 2 of printed bill, after the word "agriculture," the words "mining or related subjects."

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting after the word "agriculture," in line 44, page 2 of printed bill, the words "or mining."

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting after the word "agriculture," on line 49, page 3 of printed bill, the words "or mining."

Amendment adopted.

AMENDMENT No. 5.

Amend by inserting after the word "agriculture," in line 6, Section 2, page 5 of printed bill, the words "or mining."

Amendment adopted.

AMENDMENT No. 6.

Amend by inserting after the word "agriculture," in line 48, page 8 of printed bill, the words "or mining."

Amendment adopted.

Mr. Moore was appointed such select committee of one.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 59—An Act to amend Sections 1521, 1665, 1771, and 1775 of the Political Code of the State of California (all relating to public schools and education), by making provisions for the teaching in the public schools, in connection with nature study, the elements of agriculture—with instructions, does now report that the instructions of the Assembly have been carried out.

MOORE, Committee.

INTRODUCTION OF BILL—(OUT OF ORDER).

Leave was granted to Mr. Coghlan to introduce a bill (out of order).

By Mr. Coghlan: Assembly Bill No. 1088—An Act to amend Section 686 of the Penal Code, relating to the rights of defendant in a criminal action.

Read first time, and referred to Committee on Judiciary.

## RECESS.

At five o'clock and five minutes P. M., Mr. Espey moved that a recess be taken until eight o'clock P. M.

Motion carried, and recess declared.

## REASSEMBLED.

The Assembly reconvened at eight o'clock P. M.

Hon. E. F. Treadwell in the chair.

The acting Speaker announced that if there was no objection the consideration of bills on the second-reading file would be the first order of business for the evening.

There being no objection, such was the order.

## SECOND-READING FILE.

Assembly Bill No. 102—An Act to appropriate the sum of \$1,000 to pay the claim of Sergeant-Major Eugene De Sparr.

Read second time.

## MOTION.

Mr. Transue moved that the Assembly resolve into a Committee of the Whole, with the acting Speaker in the chair, for the purpose of considering Assembly Bill No. 102.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Acting Speaker Treadwell in the chair.

Assembly Bill No. 102 was considered in Committee of the Whole.

## IN ASSEMBLY.

Acting Speaker Treadwell in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 102, and do now report the same back, without recommendation.

TREADWELL, Chairman.

Bill ordered engrossed and on file for third reading.

Assembly Bill No. 81—An Act to appropriate \$400 to pay the claim of L. C. Waite against the State of California, upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Read second time.

## MOTION.

Mr. Pryor moved that the Assembly resolve into a Committee of the Whole, with the acting Speaker in the chair, for the purpose of considering Assembly Bill No. 81.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Acting Speaker Treadwell in the chair.

Assembly Bill No. 81 was considered in Committee of the Whole.

## IN ASSEMBLY.

Acting Speaker Treadwell in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 81, and do now report the same back, and recommend that it do pass.

TREADWELL, Chairman.

Report of the Committee of the Whole adopted.

Bill ordered engrossed and on file for third reading.

Assembly Bill No. 402—An Act to appropriate the sum of \$520 to pay the claim of William Saunders against the State of California.

Read second time.

The following amendments were read:

## AMENDMENT No. 1.

Amend the title, by striking out the figures "520," and inserting in lieu thereof the figures "175."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the words "five hundred and twenty" on line 1, first page, printed bill, and inserting in lieu thereof the following: "one hundred and seventy-five."

Amendment adopted.

## MOTION.

Mr. Espey moved that the Assembly resolve into a Committee of the Whole, with the acting Speaker in the chair, for the purpose of considering Assembly Bill No. 402.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Acting Speaker Treadwell in the chair.

Assembly Bill No. 402 was considered in Committee of the Whole.

## IN ASSEMBLY.

Acting Speaker Treadwell in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 402, and do now report the same back, and recommend that it do pass as amended.

TREADWELL, Chairman.

Report of the Committee of the Whole adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 596—An Act providing for an appropriation of \$3,000 for the purpose of improving the grounds and repairing the buildings of Sutter's Fort, and for the necessary incidental expenses for maintenance.

Read second time.

## MOTION.

Mr. O'Brien moved that the Assembly resolve into a Committee of the Whole, with the acting Speaker in the chair, for the purpose of considering Assembly Bill No. 596.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Acting Speaker Treadwell in the chair.

Assembly Bill No. 596 was considered in Committee of the Whole.

## IN ASSEMBLY.

Acting Speaker Treadwell in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 596, and do now report the same back, and recommend that it do pass.

TREADWELL, Chairman.

The report of Committee of the Whole adopted.

Bill ordered engrossed, and on file for third reading.

Assembly Bill No. 561—An Act to establish and maintain a home for aged and disabled miners of the State of California, and appropriating money therefor.

Read second time.

## MOTION.

Mr. Creighton moved that the Assembly resolve into a Committee of the Whole, with the acting Speaker in the chair, for the purpose of considering Assembly Bill No. 561.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Acting Speaker Treadwell in the chair.

Assembly Bill No. 561 was considered in Committee of the Whole.

## IN ASSEMBLY.

Acting Speaker Treadwell in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 561, and do now report the same back without recommendation.

TREADWELL, Chairman.

Bill ordered engrossed, and on file for third reading.

Assembly Bill No. 464—An Act to pay the claim of D. D. McLaren against the State of California.

Read second time.

## MOTION.

Mr. Thompson moved that the Assembly resolve into a Committee of the Whole, with the acting Speaker in the chair, for the purpose of considering Assembly Bill No. 464.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Acting Speaker Treadwell in the chair.

Assembly Bill No. 464 was considered in Committee of the Whole.

## IN ASSEMBLY.

Acting Speaker Treadwell in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 464, and do now report the same back, without recommendation.

TREADWELL, Chairman.

Bill ordered engrossed, and on file for third reading.

Assembly Bill No. 373—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchases of State school lands, and making an appropriation therefor.

Bill read second time.

## MOTION.

Mr. Espey moved that the Assembly resolve into a Committee of the Whole, with the acting Speaker in the chair, for the purpose of considering Assembly Bill No. 373.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Acting Speaker Treadwell in the chair.

Assembly Bill No. 373 was considered in Committee of the Whole.

## IN ASSEMBLY.

Acting Speaker Treadwell in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

GENTLEMEN: Your Committee of the Whole have had under consideration Assembly Bill No. 373, and do now report the same back, and recommend that it do pass.

TREADWELL, Chairman.

Report of Committee of the Whole adopted.

Bill ordered engrossed and on file for third reading.

Assembly Bill No. 588—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to purchase lands in the City of Los Angeles for a new site for said school, and provide plans, drawings, and specifications for a new normal school building or buildings and improvements to be located thereon, and making an appropriation of \$60,000 with which to purchase and improve said new site, procure said plans and specifications and defray other expenses necessary to carry out the provisions of this Act.

Read second time.

## MOTION.

Mr. Houser moved that the Assembly resolve into a Committee of the Whole, with the acting Speaker in the chair, for the purpose of considering Assembly Bill No. 588.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Acting Speaker Treadwell in the chair.

Assembly Bill No. 588 was considered in Committee of the Whole.

## IN ASSEMBLY.

Acting Speaker Treadwell in the chair.



## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 588, and do now report the same back, without recommendation.

TREADWELL, Chairman.

Bill ordered engrossed and on file for third reading.

Assembly Bill No. 209—An Act to amend Title V of Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by revising Sections 4458 and 4459 of said title and adding two new sections thereto, to be numbered 4460 and 4461, relating to and regulating publications or notices authorized or required to be given or made by public officers, or by law providing that such publications or notices shall be given or made in newspapers of general circulation, defining what is a newspaper of general circulation, and providing a penalty for violation.

Read second time.

The following amendments were read:

## AMENDMENT No. 1.

Amend the title of the bill by striking out the title and inserting the following:

"An Act to amend Title V of Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by revising Sections 4458 and 4459 of said title and adding three new sections thereto, to be numbered 4460, 4461, and 4462, relating to and regulating publications or notices authorized or required to be given or made by public officers, the officers of courts, or by law, providing that such publications or notices shall be given or made in newspapers of general circulation, providing the manner in which newspapers may be adjudged newspapers of general circulation, and providing a penalty for violation."

Amendment adopted.

## AMENDMENT No. 2.

Amend line 6, page 1 of the printed bill, by inserting after the words "officers of" the word "courts."

Amendment adopted.

## AMENDMENT No. 3.

Insert after line 12, page 2 of printed bill, the following: "4462. Newspapers of general circulation, how character defined."

Amendment adopted.

## AMENDMENT No. 4

Insert in line 18, page 2 of printed bill, after the words "officer of" the words "any court, or officer of."

Amendment adopted.

## AMENDMENT No. 5

Insert in line 38, page 2 of printed bill, after the word "published," the words "at regular intervals"

Amendment adopted.

## AMENDMENT No. 6.

Insert at the end of Section 4460, line 46, page 2, printed bill, the following:

"Provided, that when a newspaper is or shall become qualified with reference to a county as a newspaper of general circulation in and of such county, as is provided concerning counties in this section, and was, prior to first day of February, 1905, regularly circulated in a city in such county, having a majority of its bona fide paying subscribers residents of such city, if it shall then have its printing office in such city, or shall remove the same into such city prior to the first day of August, 1905, it shall, in either such case, thereupon be and become a qualified newspaper of general circulation for all the purposes of this title in and of such city, as well as in and of such county, and an affidavit of its editor, manager, publisher, or attorney, showing the existence of the requisite facts above mentioned, shall be prima facie proof of such facts and that such newspaper is a newspaper of general circulation as defined and provided for in this title"

Amendment lost.

## AMENDMENT No. 7.

Insert after line 54, page 3 of printed bill, the following new section:

"4462. Whenever a newspaper shall desire to have its standing as a newspaper of general circulation, as that term is defined in Section 4460, ascertained and established, it may, at its option, by its publisher, manager, editor or attorney, file a verified petition in the Superior Court of the county, or city and county, in which it is established, printed and published, setting forth the facts which justify such action. The petition or the substance thereof shall be published for ten days in the newspaper petitioning, and if the court so directs, in some other newspaper, together with a notice that the petitioner intends on a certain day to apply for the order herein mentioned. Upon proof being made of the publication of such petition and notice, the court shall set the same for hearing, and at any time prior to or on the day so set, or prior to or on any day to which it may be continued, any person may appear and contest the petition. The court shall hear the proofs of the petitioner and contestant, if there be any, and shall within ten days thereafter render its decision and judgment and the clerk shall enter the same in the records of the court. The decision and judgment herein provided for may be vacated, modified or set aside by the court on its own motion, or on the motion of any person, whether a party to the original proceeding or not, upon a verified statement of facts, upon ten days' notice to the petitioner, and upon a satisfactory showing made to the court that such newspaper has ceased to be a newspaper of general circulation, as that term is defined in Section 4460; but all publications made in such newspaper during the period it was adjudged to be a newspaper of general circulation shall be deemed and held valid and sufficient. Nothing contained in this section shall be held or construed to be obligatory or as requiring any newspaper to comply with its provisions in order to be in fact, or in law, a newspaper of general circulation, as that term is defined in Section 4460, but any newspaper may, at its option, avail itself of this section."

Amendment adopted.

## AMENDMENT No. 8.

Amend line 40, page 2 of the printed bill, by striking out the words "two years," and inserting the words "one year."

Amendment adopted.

Bill ordered to reprint, reengrossment, and on file for third reading.

Assembly Bill No. 751—An Act to prescribe a method of electing boards of education in cities controlled by charters other than those controlled by the city and county government.

Read second time, ordered engrossed, and on file for third reading.

Assembly Bill No. 910—An Act to amend Section 3881 of the Political Code of the State of California, relating to correcting of errors, omission, defects in form or in descriptions, erroneous or double assessments in any assessment roll.

Read second time.

The following committee amendments were read :

## AMENDMENT No. 1.

Amend the title by inserting in the second line thereof after the word "Section" the word "No"

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out of line five of the title the word "on," and insert in lieu thereof the word "in."

Amendment adopted.

## AMENDMENT No. 3

Amend by striking out all of lines 3, 4, 5, 6, 7, 8, 9, and 10, page 1 of printed bill, and insert in lieu thereof the following:

"3881. When it can be ascertained from the assessment roll, assessment book or statement, plat book, working roll, or record in the assessor's office, errors, omissions, defects in form or in descriptions, erroneous or double assessments in such assessment roll, assessment book or statement shall be corrected by the assessor at any time prior to the sale of property for delinquent taxes after the assessment is made, in the manner following, to wit."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out of line 41, page 2 of the printed bill, the word "of" where it occurs after the word "filing," and insert in lieu thereof the word "with."

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 878—An Act to amend Sections 1184, 1185, 1187, and 1190 of the Code of Civil Procedure, and to repeal Section 1203 of said Code, all relating to liens of mechanics and others upon real property.

Read second time.

The following committee amendments were read :

## AMENDMENT No. 1.

Amend by striking out all of Sections 2, 3, and 4, printed bill.

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out of line 1, Section 5, page 6 of the printed bill, the figures "52," after the word "Sec." and insert in lieu thereof the figure "2."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out all after the words "eighty-four" in the second line of the title down to and including the word "ninety," in line 4 thereof.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 810—An Act to amend Section 3488 of the Political Code of the State of California.

Read second time.

The following committee amendment was read:

## AMENDMENT No. 1.

Amend by striking out of lines 3 and 4, page 1 of the printed bill, the words in italics, as follows: "*Certain lands excepted from the provisions of this chapter.*"

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 909—An Act to amend Section 2197 of the Political Code, relating to actions which may be brought by the State Commission in Lunacy.

Read second time.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out of lines 8 and 9 the parenthesis.

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out all of Section 2.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 758—An Act to amend Section 1476 of the Penal Code, relating to writs of habeas corpus.

Read second time.

The following committee amendments were read :

## AMENDMENT No. 1.

Amend by striking out of line 3 the quotation marks and insert in lieu thereof the figures "1476" and a period (.).

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out of line 9 the quotation marks.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 920—An Act to amend Section 344 of the Code of Civil Procedure of the State of California.

Read second time.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out the enacting clause and inserting in lieu thereof the following: "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Amendment adopted.

## AMENDMENT No. 2.

Amend by inserting in line 1, printed bill, before the word "section," the word and figure "Section 1"

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out all of Section 2.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 326—An Act to amend Section 10 of an Act entitled "An Act to establish a Political Code," approved March 12, 1875, relating to holidays.

Read second time, ordered engrossed, and on file for third reading.

Assembly Bill No. 759—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties, and providing for their compensation.

Read second time.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by inserting after the word "duties," on line 22, second page, printed bill, the following words: "or office"

Also, by adding to the fifth word "cause," on line 22, second page, printed bill, the letter "s."

Also, by inserting on line 26, third page, printed bill, after the word "lowest," the words "responsible"

Also, by inserting after the word "duties," on line 41, third page, printed bill, the words "or office."

Amendments adopted.

## AMENDMENT No. 2.

Amend by inserting after the word "employed," on line 17, fourth page, printed bill, the following: "The Governor shall upon the passage of this bill appoint an attorney for said board who shall receive a salary of one thousand dollars (\$1,000) per annum, and hold office for the term of four years."

Amendment adopted.

Assembly Bill No. 776—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor."

Read second time.

The following amendments were read:

AMENDMENT No. 1.

Amend the title of the Act by inserting on line 1, of title, first page, printed bill, after the word "amend" the words "section two of."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all after the enacting clause and inserting in lieu thereof the following.

"Section 1. Section 2 of an Act to protect domestic live stock from diseases, provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor, which became a law March 18, 1899, is hereby amended to read as follows:

"Section 2. It shall be the duty of the State Veterinarian provided for in the first section of this Act to protect the health of all domestic animals of the State from all contagious and infectious diseases, so far as practicable; and for the purpose he is hereby authorized and empowered, by and with the approval of the Governor, to establish, maintain, and enforce such quarantine, sanitary, and other regulations as he may deem necessary as to stock passing over any quarantine line existing or which may be established in the State, and all such stock so moving shall be inspected by him, and he shall issue his certificate of State inspection, unless such stock shall have been, immediately prior to such moving, inspected by an officer or agent acting under the laws of the United States. Whenever it may be necessary to carry out and give effect to the provisions of this Act, the Governor is hereby authorized and empowered to appoint an Assistant State Veterinarian, at a salary of twelve hundred dollars per annum, and his necessary expenses incurred in the discharge of his duties not exceeding \$300 per year, whose tenure of office shall be determined and fixed by the Governor."

Amendment adopted.

AMENDMENT No. 3.

Section 2 This Act shall take effect immediately.

Amendment adopted.

AMENDMENT No. 4.

Amend the title by adding after the word "therefor" a comma (,) on line 6 of title, first page printed bill, and insert the following: "which became a law March 18, 1899."

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 629—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Read second time.

The following amendment was read:

Amend by striking out the words "Sec 4. This Act shall take effect and be in force from and after its passage," on lines 1 and 2, Section 4, second page, printed bill

Amendment adopted.

MOTION.

Mr. Creighton moved that the Assembly resolve into a Committee of the Whole, with the acting Speaker in the chair, for the purpose of considering Assembly Bill No. 629.

So ordered.

IN COMMITTEE OF THE WHOLE.

Acting Speaker Treadwell in the chair.

Assembly Bill No. 629 was considered in Committee of the Whole.

IN ASSEMBLY.

Acting Speaker Treadwell in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 629, and do now report the same back, without recommendation.

TREADWELL, Chairman.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 534—An Act to appropriate the sum of \$2,000 to pay the claim of W. C. Van Fleet for legal services rendered the State of California, in the Superior Court of the City and County of San Francisco, and the Supreme Court of the State of California, in an action entitled "Jeremiah F. Sullivan et al. vs. H. T. Gage et al., constituting the State Board of Examiners."

Read second time.

## NOTION.

Mr. Transue moved that the Assembly resolve into a Committee of the Whole, with the acting Speaker in the chair, for the purpose of considering Assembly Bill No. 534.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Acting Speaker Treadwell in the chair.

Assembly Bill No. 534 was considered in Committee of the Whole.

## IN ASSEMBLY.

Acting Speaker Treadwell in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 534, and do now report the same back, and recommend that it do pass.

TREADWELL, Chairman.

Report of Committee of the Whole adopted.

Bill ordered engrossed, and on file for third reading.

Assembly Bill No. 150—An Act to amend Section 1 of an Act entitled "An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCIV of the Laws of 1891," approved March 26, 1903.

Read second time.

The following amendment was read:

Amend by striking out all of the words in Section 2 of printed bill.

Amendment adopted.

Bill ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 893—An Act to amend Section 1593 of the Political Code, relating to elections of school trustees.

Read second time, ordered engrossed, and on file for third reading.

Assembly Bill No. 678—An Act to provide for the incorporation of associations for lending money on personal property, and regulating the same, and to forbid certain loans on money, property, or credit.

Read second time.

The following amendments were read:

AMENDMENT No. 1.

Amend by striking out the word "fifty," Section 2, on line 2, first page, printed bill, and insert in lieu thereof the word "twenty-five."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the figures "\$50,000," Section 2, on line 3, first page, printed bill, and insert in lieu thereof the words "twenty-five thousand dollars."

Amendment adopted.

AMENDMENT No. 3.

Also strike out all of Section 16. Also strike out in lines 22, 23, 24, and 25, page 5, of the printed bill, the words "and the several officers of any corporation who shall violate the foregoing prohibition shall be guilty of a misdemeanor, and upon proof thereof, the debt shall be discharged and the security shall be void," and insert in lieu thereof the following: "violating the foregoing shall be guilty of a misdemeanor, and is punishable by a fine of one hundred dollars (\$100) for the first offense, and by a like fine and imprisonment in the county jail for thirty days for the second and each subsequent offense; and, further, the interest on any amount loaned shall be forfeited to the borrower."

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 717—An Act to amend Section 537 of the Political Code, relating to salaries of superior judges.

Read second time.

The following amendment was read:

Amend by inserting in line 11 of the printed bill, after the words "Contra Costa," a comma (,) and the word "Madera."

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 798—An Act to select and adopt the colors "Green and Gold" as the State colors of California.

Read second time, ordered engrossed, and on file for third reading.

Assembly Bill No. 812—An Act to amend Section 1470 of the Code of Civil Procedure of the State of California.

Read second time.

The following committee amendments were read:

AMENDMENT No. 1.

Amend by inserting in line 5, after the word "property," the words "equal to the portion set apart to her by the preceding sections of this article."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting in line 6 of the printed bill after the word "in" the word "the."

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting in line 7 after the word "court" a comma (,).

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 855—An Act to amend Section 213 of the Penal Code, and to add a new section thereto, to be numbered 214, relating to the crime of robbery, and punishment therefor.

Read second time.

The following committee amendments were read :

AMENDMENT No. 1.

Amend by inserting in line 3, before the word "every" the figures "213."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting in line 1, Section 1, before the figures "213" the word "section"

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "of" at the end of line 3, Section 1, and insert in lieu thereof the word "in."

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting in line 8, Section 1, after the word "able" the words "by imprisonment in the State Prison."

Amendment adopted.

AMENDMENT No. 5.

Amend by inserting in line 4, Section 2, before the word "the" at the beginning of the line the figures "214."

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out all of Section 3.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 834—An Act to amend Section 164 of the Civil Code, relating to separate and community property.

Read second time, ordered engrossed, and on file for third reading.

Assembly Bill No. 925—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 21, 1872, by amending Section 340 thereof, relating to the time within which certain actions must be commenced.

Read second time, ordered engrossed, and on file for third reading.

Assembly Bill No. 670—An Act to provide for the improvement of public highways and to make an appropriation therefor.

Read second time.

The following amendments were read :

AMENDMENT No. 1.

Amend by striking out all of Section 14, sixth page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the figures "15" of Section 15, sixth page printed bill, and insert in lieu thereof the figures "14."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out all of Section 16, on last line, sixth page, printed bill.

Amendment adopted.

By Mr. Johnstone:

Amend by striking out of line 1 of title, printed bill, the words "and to make an appropriation therefor."

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.



## INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced (out of order), and referred, as follows:

By Mr. Drew: Assembly Bill No. 1089—An Act to amend Section 144 of the Code of Civil Procedure, relating to places of holding courts.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1090—An Act to repeal Section 749 of the Code of Civil Procedure, as approved March 31, 1891, relating to service of summons by publication in actions relating to real property in this State.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1091—An Act to amend Sections 602 and 615 of the Code of Civil Procedure, both relating to jury trials.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1092—An Act to repeal Section 115 of the Code of Civil Procedure, relating to criminal jurisdiction of justices' courts.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1093—An Act to repeal Sections 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, and 79 of the Code of Civil Procedure, all relating to courts of justice.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1094—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the establishment of the termination of life estates.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1095—An Act to amend Section 717 of the Code of Civil Procedure, relating to the trial of issues of fact in proceedings for the settlement of the estates of deceased persons.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1096—An Act to amend Sections 352 and 355 of the Code of Civil Procedure, both relating to the time of commencing actions.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1097—An Act to amend Section 1417 of the Code of Civil Procedure, relating to special administrators and their powers and duties.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1098—An Act to amend Section 1423 of the Code of Civil Procedure, relating to wills found after letters of administration granted.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1099—An Act to amend Section 1445 of the Code of Civil Procedure, relating to the inventory and appraisement of the estates of the decedents.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1100—An Act to amend Sections 1371, 1379, and 1383 of the Code of Civil Procedure, all relating to letters of administration.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1101—An Act to amend Section 1452 of the Code of Civil Procedure, relating to the possession of the property of deceased persons.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1102—An Act to amend Sections 1572, 1583, 1584, 1587, and 1589 of the Code of Civil Procedure, all relating to actions by or against executors or administrators.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1103—An Act to amend Section 1591 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1592, both relating to the management of the estates of deceased persons.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1104—An Act to amend Section 1255 of the Code of Civil Procedure, relating to costs in condemnation proceedings.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1105—An Act to amend Sections 1010, 1011, 1013, and 1015 of the Code of Civil Procedure, all relating to notices in civil actions.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1106—An Act to amend Section 997 of the Code of Civil Procedure, relating to the offer of the defendant to compromise.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1107—An Act to amend Section 803 of the Code of Civil Procedure, relating to actions for the usurpation of an office or franchise.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1108—An Act to amend Sections 681, 687, 688, and 689 of the Code of Civil Procedure, all relating to executions in civil cases.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1109—An Act to repeal an Act entitled "An Act concerning the execution of final process in certain cases," approved March 16, 1874.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1110—An Act to amend Section 1323 of the Code of Civil Procedure, relating to the probate of foreign wills.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1111—An Act to amend Section 1300 of the Code of Civil Procedure, relating to proceedings for the probate of wills.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1112—An Act to amend Sections 1025 and 1031, both relating to costs in civil actions.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1113—An Act to amend Sections 1328 and 1329 of the Code of Civil Procedure, both relating to the contesting of wills after probate.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1114—An Act to amend Sections 1209 and 1210 of the Code of Civil Procedure, both relating to contempts.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1115—An Act to amend Sections 1349, 1350, and 1351 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1350a, all relating to letters testamentary and of administration with the will annexed.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1116—An Act to repeal Sections 1733 and 1734, and to amend Section 1737 of the Code of Civil Procedure, all relating to public administrators.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1117—An Act to amend Sections 1518, 1522, 1524, 1537, 1543, 1544, 1569, 1573, 1575, and 1576 of the Code of Civil Procedure, all relating to the sale of the property of deceased persons.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1118—An Act to amend Sections 1466 and 1468 of the Code of Civil Procedure, both relating to provisions for the support of the families of deceased persons.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1119—An Act to amend Sections 1166 and 1167 of the Code of Civil Procedure, and to repeal Section 1175 thereof, all relating to summary proceedings for obtaining possession of real property.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1120—An Act to amend Section 740 of the Code of Civil Procedure, relating to actions for the recovery of property.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1121—An Act to amend Sections 387, 388, and 389 of the Code of Civil Procedure, all relating to parties to civil actions.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1122—An Act to amend Section 139 of the Code of Civil Procedure, and to repeal Section 140 thereof, both relating to proceedings in case of absence of judge.

Read first time, and referred to Committee on Revision and Reform of Laws.

#### SPECIAL ORDER SET.

Assembly Bill No. 789—An Act to increase the number of Judges of the Superior Court of the County of Shasta, State of California, and for the appointment of such additional judges—was, on motion of Mr. Creighton, made a special order for consideration at eleven o'clock A. M. of Tuesday, February 21, 1905.

#### BILLS RE-REFERRED.

Assembly Bill No. 153—An Act establishing a bureau of information for the purpose of disseminating knowledge of nature study, agriculture, and related subjects (applicable to conditions in California), to the public schools of the State, to be known as "The Central Bureau of Information"; indicating the method of disseminating such knowledge; fixing the location of said bureau; designating and naming the members of the board to control said bureau; indicating the powers of such board and the time for its first meeting, and appropriating the sum of \$10,000 to pay the expenses of said bureau for the fiscal years 1905 and 1906—was, on motion of Mr. Moore, ordered re-referred to Committee on Ways and Means.

Assembly Bill No. 588—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to purchase lands in the City of Los Angeles for a new site for said school, and provide plans, drawings, and specifications for a new normal school building or buildings, and improvements to be located thereon, and making an appropriation of \$60,000 with which to purchase and improve said new site, procure said plans and specifications, and defray other expenses necessary to carry out the provisions of this Act—was, on motion of Mr. Houser, re-referred to Committee on Ways and Means, but to retain its place on file.

#### RUSH ORDER.

Assembly Bill No. 1087 was ordered sent to printer, with rush order.

#### ADJOURNMENT.

At nine o'clock and twenty-five minutes P. M. the Assembly, on motion of Mr. Anthony, was declared adjourned until ten o'clock and thirty minutes A. M. of Monday, February 20, 1905.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, February 20, 1905. }

The Assembly met at ten o'clock and thirty minutes A. M., pursuant to adjournment.

Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, McCartney, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffie, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—69.

Quorum present.

## LEAVES OF ABSENCE.

Leave of absence for the day was granted Messrs. Manwell and Lumley.

Messrs. Devlin, Tripp, Beckett, Coghlan, and Atkinson were excused for one hour.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Weyand, its further reading was dispensed with.

## SENATE BILL RECALLED FROM COMMITTEE.

The Speaker announced that under the rules Senate Bill No. 415 would be recalled from the Committee on Judiciary (it being identical with Assembly Bill No. 581, No. 163 on file), and placed on second reading of special Senate file.

## COMMITTEE ON INTRODUCTION OF BILLS.

The Speaker announced that this being the fiftieth day of the session, in compliance with Rule 77 of the Assembly, he appointed Messrs. McCartney, Atkinson, and Gans as the standing Committee on Introduction of Bills.

## PETITIONS.

Mr. McCartney presented two petitions (both having the same printed headings), and requested that the heading of one of the printed petitions be printed in the Journal without the signatures.

So ordered.

## ANTI-RACETRACK GAMBLING PETITION

We, whose names are hereto subscribed, citizens of Los Angeles County, California, approve the Espey bill, amending Section 337 of the Penal Code by adding the following: 337½. Every person who within the State of California sells or offers for sale, buys or offers to buy, issues or offers to issue, or in any manner disposes of, purchases or acquires any interest in any pool, or in any pool-ticket, certificate, writing or other

evidence of payment, acceptance or deposit of money, or other things of value, staked upon the result of any running, pacing, or trotting race or contest between horses, mares, or geldings, or makes any bet or wager on the result of such race or contest, or acts as a stakeholder of any bet or wager laid on the result of any such race or contest, or receives or pays over any money or article or thing of value, the ownership or right to possession of which has been, is or is to be determined by any such race or contest, or rents, or leases any building, structure, room, apartment, place, or premises whatever or permits the same to be used or occupied for any of the above purposes, is guilty of a misdemeanor, and shall be punishable by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

We respectfully urge the passage of the same.

J. W. ADAMS and others.

Mr. Mitcheltree presented the following petition:

FROM BARBERS OF SAN FRANCISCO.

*To the Honorable State Senators and Members of the Assembly of the State of California*

We, the undersigned barbers of the City of San Francisco, do hereby petition and pray your honorable bodies to support the passage of the bills known as Senate Bill No. 346 and Assembly Bill No. 478, regulating the practice of barbering in the State of California, and the sanitary condition of barber-shops situated and conducted therein.

WILLIAM SUTTER and others.

The petition was ordered printed in the Journal, without the signatures.

#### REPORTS OF STANDING COMMITTEES.

Reports from standing committees were submitted and read, as follows:

##### ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Senate Bill No. 165—An Act to repeal Section 303 of the Penal Code, relating to the sale of liquors at places of amusement and the employing of women to sell liquors thereat.

Also: Senate Bill No. 166—An Act to repeal Section 306 of the Penal Code, relating to the exhibiting of females in public places.

Also: Senate Bill No. 167—An Act to repeal Section 310½, relating to the keeping open and conducting of barber-shops, hair-dressing establishments and bath-houses on Sundays and legal holidays.

Also: Senate Bill No. 252—An Act to amend and renumber Section 654 of the Penal Code, relating to the abuse of teachers of the public schools.

Also: Senate Bill No. 458—An Act to amend Sections 529, 530, 532, 537½, and 538 of the Penal Code, to renumber Sections 537½ and 538, as approved March 9, 1893, to repeal Sections 543½ and 537, as approved March 9, 1893, and to add a new section thereto, to be numbered 538b, all relating to false personation and cheats.

Also: Senate Bill No. 477—An Act to amend Sections 954, 969, 1004, 1008, and 1020 of the Penal Code, and to add a new section thereto, to be numbered 1025, all relating to pleadings in criminal cases.

Have had the same under consideration, and respectfully report the same back, and recommend that same do pass as amended.

DREW, Chairman.

Senate Bills Nos. 165, 166, 167, 252, 458, and 477 ordered to second reading on the special Code Revision file.

##### ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Senate Bill No. 14—An Act to amend Section 7 of the Penal Code, relating to definitions.

Also: Senate Bill No. 120—An Act to amend Section 27 of the Penal Code, relating to persons liable to punishment for crime.

Also: Senate Bill No. 134—An Act to repeal Title I of Part III of the Penal Code, relating to State prisons.

Also: Senate Bill No. 135—An Act to add a new section to the Penal Code, to be numbered 74a, relating to the retention by an officer of any part of the salary or fees allowed to his subordinate officer.

Also: Senate Bill No. 136—An Act to amend Section 76 of the Penal Code, relating to the refusal by an officer to surrender property to his successor.

Also: Senate Bill No. 137—An Act to amend Section 100 of the Penal Code, relating to collusion and corruption by Superintendent of State Printing.

Also: Senate Bill No. 139—An Act to amend Sections 109 and 110 of the Penal Code, both relating to aiding unlawful escapes of prisoners and others in custody.

Also: Senate Bill No. 140—An Act to amend Section 111 of the Penal Code, relating to the costs of trials of escaped prisoners and expenses incident thereto.

Also: Senate Bill No. 141—An Act to amend Sections 119, 121, and 124 of the Penal Code, and to add two new sections thereto, to be numbered 118a and 129, all relating to perjury.

Also: Senate Bill No. 142—An Act to amend Section 159½ of the Penal Code, relating to advertising to procure alimony, divorce, or annulment of marriage, or to aid therein.

Also: Senate Bill No. 151—An Act to add a new section to the Penal Code, to be numbered 161a, making it a misdemeanor for any person other than a regularly licensed attorney to advertise or hold himself out as an attorney.

Also: Senate Bill No. 152—An Act to amend Section 165 of the Penal Code, relating to bribery.

Also: Senate Bill No. 153—An Act to amend Section 168 of the Penal Code, relating to disclosing the fact of an information or indictment having been made.

Also: Senate Bill No. 154—An Act to amend Section 171 of the Penal Code, and to add to said Code three new sections, to be numbered 171a, 171b, and 171c, and to repeal Section 180a thereof, all relating to Acts tending to create breaches of discipline in State prisons, jails, and reformatories, by persons not inmates thereof.

Also: Senate Bill No. 156—An Act to repeal Sections 178 and 179 of the Penal Code, relating to the employment of Chinese or Mongolians.

Also: Senate Bill No. 157—An Act to amend Section 207 of the Penal Code, relating to kidnapping.

Also: Senate Bill No. 158—An Act to add a new section to the Penal Code, to be numbered 214, relating to the going upon or doing any act in relation to any railroad train, car or engine, for the purpose of robbery thereon.

Also: Senate Bill No. 159—An Act to amend Section 218 of the Penal Code, relating to attempted wrecking or derailment of railroad trains, cars, or engines.

Also: Senate Bill No. 160—An Act to add a new section to the Penal Code, to be numbered 219, relating to the wrecking or derailment of railroad trains, cars or engines.

Also: Senate Bill No. 161—An Act to add seven new sections to the Penal Code, to be numbered 266a, 266b, 266c, 266d, 266e, 266f, and 266g, all relating to the prostituting of women.

Also: Senate Bill No. 164—An Act to amend Section 302 of the Penal Code, relating to disturbing religious meetings.

Also: Senate Bill No. 359—An Act to add two new sections to the Penal Code, to be numbered 653c and 653d, both relating to crimes against employes.

Also: Senate Bill No. 375—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Also: Senate Bill No. 376—An Act to amend Section 1579 of the Code of Civil Procedure, relating to leases of real property belonging to estates of deceased persons, minors and incompetent persons.

Also: Senate Bill No. 451—An Act to add a new section to the Penal Code, to be numbered 597g, relating to offenses against public decency.

Also: Senate Bill No. 454—An Act to amend Sections 512, 513, and 514 of the Penal Code, all relating to embezzlement.

Also: Senate Bill No. 455—An Act to amend Sections 487 and 500, and to renumber Section 502½ of the Penal Code, all relating to larceny.

Also: Senate Bill No. 456—An Act to amend Section 591 of the Penal Code, and to add a new section thereto, to be numbered 593a, both relating to malicious injuries.

Also: Senate Bill No. 457—An Act to amend Section 584 of the Penal Code, relating to fraud in the management of corporations.

Also: Senate Bill No. 467—An Act to add two new sections to the Penal Code, to be numbered 598a and 599, both relating to the injuring or taking of birds or their nests or eggs.

Also: Senate Bill No. 468—An Act to amend Section 601 of the Penal Code, relating to explosives.

Also: Senate Bill No. 469—An Act to amend Section 602 of the Penal Code and to repeal Section 603 thereof, both relating to trespasses.

Also: Senate Bill No. 470—An Act to amend Section 609 of the Penal Code, relating to the removal or injuring of buoys and beacons.

Also: Senate Bill No. 471—An Act to amend Sections 619, 620, 621, 638, 639, 640, and 641 of the Penal Code, all relating to telegraphic and telephonic messages.

Also: Senate Bill No. 472—An Act to amend Sections 758 and 769, and to repeal Section 772 of the Penal Code, all relating to the removal of officers otherwise than by impeachment.

Also: Senate Bill No. 473—An Act to amend Sections 777, 784, and 789 of the Penal Code, and to add new sections thereto, to be numbered 778a and 778b, all relating to the local jurisdiction of public offenses.

Also: Senate Bill No. 474—An Act to amend Section 840 of the Penal Code, relating to arrests.

Also: Senate Bill No. 475—An Act to amend Sections 872 and 882 of the Penal Code, both relating to the examinations of persons accused of crime and the testimony taken thereat.

Also: Senate Bill No. 476—An Act to amend Sections 915, 919, 923, and 925 of the Penal Code, to repeal Sections 907, 908, 909, 910 and 916 thereof, and to repeal Chapter IV of Title IV of Part II of said Code, and Sections 931, 932, 933, 934, 935, 936, and 937 of said Code, contained in said Chapter IV, all relating to proceedings by and before grand juries.

Also: Senate Bill No. 478—An Act to amend Sections 1033 and 1034 of the Penal Code, both relating to the change of the place of trial in criminal cases.

Also: Senate Bill No. 479—An Act to amend Sections 1103 and 1110 of the Penal Code, and to add a new section thereto, to be numbered 1103a, all relating to evidence necessary to convict in certain criminal cases.

Also: Senate Bill No. 480—An Act to amend Section 1147 of the Penal Code, relating to verdicts in criminal cases.

Also: Senate Bill No. 481—An Act to amend Sections 1171, 1174, and 1176 of the Penal Code, all relating to bills of exception in criminal cases.

Also: Senate Bill No. 482—An Act to amend Section 1182 of the Penal Code, relating to new trials in criminal cases.

Also: Senate Bill No. 483—An Act to amend Sections 1185, 1186, and 1187 of the Penal Code, all relating to the arrest of judgment in criminal cases.

Also: Senate Bill No. 484—An Act to amend Sections 1191, 1201, 1206, and 1207 of the Penal Code, all relating to judgments in criminal cases.

Also: Senate Bill No. 485—An Act to amend Sections 1214, 1221, 1222, 1223, 1224, 1225, 1226, and 1227 of the Penal Code, all relating to the execution of judgments in criminal cases.

Also: Senate Bill No. 486—An Act to amend Sections 1235, 1238, 1240, 1241, 1245, and 1264 of the Penal Code, all relating to appeals in criminal cases.

Also: Senate Bill No. 487—An Act to amend Sections 1305, 1306, and 1307 of the Penal Code, all relating to the forfeiture of bail in criminal cases.

Also: Senate Bill No. 488—An Act to amend Sections 1335, 1336, 1337, 1338, 1339, 1340, and 1341 of the Penal Code, all relating to the conditional examination of witnesses in criminal cases.

Also: Senate Bill No. 489—An Act to amend Sections 1370, 1372, and 1373 of the Penal Code, all relating to inquiries into the sanity of the defendant in criminal cases.

Also: Senate Bill No. 490—An Act to amend Section 1388 of the Penal Code, relating to criminal prosecutions against minors.

Also: Senate Bill No. 491—An Act to amend Sections 1390 and 1391 of the Penal Code, both relating to criminal prosecutions against corporations.

Also: Senate Bill No. 492—An Act to amend Section 1427 of the Penal Code, and to add a new section thereto to be numbered 1425, both relating to proceedings in justices' and police courts.

Also: Senate Bill No. 493—An Act to amend Section 1475 of the Penal Code, relating to the writ of habeas corpus.

Also: Senate Bill No. 494—An Act to amend Sections 1510, 1512, 1513, and 1515 of the Penal Code, and to add new sections thereto to be numbered 1511a, 1511b, and 1514a, all relating to coroners.

Also: Senate Bill No. 495—An Act to amend Section 1541 of the Penal Code, relating to search warrants.

Also: Senate Bill No. 496—An Act to add a new section to the Penal Code, to be numbered 1541a, relating to rewards.

Also: Senate Bill No. 497—An Act to amend Sections 1603 and 1605 of the Penal Code, and to add a new section thereto, to be numbered 1615, all relating to county jails.

Also: Senate Bill No. 548—An Act to amend Section 600 of the Penal Code, relating to and defining the offense of burning structures and other property not the subject of arson.

Have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

DREW, Chairman.

Senate Bills Nos. 14, 120, 134, 135, 136, 137, 139, 140, 141, 142, 151, 152, 153, 154, 156, 157, 158, 159, 160, 161, 164, 359, 375, 376, 451, 454, 455, 456, 457, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, and 548 ordered to second reading on Special Code Revision file.

#### SPECIAL REPORT EXPLAINING CODE REVISION BILLS.

The Committee on Revision and Reform of Laws submitted the following special report, which was ordered printed in the Journal:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905.

MR. SPEAKER: Your Committee on Revision and Reform of Laws hereby makes a special report with reference to the Code Revision bills, now on the special file of said bills. The changes, etc., are as follows:



## ASSEMBLY BILL No. 484.

*Civil Code—Section 638a* This section is a codification of Section 19 of the Statute of 1893, page 229.

*Civil Code—Section 643* The last sentence of the present section has been omitted for the reason that it occurs in Subdivision 19 of Section 690 of the Code of Civil Procedure.

*Civil Code—Section 648½* This section is no longer necessary; the statute referred to therein, to wit: that on 1877-8, page 955, having been repealed. (Stats. 1897, p. 243)

## ASSEMBLY BILL No. 483.

*Civil Code—Sections, 629, 630a, 631, and 632* The purpose of the amendment is to make the above sections applicable to electric as well as to gas-light corporations. To accomplish this, the following changes have been made: In Section 629 the words "or direct or primary wire" are inserted after "main" (line 13), and the words "or electricity" are inserted in two places after "gas" (lines 15, 20). Section 630a is a new section, to extend the provisions of the chapter "Electric Light Companies" and provide for advances similar to those made to gas companies by subscribers. In Section 631 the words "any owner or manager of gas or electric works, or agent of such owner or manager, exhibiting written authority, signed by such owner or manager, or" are inserted at the beginning of the section (lines 30 to 32); the words "or electric light" are inserted after "gas," in line 33, the words "or electricity" are inserted after "gas," in line 35, and the words "or electric meters" are inserted after "meters," in line 37. In Section 632 the words "or electricity" are added after "gas" in three places (lines 43, 47 and 51), and the word "wires" is inserted after "pipes," in line 45.

## ASSEMBLY BILL No. 885.

*Code of Civil Procedure—Chapter IV, Title IV, Part III* This is merely codification of the provisions concerning foreclosure of liens in the Statutes of 1873-4, p. 499, and 1901, p. 285, relating to cruelty to animals, the penal features whereof have already been codified into the Penal Code (Senate Bill No. 453) and the civil features into the Civil Code (Assembly Bill No. 481). The three bills are companion bills.

## ASSEMBLY BILL No. 498.

(Amended in Assembly February 16, 1905—Unfinished Business)

*Civil Code—Section 1275* The change consists in the insertion of the word "that" before "corporation," in line 5, and in the insertion of the words "counties, municipal corporations and corporations" after "that," in line 5. The amendment in substance incorporates into the section the provisions of the Act of 1881, page 2, authorizing the several counties, cities and counties, cities and towns, of the State, to receive property by gift, bequest and devise.

*Civil Code—Section 1276* The change consists in the substitution of the words "the same" in place of "his name" after "sign," in line 16. The purpose of the amendment is to avoid the strict construction given to Subdivision 4 in Estate of Walker, 110 Cal. 387.

*Civil Code—Section 1285* The change consists in the insertion of all the matter after the word "chapter," in line 4, the purpose being merely to state what has always been understood to be the rule in this State respecting bequests of personal property, viz: that it may be bequeathed in accordance with the law of the testator's domicile.

*Civil Code—Section 1300* The change consists in the omission of the word "unmarried" before "women," in line 3. The purpose of the amendment is to apply the same rule to wills executed by married and unmarried women with respect to the revocation by subsequent marriage. (Page 2, Assembly Bill No. 498.)

*Civil Code—Section 1306* The change consists in the addition of the last sentence (lines 9 to 12) and is intended to change the rule of Smith vs. Olmstead, 83 Cal. 582.

*Civil Code—Section 1307* The change consists in the addition of the last sentence (lines 8 to 12). See note to preceding section.

*Civil Code—Section 1314* The provisions of this section are new, and are limited to cases where a conviction for murder in the first degree has been had.

*Civil Code—Section 1327* The change consists in the addition of the clause following the word "intention," in line 5, and provides that the words in a will need not be taken in a technical sense, if it appears to have been drawn by the testator, and that he was unacquainted with such sense.

*Civil Code—Section 1364* The change consists in the transposition of the words "within four years after the devisor's death" by striking them out at the end of the section, where they now appear, and placing them after the word "unless," in line 7.

*Civil Code—Section 1376* The change consists in the addition of the clause following the word "state," in line 5, and has been rendered necessary by the proposed amendment to Section 1285.

## SENATE BILL No. 165.

*Penal Code—Section 303* The section is in conflict with Section 18 of Article XX of the Constitution, which provides that "no person shall, on account of sex, be disqualified from entering upon or pursuing any lawful business, vocation or profession." (See *ex parte Maguire*, 57 Cal. 604.)

## SENATE BILL No. 166.

*Penal Code—Section 306* This section is explicitly held to be in conflict with Section 18 of Article XX of the Constitution, in *ex parte Maguire*, 57 Cal. 604, 609.

## SENATE BILL No. 167.

*Penal Code—Section 810½*: This section was explicitly held to be unconstitutional in *ex parte Jentzsch*, 112 Cal. 468.

## SENATE BILL No. 252.

*Penal Code Section 654*. Approved March 30, 1874: There are now in this Code two sections each numbered 654. The change consists in renumbering the one approved March 30, 1874, to read 654b.

## SENATE BILL No. 458.

*Penal Code—Section 529*. The change consists in the insertion of the words "in either his private or official capacity," after "another," in line 3, the amendment being designed with the purpose of changing the construction put upon this section in *People vs Knox*, 119 Cal 73, where it was held that the section did not apply to a case where a person falsely assumes an official character.

*Penal Code—Section 530*. With the same object in view, the words "in either his private or official capacity" have been inserted after "another," in line 3.

*Penal Code—Section 533*. The amendment is intended to make it criminal to procure the labor or services of another, or to defraud him of real property, by representations known to be false. With respect to real property, this changes the rule announced in *People vs. Cummings*, 114 Cal. 437. The change consists in the addition of the words "whether real or personal," after "property," in line 5.

*Penal Code—Section 537*. There are two sections numbered 537. The one regarding the removal of mortgaged chattels is repealed, the matter contained in it being sufficiently provided for in Section 538.

*Penal Code—Section 537a*. Section 537½ is renumbered 537a, the word "valuable" is substituted for "legal," before "consideration," in line 11. Sec. 2 is omitted because not properly a part of the Penal Code.

*Penal Code—Section 538*. The amendment extends the operation of the section to cases where personal property is taken, removed or driven from the county in which it is mortgaged with the intention of defrauding the mortgagee. The change consists in the addition of the words "with intent to defraud the mortgagee, his representatives or assigns, takes, drives, carries away, or otherwise removes or permits the taking, driving, or carrying away, or other removal of the mortgaged property, or any part thereof, from the county where it was situated when mortgaged, without the written consent of the mortgagee, or who," in lines 9 to 15 of the section.

*Penal Code—Section 538a*. Section 538½ is renumbered 538a.

*Penal Code—Section 538b*: This section consists of the matter now in Section 543½. The change is made by placing the matter in a section in the proper chapter. By some inadvertence the Legislature placed it in the chapter providing for the punishment of persons fraudulently fitting out or destroying vessels.

## SENATE BILL No. 477.

*Penal Code—Section 954*. The amendment is designed to authorize an offense to be set forth under different counts, and to excuse the prosecution from electing between them. Justice Shaw of the Supreme Court strongly urges the change.

*Penal Code—Section 969*. This is the section as it existed prior to its repeal in 1880. It is believed that no good reason for such repeal existed.

*Penal Code—Section 1004*. The change consists in the insertion of the words "except as provided in Section 954," after "warden," in line 13. The object of the amendment is to make this section conform to the proposed change in Section 954.

*Penal Code—Section 1008*. The purpose of the amendment is to authorize, where a demurrer to an indictment is sustained, the re-submission of the charge to the grand jury which found the original indictment, if it has not been discharged. This amendment changes the rule announced in *Terrill vs. Superior Court* (60 Pac. Rep. 516). To accomplish this, the words "the same or" have been inserted before the word "another," in line 8.

*Penal Code—Section 1020*. The change consists in the substitution of the word "one" for "that," before "specified," in line 4.

*Penal Code—Section 1025*. This is the section as it existed prior to its repeal in 1880. By such repeal no provision was left for any plea to a charge of former conviction, and it is believed this should be provided for in the Code.

## SENATE BILL No. 14.

*Penal Code—Section 7*. The purpose of the amendment is to make the section conform to the corresponding sections of the Civil Code and of the Code of Civil Procedure. The changes consist in the addition, line 8, of the words "county includes city and county"; page 1 line 9, of the words "and typewriting"; and on page 2, lines 15 to 19, of the clause "provided, that when a signature is made by mark it must, in order that the same may be acknowledged or serve as the signature to any sworn statement, be witnessed by two persons who must subscribe their own names as witnesses thereto." The above changes make the above section conform to the corresponding subdivision in Section 17 of the Code of Civil Procedure and in Section 14 of the Civil Code. The definitions of "night-time" and "day-time" are added in Subdivision 13, following the definitions in Sections 450 and 463 of this Code, which confined the definition to the

chapters in which they occurred. The word "canal-boat," in line 50 of page 2, is printed "canals, boats," in the official Statutes of 1873-4, page 421, amending the section, and is hereby corrected to conform to the manifest intention of the Statute, and to the original form of the section as enacted in the Code of 1872. Subdivision XX is also added to correspond with a like provision in the other Codes.

#### SENATE BILL No. 120.

*Penal Code—Section 27* The amendment consists in a recasting of Subdivision 2, designed to make it punishable in this State to embezzle money in another State and bring the money embezzled or some part of it into this State. The section as it now stands authorizes the conviction and punishment of persons committing larceny or robbery outside the State, who bring the property stolen into this State, but does not extend to the case of embezzlement.

#### SENATE BILL No. 134.

*Penal Code—Sections 1573 to 1614* The above-named sections, which compose Title I of Part III of the Penal Code, with the exception of the last sentence of Section 1593, have been completely superseded by the Constitution of 1879 and the General Statutes in pursuance thereof. The portion of Section 1593 which is still in force has been incorporated into a bill to amend the Act of 1889, page 404, concerning the State prisons, Senate Bill No. 353, so that it will be preserved, notwithstanding the repeal of these superseded and therefore useless provisions.

#### SENATE BILL No. 135.

(Amended in Senate, January 26, 1905.)

*Penal Code—Section 74a* This is a codification of the provision of the Act of 1871-2, page 951, with the following changes: the word "accepts" is inserted in place of "keeps," in line 4, and the phrase "for his own use" is added after "retains," in line 4

#### SENATE BILL No. 136.

*Penal Code—Section 76* The change consists in the addition of the clause "or willfully and unlawfully withholds or detains from his successor, or other person entitled thereto, any money or property in his custody as such officer," in lines 9 to 12, inclusive. The section as it now stands makes it punishable only for an officer to retain writings or records appertaining or belonging to his office, but does not extend to the manifestly graver offense above noted.

#### SENATE BILL No. 137.

*Penal Code—Section 100* The change consists in the omission of the word "said" before "superintendent," in line 1, the insertion of the word "chapter" in place of "act" in line 9, and the omission of the phrase "in any court of competent jurisdiction," at the end of the line, it being entirely unnecessary.

#### SENATE BILL No. 139.

*Penal Code—Section 109* The amendment is designed to make it punishable to assist the escape of inmates of reformatories, and to accomplish this end the following insertions have been made: In lines 4 and 5 the words "or jail, or reformatory"; in line 5, the words "or any person"; and in lines 7 and 8, the words "or jail, or public training school, or reformatory."

*Penal Code—Section 110* The change is in line with the proposed change in Section 109. In line 4, the words "jail, public training school, or reformatory" are inserted; in line 8, the words "or inmate" are added after "prisoner."

#### SENATE BILL No. 140.

*Penal Code—Section 111* The change consists in the insertion of the words "and of the execution of the sentence of such convict," after "convict," in line 9, and substitution of the words "judge of the superior court of such county" for "superior judge of said county," in line 11. It is manifestly proper that the county should be recouped for the expenses covered by the amendment.

#### SENATE BILL No. 141.

*Penal Code—Section 113a* The object of this new section is to punish those who instigate litigation by making false affidavits respecting the facts to which they will testify, and is made necessary by the decision of the Supreme Court in *People vs. Simpton*, 133 Cal. 367.

*Penal Code—Section 119* The change consists in the substitution of the words "two sections" for "section" in line 3. The change is made necessary by the addition of Section 118a to the Code.

*Penal Code—Section 121* The matter following the word "manner," in line 4, is new. The object of the amendment is to cut off the defense sometimes successfully made in perjury cases, that the defendant did not in fact go before the officer and take oath, it being at the same time admitted that he sent the affidavit to the officer with the intention that he should certify to it, and with the intention that it should be used as valid.

*Penal Code—Section 124* The change consists in the addition of the word "affidavit," in line 3. The purpose is of the same character as that of the amendment to the preceding section.

*Penal Code—Section 129* The object of the section is similar to that of the proposed amendment to Section 121. (See *People vs. Simpton*, 133 Cal. 367.)

## SENATE BILL No. 142.

*Penal Code—Section 159a.* The change consists in the substitution of the word "annulment" for "nullity," in lines 9 and 12, and the substitution of "section" for "act" in line 14.

## SENATE BILL No. 151.

*Penal Code—Section 161a.* This section, which is a new one, is self-explanatory.

## SENATE BILL No. 152.

*Penal Code—Section 165.* The word "public" is inserted before the word "corporation," in line 5, as the section was undoubtedly intended to apply to bodies and authorities of a public character.

The words "of which is afterward to be considered by" are inserted in lines 7 and 8. The words "upon any understanding that his official vote, opinion, judgment, or action shall be influenced thereby, or shall be given in any particular manner or upon any particular side of any question or matter, upon which he may be required to act in his official capacity," inserted in lines 10 to 14, were not in the report of the original Code Commission, but were inserted as a committee amendment two years ago.

The words "in addition to said punishment," inserted in line 17, were likewise inserted by said committee.

The first two changes are Code revision; the last two changes are, in a measure, new legislation, but we think them good.

## SENATE BILL No. 153.

*Penal Code—Section 169.* "Presentment" is stricken out and "information," line 5, inserted in its place, for the reason that under the Constitution of 1879 there is no prosecution by presentment, that portion of this section (originally passed in 1872) having been superseded by the Constitution.

## SENATE BILL No. 154.

*Penal Code—Section 171.* The scope of the section is broadened by the insertion of the words "jail or reformatory in this State," in line 5, and the words "literature or reading matter," in line 7.

*Penal Code—Sections 171a, 171b, 171c, and 180a.* Sections 171a, 171b, and 171c contain the matter now contained in Section 180a, and also a codification of the provisions of the Act of 1895, page 92.

## SENATE BILL No. 156.

*Penal Code—Sections 173 and 179.* These sections were, in the Circuit Court of the United States, Ninth Judicial District, explicitly held to be in violation of the Constitution of the United States, on May 22, 1880. (*In re Parrott*, 5 Pac. Coast L. J. 181.) They are now obsolete. An ordinance in somewhat similar terms was also held unconstitutional in *ex parte Kerboch*, 85 Cal. 274.

## SENATE BILL No. 157.

*Penal Code—Section 207.* Two amendments: inserting in line 5, the words "or into another part of the same county," and inserting beginning with the word "and," line 15, and ending with the word "thereof," line 19.

The advisability of the first change is shown by the decision of the Supreme Court in *ex parte Keil*, 85 Cal. 309, where it was held that the forcible removal of a person from San Pedro, Los Angeles County, to Santa Catalina Island, in the same county, did not constitute kidnapping. These changes are asked for by the District Attorneys' Association.

## SENATE BILLS NOS. 158, 159, AND 160.

*Penal Code—Sections 214, 218, and 219.* Section 218 has been broken up into three sections, contained, respectively, in the three bills above named.

*Penal Code—Section 214.* In view of the criticism passed by the Supreme Court in the case of *People vs. Thompson*, 111 Cal. 242, upon Section 218, and the suggestion of that court that the section be revised, there has been taken out of that section the provisions regarding robbery and the same has been amplified and made a new section, numbered 214, to be placed in Chapter IV, of Title VII, of Part I.

In the new section the punishment is not prescribed as death or imprisonment for life at the option of the jury, as in Section 218; but the grade of the offense is fixed at felony simply, it having been found that the severity of the punishment results in failure to secure convictions.

*Penal Code—Section 218.* The section as amended provides only for attempted wrecking or derailment of railroad trains, and fixes the grade of the offense as felony simply, the matters formerly in the section regarding an accomplished or consummated wrecking or derailment being left to Section 219 (Senate Bill No. 160), and the provisions regarding robbery being provided for in Section 214 (Senate Bill No. 158).

*Penal Code—Section 219.* The section contains the matter now in Section 218 regarding an accomplished or consummated wrecking or derailment. The punishment is left at death or imprisonment for life, at the option of the jury, as now provided in Section 218.

In short, these three bills split up Section 218 in the manner suggested by Judge Garoutte in *People vs. Thompson*, 111 Cal. 242, and modify the penalty of train wrecking, where no death has occurred, so as to preclude failures to convict on account of the severity of the penalty.

## SENATE BILL No. 161.

*Penal Code—Sections 266a, 266b, 266c, 266d, 266e, and 266f* The Statute of 1893, page 217, regarding the compulsory prostitution of women, is codified in the above-named sections. The penalties here set forth in Sections 266d, 266e, and 266f, are those of a felony instead of the various penalties set forth in the corresponding sections of the Act codified.

*Penal Code—Section 266g* This section codifies the Statute of 1891, page 286, regarding the placing and keeping of married women in houses of prostitution.

## SENATE BILL No. 164.

*Penal Code—Section 302* The change consists in the omission of the word "noise" before the word "profane," in line 4, it being manifestly an error in the statute, as it occurs later in the section with a qualification, lines 5 and 6.

## SENATE BILL No. 359.

*Penal Code—Section 653a* This is a new section, codifying, word for word, the eight-hour law passed at the last session (Statutes of 1903, page 119).

*Penal Code—Section 653d* This is a new section, codifying the Statute of 1871-2, page 951, to protect wages of labor, inserting, however, in line 4, the words "for his own use," to make same conform to intention of original Act.

## SENATE BILL No. 375.

*Penal Code—Section 666* The amendment consists in the substitution, in line 11, of the word "five" for "ten." At the last session of the Legislature, Sections 666 and 667 were changed, the former being amended, and the latter repealed. Through a mistake in copying the proposed amendment to Section 666, the section, as it now stands, leaves a large class of cases unprovided for. The word "ten," on the fourth line of Subdivision 1, has been changed to "five" (line 11 of the bill), so that where the punishment for a first conviction would be six, seven, eight, nine, or ten years, some penalty shall attach; for a second conviction for an offense punishable, say by seven, or even ten years, entails no penalty. Judge Carroll Cook called the attention of the Commissioner to the error, and requested the amendment.

## SENATE BILL No. 376

*Code of Civil Procedure—Section 1579* The only change consists in the substitution of the word "ten" for "five," in line 61, to make this section correspond with the present form of Section 718 of the Civil Code, which was amended in 1903. Whoever amended the latter section at the last session of the Legislature forgot to amend this section of the Code of Civil Procedure to correspond with it.

## SENATE BILL No. 451.

*Penal Code—Section 597g* The Statute of 1873-4, page 228, to prevent stallions running at large, and of 1887-8, page 437, respecting buck goats, and of 1871-2, page 63, to provide for the keeping of stallions, are codified in this section, and makes the law concerning the running at large of stallions in Sacramento and Mono counties, by extending its provisions to the State at large.

## SENATE BILL No. 454.

*Penal Code—Section 512* The change consists in the insertion of the words "or an indictment found by a grand jury," after "magistrate," in line 6.

*Penal Code—Section 513* The change consists in the insertion of the words "or an indictment found by a grand jury," after "magistrate," in line 4.

*Penal Code—Section 514* The amendment substitutes "in" for "under" before the word "this," in line 13, thus making a person convicted of embezzlement ineligible to any office in this State, whether it be a State office or not.

## SENATE BILL No. 455.

*Penal Code—Section 487* The change consists in the addition of subdivision 4, which is a codification of the Statute of 1871-2, page 435, and the insertion of the words "or in his immediate presence" after "another," in line 7.

*Penal Code—Section 500* The change consists in the omission of the words "in the City and County of San Francisco" after "who," in the line 3, thus making the statute general.

*Penal Code—Sections 502½ and 502* Section 502½ is renumbered 502.

## SENATE BILL No. 456.

*Penal Code—Section 591* The change consists in the insertion of the words "or telephone, or any other line used to conduct electricity," in lines 4 and 5.

*Penal Code—Section 593a* This is a codification of the Statute of 1875-6, page 32, relating to the protection of lumber manufacturers.

## SENATE BILL No. 457.

*Penal Code—Section 564* The amendment is intended to incorporate in the section such provisions of the Act of 1877-8, page 695, as are not already sufficiently expressed therein. The statute, however, is limited to corporations whose stock is listed on the stock board or exchange. The amendment omits this limitation, for the reason that its constitutionality is doubtful.

## SENATE BILL No. 467.

*Penal Code—Section 598a:* This is a codification of the Statute of 1897, page 37, for the protection of Antwerp messenger or homing pigeons.

*Penal Code—Section 599:* The Statute of 1875-6, page 287, to protect sea-gulls in the neighborhood of Santa Monica, and the Statute of 1889, page 205, to prevent the destruction of blue cranes, are codified in this section.

## SENATE BILL No. 468.

*Penal Code—Section 601:* The present Section 601 is amended to conform it to Section 8 of the Statute of 1897, page 110, to protect life and property against the careless and malicious use or handling of dynamite and other explosives.

## SENATE BILL No. 469.

*Penal Code—Section 602:* The change consists in the addition of the eighth and ninth subdivisions. The eighth subdivision is a codification of the Act of 1871-2, page 384, and the ninth is a codification of part of Section 3 of the Act of 1875-76, page 408, to prevent hunting upon enclosed lands.

*Penal Code—Section 603:* The section as it now stands declares that certain injuries to trees on the lands of the United States, including the cutting of them, do not constitute public offenses. This is a proper subject for regulation by the United States, and it is obviously improper for the State to undertake to legalize trespasses upon, or injuries to, the public lands of the Federal Government.

## SENATE BILL No. 470

*Penal Code—Section 609:* The amendment incorporates the provisions of the Act of 1873-4, page 619, for the protection of buoys and beacons.

## SENATE BILL No. 471.

*Penal Code—Section 619:* The change consists in the insertion of the words "or telephonic," after "telegraphic," in line 4.

*Penal Code—Section 620:* The change consists in the insertion of the words—"or telephonic," after "telegraphic," in line 4.

*Penal Code—Section 621:* The change consists in the insertion of the words "or telephonic," before "office," in line 4.

*Penal Code—Section 633:* The change consists in the insertion of the words "or telephone," before "office," in line 4.

*Penal Code—Section 639:* The change consists in the insertion of the words "or telephone," before "office," in line 4.

*Penal Code—Section 640:* The change consists in the addition of the words "or telephone," before "line," in line 7, and before "office," in line 10.

*Penal Code—Section 641:* The change consists in the insertion of the words "or telephone," before "act," in line 5.

## SENATE BILL No. 472

*Penal Code—Section 758:* The design of the amendment is to broaden the scope of the section so as to include State officers not otherwise provided for, and to specify the grand jury which shall make the accusation. To accomplish this purpose the word "State" has been inserted before "district," in line 3, the words "other than those mentioned in section seven hundred and thirty-seven" have been inserted before the word "for," in line 5, and the words "or, if a State officer, by the grand jury of the County of Sacramento," after the word "appointed," in line 9.

*Penal Code—Section 769:* The change consists in the insertion of the words "and disqualified from holding any office of honor, trust, or profit within the State," after the word "office," in line 5.

*Penal Code—Section 772:* This section provides for the removal of public officers in a summary manner, by an accusation in writing presented by any person to the superior court. The repeal of this section is advocated for the reason that the proceeding by accusation presented by the grand jury, provided for in Section 758, seems to be sufficient.

## SENATE BILL No. 473.

*Penal Code—Section 777:* The amendment declares that the jurisdiction of any public offense not otherwise specially provided for is within the county where it was committed. Although this has always been understood to be the law, the Code seems to contain no express declaration upon the subject. The change consists in the addition, after the words "United States," of the words "and except as herein otherwise provided, the jurisdiction of any public offense is in the county wherein it is committed."

*Penal Code—Section 773a:* The section is designed to provide for the punishment of persons who in this State do an act culminating in the commission of a crime in another State.

*Penal Code—Section 773b:* The object of this section is to provide for the punishment of persons who, being out of the State, encourage the commission of crimes within this State, and are afterwards found within this State.

*Penal Code—Section 784:* The change consists in the substitution of the word "eighteen" for "twenty-five," after "of," in line 15; in the substitution of the word "eighteen" for "sixteen," after "of," in line 17; and in the insertion of the word "brought" in place of "taken," in line 23.

*Penal Code—Section 789:* The change consists in the insertion of the words "or embezzling," after "stealing," in line 3, and of the words "or embezzled," after the word "stolen," in lines 5 and 7.

## SENATE BILL No. 474.

*Penal Code—Section 840* The purpose of the amendment is to authorize an officer to arrest without a warrant at night-time for a misdemeanor committed in his presence. The change consists in the addition of the words "except when the offense is committed in the presence of the arresting officer," in lines 7 and 8.

## SENATE BILL No. 475.

*Penal Code—Section 872* The change consists in the substitution of the word "complaint" for "deposition," in line 6, and in the omission of the words "and committed to the sheriff of the county of blank," at the end of the section.

*Penal Code—Section 882* The change consists in the insertion of the words "and such deposition may be used upon the trial of the defendant, except in cases of homicide, under the same condition as mentioned in Section 1345," after the word "discharged," in line 11.

## SENATE BILL No. 476.

*Penal Code—Sections 907, 908, 909, and 910* These sections purport to authorize the court if an offense is committed during a term of court, but after the grand jury has been discharged, to summon another grand jury. There are now no "terms of court," and any necessity which may arise after one grand jury has been discharged can be met by the drawing of another.

*Penal Code—Section 916* This section relates to and defines presentments by grand juries, and, as they no longer have authority to prefer a presentment, the section is superfluous and misleading.

*Penal Code—Section 915* The change consists in the omission of the words "either by presentment or," after "court," in line 5. The change is made for the reason that grand juries no longer have authority to prefer presentments.

*Penal Code—Section 919* The change consists in the omission of the words "for the purpose of either presentment or indictment," after "charge," in line 3. The change is made because grand juries have no longer authority to prefer presentments.

*Penal Code—Section 928* The change consists in the substitution of the word "or," in place of "and," between "willful" and "corrupt," in line 6.

*Penal Code—Section 935* The Statute of 1871-2, page 540, authorizing the grand jury or district attorney to require the attendance of an interpreter, is codified in the last sentence, lines 25 to 29.

*Penal Code—Sections 951 to 957* These sections compose Chapter IV of Title IV of Part II of the Penal Code. They relate solely to the proceedings after finding a presentment, and since the adoption of the Constitution of 1879 have been inoperative.

## SENATE BILL No. 478.

*Penal Code—Section 1033* The change consists in the omission of the word "first," after "pending," in line 4, and of the words "where the action is pending. Second—On the application of the district attorney on the ground that from any cause no jury can be obtained for the trial of the defendant in the county where the action is pending," after "county," in line 6, the provision relative to a change of the place of trial in a criminal action on application of the district attorney having been held unconstitutional in *People vs. Powell*, 87 Cal. 348.

*Penal Code—Section 1034* The design of the amendment is to conform this section to the proposed amendment to the last section. The change consists in the insertion of the words "for removal," after "application," in line 3; in the omission of the words "or of the district attorney, as the case may be," after "defendant," in line 4, in the insertion of the word "district," after "the," in line 5; in the omission of the words "of the adverse party," after "attorney," in line 6, and the insertion after "application," in line 7, of the sentence "At the hearing the district attorney may serve and file such counter affidavits as he may deem advisable."

## SENATE BILL No. 479.

*Penal Code—Section 1108* This section is composed of matter taken from Section 1968 of the Code of Civil Procedure.

*Penal Code—Section 1108* The amendment consists in the substitution of the word "eighteen" for "twenty-five," in line 6. The purpose is to conform the section to the provisions of Section 266.

*Penal Code—Section 1110* The amendment consists in the insertion of the word "labor" before "money," in line 6, and in the substitution of the words "or property, whether real or personal," in place of "personal property," in lines 6 and 7, thus conforming the section to the proposed amendment to Section 532. (Senate Bill No. 458.)

## SENATE BILL No. 480.

*Penal Code—Section 1147* The change consists in the omission of the words "at the same or another term," after "tried," in line 8, because there are now no terms of court.

## SENATE BILL No. 481.

*Penal Code—Sections 1171 and 1174* The design of the amendment to these sections is to bring about as far as possible an avoidance of the delay now so common in getting criminal cases to a hearing in the Supreme Court, and to require bills of exceptions in criminal cases to be settled as expeditiously as is compatible with the circumstances of

the case. The phraseology of the present section is changed in certain respects to more clearly express its purpose. The clerk is required upon receipt of the draft to note such receipt thereon, and the judge, upon receipt thereof, is required to immediately designate a time for settlement and have the parties notified thereof, if not present. The time so fixed cannot be changed for the convenience of a party, except upon good cause shown by affidavit.

*Penal Code—Section 1176.* The purpose of this amendment is to correct imperfections and confusion in the language of the present section, and to more clearly point out the duty of the judge in noting his action upon instructions requested by the parties.

#### SENATE BILL No. 482.

*Penal Code—Section 1182.* The change consists in the addition of the words "and the order granting or denying the same must be immediately entered by the clerk in the minutes" after "judgment" in line 4, and is designed to conform the section to the present practice.

#### SENATE BILL No. 483.

*Penal Code—Section 1185.* The change consists in the addition of the words "when determined, the order must be immediately entered by the clerk in the minutes," after "judgment," in line 11, and is designed to conform this section to the present practice.

*Penal Code—Section 1186.* See note to last section.

*Penal Code—Section 1187.* The purpose of this amendment is to give the same effect to an order of the court made on its own motion under Section 1186, as Section 1187 now gives to an order made on motion of the defendant.

#### SENATE BILL No. 484.

*Penal Code—Section 1191.* The change consists in the omission of the words "if the court intend to remain in session so long; but if not, then at as remote a time as can reasonably be allowed," after "verdict," in line 8, because the courts are always open.

*Penal Code—Section 1201.* The change consists in the substitution of the words "a State hospital for the care and treatment of the insane" for "lunatic asylum," after "to," in line 9.

*Penal Code—Section 1206.* The amendment makes the section applicable whether the fine was imposed with or without the alternative of imprisonment. (See *People vs. Brown*, 113 Cal. 35.)

*Penal Code—Section 1207.* The design of the amendment is to conform the section to the proposed amendment to Section 1176 (See Senate Bill No. 481). To effect this the words "and the certified transcript of the charge of the court" are inserted after "thereon," in line 13.

#### SENATE BILL No. 485

*Penal Code—Section 1214.* The amendment makes the rule of the section applicable though the punishment include imprisonment as well as fine. (See *People vs. Brown*, 113 Cal. 35.)

*Penal Code—Section 1221.* The amendment is designed to permit the warden to act without procuring the concurrence of the judge of the superior court, and requires the district attorney to act upon the suggestion of the warden by filing a petition and taking proceedings thereunder to ascertain whether the defendant is insane.

*Penal Code—Section 1221.* The change consists in the substitution of the word "hearing" for "inquisition," in line 8.

*Penal Code—Section 1223.* The amendment requires the verdict to be entered upon the minutes, and the court to thereupon enter an order for the confinement of the defendant in a hospital if he is found to be insane.

*Penal Code—Section 1224.* The amendment provides for the action to be taken when the defendant recovers his reason, and consists in striking out all of the words following "execution," line 6, and in substituting new provisions in lieu thereof, lines 6 to 13.

*Penal Code—Section 1225.* The amendment conforms the section to the proposed change in Section 1221.

*Penal Code—Section 1226.* The change consists in the insertion of the words "certified copy of the finding and certificate" (lines 6 and 7), and of the addition of the provision relative to the Governor's issuing his warrant upon receiving a certificate from the warden (lines 7 to 10).

*Penal Code—Section 1227.* The change consists in the addition of the last sentence (lines 14 to 16), which provides that no appeal can be taken from the order fixing the time for the execution of the judgment.

#### SENATE BILL No. 486.

*Penal Code—Section 1235.* The amendment is designed to make the section conform to Article VI, Section 4, of the Constitution, which provides that the Supreme Court has jurisdiction "in all criminal cases prosecuted by indictment or information in a court of record, on questions of law alone," it having been held (in *People vs. Jordan*, 65 Cal. 644) that it has jurisdiction in all such cases and that if its jurisdiction by appeal is restricted to cases of felony, it would devolve upon it to establish some appropriate system of appellate procedure by which it could review all other convictions based upon an indictment or information.

*Penal Code—Section 1238.* The change consists in the omission of Subdivision 6, because the court cannot make the order therein referred to, its action being limited to



advising the jury to acquit, and if this advice is followed, an appeal is necessarily unavailing because a defendant after his acquittal cannot be placed upon trial. (See *People vs. Stoll*, 28 Cal. Dec., p. 22.)

*Penal Code—Section 1240* The change consists in the omission of the words "or filed," after "entered," in line 4.

*Penal Code—Section 1241* The change consists in the insertion of the words "by affidavit filed therein," after "thereof," in line 5, the present section being entirely silent respecting the mode of proof.

*Penal Code—Section 1245* The change consists in the insertion of the words "the execution of the" before "judgment," in line 4.

*Penal Code—Section 1246* The design of the amendment is to require a copy of the opinion of the Supreme Court to be certified to and sent to the clerk of the court below with the remittitur. The change consists in the insertion of the words "with a copy of the opinion of the court attached thereto," after "entry," in line 5.

#### SENATE BILL No. 487.

*Penal Code—Section 1305* The words "within twenty days after such entry in the minutes" are substituted for the words "before the final judgment of the court," after "time," in line 10.

*Penal Code—Section 1306* The amendment is designed to conform the section to the proposed amendment to Section 1305, and the change consists in the substitution of the words "twenty days from the entry upon the minutes, as provided in the last section" for the words "the adjournment of the court," after the word "after," in line 4.

*Penal Code—Section 1307* The change consists in the insertion of the words "at the end of thirty days, unless the court has before that time discharged the forfeiture," in place of the words "immediately after the adjournment of the court," in lines 6 and 7.

#### SENATE BILL No. 488.

*Penal Code—Sections 1335, 1336, 1337, 1338, 1339, 1340, and 1341* By the amendment to the above sections, the provisions of the statute respecting the conditional examination of witnesses have been extended so far as may be constitutionally done, to the end that the prosecution, except in cases of homicide, may have the same privilege as the accused of taking conditionally the testimony of witnesses who are about to leave the State or who are so sick and infirm as to afford reasonable grounds for apprehending that they will be unable to attend the trial. The proposed change is within the contemplation of that part of Section 13, of Article I of the Constitution, which provides that "the Legislature shall have power to provide for the taking, in the presence of the party accused and his counsel, of depositions of witnesses in criminal cases, other than cases of homicide, when there is reason to believe that the witness, from inability or other cause, will not attend the trial."

#### SENATE BILL No. 489.

*Penal Code—Section 1370* The change consists in the substitution of the words "a State hospital for the care and treatment of the insane," in the place of "insane asylum," in line 8.

*Penal Code—Section 1372* The change consists in the substitution of the words "State hospital" for "asylum," in lines 7 and 8.

*Penal Code—Section 1373* The change consists in the substitution of the words "State hospital" for "asylum," in lines 3 and 4.

#### SENATE BILL No. 490.

*Penal Code—Section 1388* The change consists in the insertion of the words "of a minor," after "prosecution," in line 1, and the insertion of the word "the" before "custody," in line 22.

#### SENATE BILL No. 491.

*Penal Code—Section 1390* The change consists in the substitution of the word "complaint" for "information or presentment," in line 3.

*Penal Code—Section 1391* The change consists in the substitution of the word "complaint" for "presentment," in line 10.

#### SENATE BILL No. 492.

*Penal Code—Section 1425* This section contains the matter now in Section 115 of the Code of Civil Procedure.

*Penal Code—Section 1427* The change consists in the addition of the matter in lines 19 to 28, providing a mode for compelling a corporation to appear in response to a complaint accusing it of a misdemeanor.

#### SENATE BILL No. 493.

*Penal Code—Section 1475* The change consists in the addition of the last sentence in subdivision 2 (lines 11 to 17). The purpose of the amendment is to prevent one who, after a hearing upon habeas corpus, has been remanded to custody from applying thereafter to the same or another superior court or judge, unless upon some ground not existing at the issuing of the prior writ, or unless upon some point of law not raised at the hearing upon the return of the prior writ.

## SENATE BILL No. 494.

*Penal Code—Section 1510* The amendment consists of the last two sentences (lines 12 to 18). The matter thus added to the section is a codification of a part of the provisions of Section 3 of the Act of 1871-2, page 403, as amended by the Statute of 1875-6, page 379, respecting jurors summoned to act at coroners' inquests.

*Penal Code—Section 1511a* This section is a codification of Section 6 of the Act of 1871-2, page 403, above referred to.

*Penal Code—Section 1511* Section 7 of the statute last referred to is codified in this section.

*Penal Code—Section 1512* The change consists in the insertion of the words "or hold a post mortem examination thereon, or a chemist to make analysis of the tissues of the body of the deceased" after "body," in line 9. This provision is taken from Sections 1 and 2 of the Statute of 1871-2, page 403, above referred to.

*Penal Code—Section 1514a* This is a codification of Section 15 of the Act of 1871-2, page 403, relating to coroners.

*Penal Code—Section 1515* The change consists in the insertion of the words "and all recognizances taken by him," after the word "inquisition," in line 6.

## SENATE BILL No. 495.

*Penal Code—Section 1541* The amendment consists in the omission of the word "together," after "annex," in line 3, and in the omission of all of the section following "inventory," in line 4, and in the substitution thereof of a provision to the effect that if the magistrate has not power to inquire into the offense, he must file the warrant and the deposition and return with the clerk of the court having power to so inquire

## SENATE BILL No. 496.

*Penal Code—Section 1541a* This section is a codification of the Statute of 1875-6, page 355, providing for the offering of rewards by the Governor.

## SENATE BILL No. 497.

*Penal Code—Section 1603* The change consists in the substitution of the words "judge of the superior court" in place of "county judge," in line 5, and the substitution of the word "order" for "appointment," in line 8.

*Penal Code—Section 1605* The change consists in the substitution of the words "judge of the superior court" for "county judge," in lines 5 and 6.

*Penal Code—Section 1615* This section is a codification of Section 1 of the Statute of 1883, page 280, to protect the public health.

## SENATE BILL No 543

*Penal Code—Section 600* The change consists in the insertion of the words "or telephone," before "poles," in line 11.

Respectfully submitted.

DREW, Chairman.

## REPORTS OF STANDING COMMITTEES.

The Committee on State Prisons and Reformatory Institutions submitted the following report, which was read:

## ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 860--An Act providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof--have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 901--An Act to amend Section 111 of the Penal Code of the State of California, relating to the expenses of prosecuting escapes from, and crimes committed within State prisons, and the expenses of coroner's inquests of any deceased convict--have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Assembly Bill No. 859--An Act to permit the Board of State Prison Directors, the Board of Managers of the Preston School of Industry and the Board of Trustees of the Whittier State School to employ the inmates of the State prisons, the Preston School of Industry and the State School at Whittier in the manufacture of such articles or at such labor as can be utilized for the benefit of the public institutions owned or managed and controlled by the State, or any of the political divisions thereof--have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that it do pass as amended.

McKENNEY, Chairman.

Assembly Bills Nos. 860, 901, and 859 ordered on second-reading file.

The Committee on Engrossment and Enrollment submitted the following reports, which were read:

## ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reengrossed:

Assembly Bill No. 421—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 186 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class.

Assembly Bill No. 602—An Act to amend Sections 1817, 1818, and 1820 of the Political Code, all relating to county and city and county school tax.

Assembly Bill No. 11—An Act to abate the gopher and squirrel nuisance upon or adjacent to cultivated lands, and for the protection of agriculture and horticulture from destruction by said gophers and squirrels, and to provide for the enforcement of this Act

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 799—An Act authorizing and empowering boards of supervisors of the counties of this State to change the names of streets and avenues.

Assembly Bill No. 800—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 180 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-third class.

Assembly Bill No. 931—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 102—An Act to appropriate the sum of \$1,000 to pay the claim of Sergeant-Major Eugene De Sparr

Assembly Bill No. 81—An Act to appropriate \$410 to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 596—An Act providing for an appropriation of \$3,000 for the purpose of improving the grounds and repairing the buildings of Sutter's Fort, and for the necessary incidental expenses for maintenance.

Assembly Bill No. 561—An Act to establish and maintain a home for aged and disabled members of the State of California, and appropriating money therefor.

Assembly Bill No. 464—An Act to pay the claim of D. D. McLaren against the State of California.

Assembly Bill No. 297—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of Public Instruction.

Assembly Bill No. 806—An Act to appropriate the sum of \$1,000 for the purpose of erecting a monument to permanently designate the place where the treaty of Cahuenga was effected, between Colonel John C. Fremont and General Andrés Pico, upon the 13th day of January, 1846; and to provide for the appointment of a commission to superintend the erection of said monument, and to prescribe their duties.

Assembly Bill No. 839—An Act to amend Section 12 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901

Assembly Bill No. 752—An Act to amend the Political Code by adding thereto a new section to be numbered 1874a, creating the office of Secretary to the State Text-Book Committee, defining the duties pertaining to said office, authorizing the said text-book committee to elect a secretary to fill said office, and fixing his compensation, and to repeal all Acts and parts of Acts in conflict with this Act

Assembly Bill No. 789—An Act to increase the number of judges of the Superior Court of the County of Shasta, State of California, and for the appointment of such additional judge

Assembly Bill No. 893—An Act to amend Section 1593 of the Political Code, relating to elections for school trustees.

Assembly Bill No. 834—An Act to amend Section 164 of the Civil Code, relating to separate and community property.

Assembly Bill No. 751—An Act to prescribe a method of electing boards of education in cities controlled by charters other than those controlled by the city and county government.

Assembly Bill No. 925—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 21, 1872, by amending Section 340 thereof, relating to the time within which certain actions must be commenced.

Assembly Bill No. 373—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Assembly Bill No. 798—An Act to select and adopt the colors "Green and Gold" as the State colors of California.

Assembly Bill No. 534—An Act to appropriate the sum of \$2,000 to pay the claim of W. C. Van Fleet for legal services rendered the State of California in the Superior Court of the City and County of San Francisco and the Supreme Court of the State of California, in an action entitled Jeremiah F. Sullivan, et al., vs. Henry T. Gage, et al., constituting the State Board of Examiners.

Assembly Bill No. 326—An Act to amend Section 10 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to holidays.

DEVLIN, Chairman.

The above bills ordered on file.

The Committee on Swamp and Overflowed Lands and Drainage submitted the following report, which was read:

#### ON SWAMP AND OVERFLOWED LANDS AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands and Drainage, to whom was referred Assembly Bill No. 718—An Act to provide continuous support for the prosecution of the work of river improvement, to create a fund therefor, and to make an appropriation for the commencement of such work.

Also: Assembly Bill No. 720—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered Section 1265, relating to proceedings to condemn property for a public use in the name of the people of the State of California, and providing procedure in such cases.

Also: Senate Bill No. 189—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, by majority vote

MOORE, Chairman.

Assembly Bills Nos. 718 and 720 ordered on second-reading file.

Senate Bill No. 189 ordered to second reading on special Senate file.

The Committee on Claims submitted the following report, which was read:

#### ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905

MR. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 565—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SEVERANCE, Chairman.

Senate Bill No. 565 ordered to second reading on the special Senate file.

The Committee on Roads and Highways submitted the following report, which was read:

#### ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 632—An Act to classify the roads in the State of California, and to define each class—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass

COYLE, Chairman

Assembly Bill No. 632 ordered on second-reading file.

The Committee on Judiciary submitted the following report, which was read:

#### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 851—An Act to amend Section 3366 of the Political Code, relating to the imposition and collection of license taxes by counties, incorporated cities, and towns—reports the same back, with six amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 940—An Act to amend Sections 1323 and 1324 of the Code of Civil Procedure of the State of California—reports the same back, with the recommendation that it do not pass.

Also: Assembly Bill No. 109—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 487 thereof, relating to grand larceny—reports the same back, with two amendments, and with the recommendation that it do pass as amended, by a majority vote.

Also: Assembly Bill No. 912—An Act to amend Section 622a of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to taxation of insurance companies—reports the same back, with the recommendation that it be re-referred to the Committee on Revenue and Taxation.

Also: Assembly Bill No. 375—An Act to amend Section 1536, Penal Code of California, relating to search warrants—reports the same back, without recommendation.

Also: Assembly Bill No. 377—An Act to amend Section 1524, Penal Code of California, relating to search warrants—reports the same back, without recommendation.

Also: Assembly Bill No. 942—An Act to amend Section 791 of the Political Code, relating to the number of notaries public—reports the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 813—An Act to amend Sections 245 and 246 of the Political Code of the State of California, relating to the officers of the Senate and Assembly—reports the same back, with six amendments, and with the recommendation that it do pass as amended, by a majority vote.

Also: Assembly Bill No. 764—An Act to regulate the operation of motor vehicles on public highways—reports the same back, with seven amendments, and with the recommendation that it do pass as amended.

Also: Senate Bill No. 403—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation thereof—reports the same back, with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 907—An Act to amend Section 281 of the Political Code, relating to the duties of guardians of insane persons—reports the same back with three amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 569—An Act to amend Section 1185 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to liens—reports the same back, with the recommendation that it do not pass.

Also: Assembly Bill No. 81—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1672 of said Political Code, relating to sectarian books and teachings in public schools—reports the same back, with the recommendation that it do not pass.

Also: Assembly Bill No. 35—An Act to amend Section 159½ of the Penal Code, making it a misdemeanor to advertise, solicit, advise, or offer to obtain or procure a divorce or nullity of marriage by advertising—reports the same back, with three amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 168—An Act amending Section 170 of the Code of Civil Procedure—reports the same back, with six amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 613—An Act to add a new section to the Code of Civil Procedure, the said section to be designated 1166a, relating to actions for obtaining possession of real property, to the manner in which tenants may be ejected, and providing the form of the complaint, the form and amount of the undertaking, and the form of the writ of ejectment, and the manner of executing and serving the writ—reports the same back, with two amendments, and with the recommendation that it do pass as amended, by a majority vote.

Also: Assembly Bill No. 754—An Act to amend an Act entitled "An Act to establish a Penal Code," providing for the punishment and removal of officers who fail to do their duty—reports the same back, without recommendation.

Also: Assembly Bill No. 343—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 283 thereof, relating to the punishment for the crime of bigamy—reports the same back, with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 921—An Act to amend Section 1368 of the Penal Code, relating to doubts as to sanity of the defendant, and how determined—reports the same back, with two amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 922—An Act to amend Section 345 of the Code of Civil Procedure, relating to actions brought by the people—reports the same back, with amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 368—An Act to regulate the practice of running and operating motor vehicles—reports the same back, with the recommendation that it do not pass.

Also: Assembly Bill No. 949—An Act to amend the Political Code by adding a new section thereto, to be numbered 1033, relating to compensation of State officers—reports the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 950—An Act to amend Section 1 of an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899—reports the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 960—An Act providing for furnishing sheriffs and chiefs of police with certain information, descriptions, and photographs of persons confined in the State prison by wardens of State prisons—reports the same back, with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 532—An Act protecting the claims of those who may furnish materials or labor for the working or developing of mining properties under powers which are obtained by bond or a trust deed—reports the same back, with the recommendation that it do not pass.

Also: Assembly Bill No. 957—An Act to amend the Civil Code by adding a new section thereto, to be numbered 1154 to Title IV of Part IV, Chapter III, Article III, relating to gifts of personal property in expectation of death—reports the same back, with the recommendation that it do not pass.

DURYEA, Chairman.

Assembly Bills Nos. 851, 940, 109, 375, 377, 942, 813, 764, 907, 569, 31, 35, 168, 613, 754, 343, 921, 922, 368, 949, 950, 960, 532, and 957 ordered on the second-reading file.

Assembly Bill No. 912 ordered on the second-reading file, and referred to the Committee on Revenue and Taxation.

Senate Bill No. 402 ordered to second reading on special Senate file.

The Committee on Rules and Regulations submitted the following report, which was read:

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905

MR. SPEAKER: A majority of your Committee on Rules and Regulations, to whom was referred the following resolution by Mr. McGowan:

(To fix time for consideration of Code Revision bills)

"WHEREAS, The literary exercises for the celebration of the birthday of George Washington have been set for next Wednesday evening; and

"WHEREAS, The special order heretofore set for said evening is the consideration of Code Revision bills; therefore, be it

"Resolved, That the Special File of Code Revision bills be for said week considered on Tuesday evening instead of Wednesday evening, and that after said Wednesday evening the original rule adopted as to the consideration of said bills stand unchanged."

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same be adopted

Mc CARTNEY, Chairman.

Mr. McCartney moved the adoption of the report and resolution.

Upon being put to a vote, the report and resolution were declared adopted.

The Committee on Contingent Expenses and Accounts submitted the following report and resolution, which were read:

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

MR. SPEAKER: I hereby certify that the Assembly on this day passed the following resolution:

Resolved, That the State Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Assembly in favor of the Chief Clerk of the Assembly for the sum of \$510, in payment for 85 copies of Fairall's Criminal Law and Procedure, as per resolution adopted February 17, 1905, and the State Treasurer is hereby authorized and directed to pay the said warrant.

CLIO LLOYD, Chief Clerk

By TOM WALKER, Assistant.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred resolution relating to payment for Fairall's Criminal Law and Procedure, have had the same under consideration and recommend the same do pass.

CROMWELL, Chairman.

Mr. Cromwell moved the adoption of the report and resolution.

The roll being called, the report and resolution were declared adopted by the following vote:

AYES—Messrs Amerige, Anthony, Atkinson, Barnes, Bates, Beckett, Boyle, Branstetter, Burge, Busick, Chandler, Cleveland, Coyle, Creighton, Cromwell, Cullen, Drew, Duryea, Espey, Gans, Goodrich, Hartman, Held, Johnson, Jury, Lucey, Lynch, McNa-

mar, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Strobridge, Strohl, Transue, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—48

Notes—Messrs. Beardslee, Hawkins, McCartney, and Olmsted—4

#### INTRODUCTION AND REFERENCE OF BILLS.

Bills were introduced and referred, as follows:

By Mr. O'Brien: Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Article XIV by adding a new section thereto, to be known as Section 3, relating to levees and drainage.

Referred to Committee on Swamp and Overflowed Lands.

By Mr. Weyand: Assembly Bill No. 1123—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 199 thereof, relating to the fees and salaries of county and township officers in counties of the forty-second class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Drew: Assembly Bill No. 1124—An Act to amend Sections 204, 205, 206, and 241 of the Code of Civil Procedure, relating to jurors for courts of record.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1125—An Act to amend Section 230 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 248, both relating to jurors.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1126—An Act to amend Section 1616 of the Code of Civil Procedure, relating to fees and allowances of executors, administrators and their attorneys.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1127—An Act to amend Sections 1431 and 1432 of the Code of Civil Procedure, both relating to the transfers of administrations.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1128—An Act to add a new section to the Code of Civil Procedure, to be numbered 1471, relating to the setting apart of homesteads and other property exempt from execution, belonging to estates of decedents.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1129—An Act to repeal Article II, of Chapter V, of Title XI, of Part III of the Code of Civil Procedure, and to substitute a new Article II to take the place thereof in said Code, relating to proceedings to set aside homesteads.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1130—An Act to amend Sections 1658, 1660, 1661, 1665, 1668, and 1669, and to repeal Section 1663 of the Code of Civil

Procedure, all relating to the distribution of the estates of deceased persons.

Read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Whiting: Assembly Bill No. 1131—An Act to amend Section 1143 of the Penal Code, relating to the payment of jurors' fees.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1132—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be numbered Section 196, relating to the fees of jurors.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XI, by adding thereto a new section, to be known as Section 20, relating to fixing the compensation of jurors.

Referred to Committee on Judiciary.

By Mr. Cleveland: Assembly Bill No. 1133—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of, and for the annexation of territory to, incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889, relating to the alterations of the boundaries of and for the annexation of territory to incorporated towns and cities.

Read first time, and referred to Committee on Counties and County Boundaries.

By Mr. Waste: Assembly Bill No. 1134—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities."

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Held: Assembly Bill No. 1135—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known and numbered as Section 1881½, relating to damages caused to sheep, cashmere and angora goats by the ravages of dogs.

Read first time, and referred to Committee on Judiciary.

By Mr. Amerige: Assembly Bill No. 1136—An Act providing for the establishment and maintenance of a pathological laboratory for the investigation of plant diseases and cultural conditions.

Read first time, and referred to Committee on Universities.

By Mr. Transue: Assembly Constitutional Amendment No. 28—Relative to amending the Constitution of the State of California by repealing Sections 4 and 5 of Article XIII, and by amending Section 1 of said article.

Referred to Committee on Constitutional Amendments.

By Committee on Judiciary: Assembly Bill No. 1137—An Act to amend Sections 702 and 703 of the Code of Civil Procedure, relating to the redemption of property sold under execution.

Read first time, and placed on file.

By Mr. Thompson: Assembly Bill No. 1138—An Act to amend the Civil Code of the State of California by adding two new sections thereto,



to be numbered 2943 and 2944, relating to the notice to be given by trustees upon making sale of real estate, and to the deed to be executed by trustees after making sales.

Read first time, and referred to Committee on Judiciary.

By Mr. Beckett: Assembly Bill No. 1139—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor, and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and prohibiting the use of the word "trust" in combination or connection with the word "company," "corporation," "incorporation," "association," "society," "organization," or "syndicate," by any person, corporation, or association which is not subject to the provisions of the Act last mentioned.

Read first time, and referred to Committee on Banks and Banking.

#### RESOLUTION.

Mr. Gans offered the following resolution, which was read:

(Privileges of the floor to be extended on occasion of presentation of flag to the State)

*Resolved*, That the privileges of the floor at 12 o'clock n., February 22, 1905, be extended to the Governor and Adjutant-General of the State of California and to the officers of the First California Regiment of the State Militia, for the purpose of the presentation to the State of California of the flag used by the said First California Regiment during the Philippine insurrection.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

Leave was granted for the introduction and reference of bills, as follows:

By Committee on State Prisons and Reformatory Institutions: Assembly Bill No. 1140—An Act to authorize the Board of Trustees of the Whittier State School to contract for the care and keeping of girls committed to said school in charitable or benevolent institutions or with private persons, and to pay for their care while in such institutions or with such persons.

Read first time, and placed on file.

Also: Assembly Bill No. 1141—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code of the State of California, to be known as Section 28, providing for the release and discharge of persons now confined in or that may hereafter be admitted to any penitentiary, prison, jail, house of detention, reform school, or other penal institution, by whatever name the same may be now or hereafter known, under conviction for a penal offense, on a Monday," which became a law under constitutional provision without Governor's approval, March 9, 1903.

Read first time, and placed on file.

By Mr. O'Brien: Assembly Bill No. 1142—An Act to amend Section 869 of the Penal Code, relating to the authentication of depositions in cases of homicide.

Read first time, and referred to Committee on Judiciary.

By Mr. Busick: Assembly Bill No. 1143—An Act to amend Section 685 of the Code of Civil Procedure, relating to the enforcement or carrying into execution of judgment after the lapse of five years from the date of entry.

Read first time, and referred to Committee on Judiciary.

By Mr. Pyle: Assembly Bill No. 1144—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Read first time, and referred to Committee on Revenue and Taxation.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

Leave was granted to the Committee on Commerce and Navigation to submit the following report (out of order), which was read:

## ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred reengrossed Senate Bill No. 459—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties and providing for their compensation—have had the same under consideration, and respectfully report the same back, with recommendation that it do pass.

HARTMAN, Chairman.

Senate Bill No. 459 ordered on second-reading file.

## UNFINISHED BUSINESS.

The following bills on the unfinished business file were called up:  
Assembly Bill No. 468—An Act to amend Section 626<sup>m</sup> of the Penal Code of the State of California, relating to hunting at night-time.

Passed on file.

Assembly Bill No. 219—An Act to repeal Sections 3824 and 3825 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Passed on file.

## EXCUSED FOR THE DAY.

Messrs. Cooper, Mitcheltree, and Arnerich were excused for the day.

## SPECIAL FILE.

Bills on the special file were taken up for consideration, as follows:

Assembly Bill No. 865—An Act to prohibit the sale of spirits, liquors, or wines without a State license, to provide for the issuance of such a license, and for the violation of the provisions of this Act, and prescribing the duties of certain officers in connection therewith.

Passed on file.

Assembly Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 61 of said Act, relating to county officers.

Passed on file.

Assembly Bill No. 299—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class.

Passed on file.

Assembly Bill No. 818—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 25 of said Act a new subdivision, to be known as Section 6½, and relating to coöperation by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services.

Passed on file.

Assembly Bill No. 619—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.

Passed on file.

SPEAKER PRO TEM. CALLED TO THE CHAIR.

Speaker Hon. Frank C. Prescott, at eleven o'clock and thirty minutes A. M., called Speaker pro tem. Hon. T. E. Atkinson to the chair.

SPECIAL FILE—(RESUMED).

Assembly Bill No. 873—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1888, by amending Section 167, relating to counties of the tenth class, and providing for certain increases of salaries and deputies.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Creighton, Cullen, Duryea, Ellis, Espey, Estudillo, Gans, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Jones of Tuolumne, Jury, Lynch, McCartney, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaefle, Pryor, Pyle, Rolley, Severance, Strobidge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Weyand, Whiting, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER RESUMES THE CHAIR.

At eleven o'clock and thirty-seven minutes A. M., Speaker Hon. Frank C. Prescott resumed the chair.

SPECIAL FILE—(RESUMED).

Assembly Bill No. 849—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof, relating to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Bates, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Cullen, Ellis, Espey, Estudillo, Gans, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Jones of Tuolumne, Jury, King, Lynch, McCartney, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaefle, Pryor, Pyle, Severance, Strobidge, Strohl, Transue, Treadwell, Tripp, Vogel, Weyand, Whiting, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 664—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to the designation of one of the prisons of the State as a reformatory, relating to the powers of the State Board of Prison Directors, relating to the selection and duties of the wardens, relating to the transfer of prisoners, and to other matters incident thereto.

BILL WITHDRAWN.

Mr. McKenney requested, and was granted, leave to withdraw Assembly Bill No. 664.

Assembly Bill No. 525 (identical with Senate Bill No. 364)—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.

Passed on file.

Assembly Bill No. 440—An Act to amend Section 10 of an Act entitled "An Act creating a State commission on voting or balloting machines; defining their powers, and providing for the use, at the option of indicated local authorities, of voting or balloting machines for receiving or registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result of such elections, and providing for the punishment of all violations of the provisions of this Act relating to voting machines."

Passed on file.

Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the right of suffrage.

Passed on file.

Assembly Bill No. 527—An Act to add a new section, to be known as Section 42½, to an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893; extending the provisions of Sections 19 to 33, inclusive, and Sections 39 to 42, inclusive, of said Act, to primary elections, and so providing for punishment of offenses at primary elections.

Passed on file.

Assembly Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 183 thereof, relating to salaries and fees of county and township officers in counties of the twenty-sixth class.

Passed on file.

Assembly Bill No. 697—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.

Read third time.

## SELECT COMMITTEE AMENDMENTS.

Mr. Duryea moved that a select committee of one be appointed to amend Assembly Bill No. 697, as follows:

## AMENDMENT No. 1.

Strike out of line 11 the word "an," and all of lines 12, 13, and 14, and insert in lieu thereof the following: "Such additional amount as shall be necessary to pay field deputy registration clerks for taking affidavits of registration outside of the office at the rate of ten cents each."

Amendment adopted.

## AMENDMENT No. 2.

Strike out of line 18, page 2 of the printed bill, all after the word "law," and all of lines 19, 20, 21, and 22, and insert in lieu thereof a period (.).

Amendment adopted.

Mr. Duryea was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 697, with instructions, does now report that the instructions of the Assembly have been carried out.

DURYEA, Committee.

Report of select committee of one adopted.

Assembly Bill No. 697 ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 802—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Bill read second time.

Mr. Duryea offered the following amendments, which were read:

## AMENDMENT No. 1.

Amend by striking out of line 11, page 1 of the printed bill, the words "two thousand four," and insert in lieu thereof the word "fifteen."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out of line 13, page 2 of the printed bill, the word "five."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out of line 16, page 2 of the printed bill, the words "one thousand five," and insert in lieu thereof the word "eighteen."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out of line 20, page 2 of printed bill, the word "nine," and insert in lieu thereof the word "five."

Amendment adopted.

## AMENDMENT No. 5.

Amend by striking out of line 25, page 2 of the printed bill, the words "two thousand," and insert in lieu thereof the words "fifteen hundred."

Amendment adopted.

Assembly Bill No. 802 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 832—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 25 of said Act a new subdivision, to be known as Section 64, and relating to coöperation by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services.

Passed on file.

Assembly Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 12 of Article XIII, relating to revenue and taxation.

Passed on file.

Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 19, of Article V, of said Constitution, relating to the compensation of State officers.

Passed on file.

Assembly Constitutional Amendment No. 13—A resolution proposing to the people of the State of California an amendment to Article XI of the Constitution of the State of California by adding a new section thereto, to be numbered Section 13½ of Article XI, relating to the making of public bonds payable at any place in the United States.

Passed on file.

Assembly Constitutional Amendment No. 14—A resolution proposing to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters.

Passed on file.

Assembly Bill No. 15—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof, in relation to the fees, salaries, and compensation of officers of counties of the eighteenth class, for services required of them by law or by virtue of their offices.

Passed on file.

Assembly Bill No. 197—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 25, 1901.

Passed on file.

Assembly Bill No. 198—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, by amending Section 34 of said Act.

Assembly Bill No. 908—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 25, 1901, and amended March 19, 1903, by amending Section 200 thereof, relating to the compensation of officers of the forty-third class.

Passed on file.

Assembly Bill No. 876—An Act to amend Section 20 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to county and township officers of counties of the sixteenth class, and providing for the compensation of such officers and their deputies.

Passed on file

Assembly Bill No. 562—An Act appropriating the sum of \$2,160 for rental of a building or buildings for the use of the San Francisco State Normal School.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Beckett, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cullen, Devlin, Dorsey, Duryea, Ellis, Gans, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfæffle, Pryor, Pyle, Severance, Stobridge, Strohl, Thompson, Transue, Tripp, Vogel, Walsh, Weyand, Whiting, and Mr Speaker—67.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 748—An Act to add a new section to the Political Code, to be numbered 1366a, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

Read second time.

Assembly Bill No. 748 ordered to engrossment and on third-reading special file.

Assembly Bill No. 915—An Act to add a new section to the Political Code of the State of California, to be known as Section 1264a, relating to canvassing and returning the vote, and the delivery and custody of the roster of voters, after elections and primary elections.

Read second time.

Assembly Bill No. 915 ordered to engrossment and on third-reading special file.

Assembly Bill No. 917—An Act to amend Section 1204 of the Political Code of the State of California, relating to election tickets and ballots, and the manner of voting.

Read second time.

Assembly Bill No. 917 ordered to engrossment and on third-reading special file.

Assembly Bill No 916—An Act to add a new section to the Political Code of the State of California, to be known as Section 1367a, relating to primary elections, and the manner of voting thereat.

Read second time.

Assembly Bill No. 916 ordered to engrossment and on third-reading special file.

#### THIRD-READING FILE.

The following bills were considered on the third-reading file:

Assembly Bill No. 56—An Act to amend Section 103 of the Code of

Civil Procedure of the State of California, relating to justice courts and justices.

Passed on file.

Assembly Bill No. 364—An Act giving to superior judges the right to impose indeterminate sentences, and prescribing the method of imposing the same.

Passed on file.

Assembly Bill No. 212—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act providing for the sale of railroad and other franchises in municipalities, and relative to the granting of franchises,'" approved March 23, 1893.

Passed on file.

Assembly Bill No. 176—An Act to amend Section 3788 of the Political Code of the State of California, relating to redemption of lands from tax sales.

Passed on file.

Assembly Bill No. 155 (identical with Senate Bill No. 8)—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

#### BILL WITHDRAWN.

Mr. Olmsted requested, and was granted, leave to withdraw Assembly Bill No. 155, it being identical with Senate Bill No. 8.

#### THIRD-READING FILE—(RESUMED).

Mr. Houser was granted leave to call up Assembly Bill No. 804 (No. 224 on file), in place of Assembly Bill No. 443 (No. 82 on file).

Assembly Bill No. 804—An Act to amend Section 2 of an Act approved March 24, 1903, entitled "An Act to provide for the laying out, opening, extending, widening or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities; for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement."

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Chandler, Cleveland, Coyle, Creighton, Cullen, Devlin, Dorsey, Duryea, Ells, Gans, Hartman, Hawkins, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Strohbridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Walsh, Weyand, Whiting, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### SPECIAL ORDER.

Mr. Coghlan was granted leave to call up special order (No. 4 on file).

Senate Bill No. 344—An Act making it a misdemeanor to sell or exchange property under the representation, advertisement, notice, or inducement that an unidentified, unknown, unselected, or chance prize, premium, or premium-gift, or that a stamp, trading-stamp, coupon, or



other like device entitling the holder to receive such a prize, premium, or premium-gift, or that the redemption of such a stamp, trading-stamp, coupon, or other like device so given, is to be part of the transaction, or to sell or exchange any trading-stamp, stamp, coupon, or other like device to aid such sale or exchange as aforesaid, and providing a penalty therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Coghlan, Coyle, Creighton, Cullen, Devlin, Dorsey, Duryea, Ells, Gans, Hartman, Hawkins, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Strobbridge, Strohl, Transue, Tripp, Vogel, Walsh, Weyand, Whiting, and Mr. Speaker—58.

**NOES**—Mr. Cleveland—1.

Title read and approved.

Bill ordered transmitted to the Senate.

### THIRD-READING FILE—(RESUMED).

Mr. McCartney was granted leave to call up Assembly Bill No. 39 (No. 167 on file) in place of Assembly Bill No. 212 (No. 79 on file).

Assembly Bill No. 39—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 939 and 963 of said Code of Civil Procedure, relating to appeals.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Boyle, Branstetter, Burke, Busick, Chandler, Coghlan, Coyle, Creighton, Cullen, Devlin, Duryea, Ells, Gans, Hartman, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jury, King, Lucey, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Weyand, Whiting, and Mr. Speaker—57.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Mr. Olmsted was granted leave to call up Assembly Bill No. 902 (No. 229 on file) in place of Assembly Bill No. 155 (No. 81 on file).

Assembly Bill No. 902—An Act to amend Section 2189 of the Political Code, relating to the discharge of persons from State hospitals.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Barnes, Boyle, Branstetter, Busick, Coghlan, Coyle, Creighton, Cullen, Devlin, Dorsey, Duryea, Ells, Gans, Hartman, Hawkins, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, McCartney, McGowan, McKenney, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Strobbridge, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Weyand, Whiting, and Mr. Speaker—60.

**NOES**—Mr. Chandler—1.

Title read and approved.

Bill ordered transmitted to the Senate.

## EXCUSED FOR THE DAY.

Mr. Bliss, on motion of Mr. Bates, was excused for the day, on account of sickness in his family.

Mr. Treadwell moved to take up messages from the Governor.

Motion carried.

## MESSAGE FROM THE GOVERNOR.

The following message from His Excellency, Governor George C. Pardee, was read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }  
SACRAMENTO, February 20, 1905

*To the Assembly of the State of California.*

GENTLEMEN: I have the honor respectfully to return Assembly Bill No. 54—"An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justices' courts"—without my signature, for the following reason: It appears, from a careful reading of the bill, that it may be possible, even probable, that, were this bill to become a law, certain fines and forfeitures now turned into the funds of the Fish and Game Commission would be covered into city or town treasuries. As the funds at the disposal of the Fish and Game Commission are, even with these fines and forfeitures, hardly sufficient to properly conduct the affairs of the commission, and as it was not the intention of the author of the measure to deprive the Fish and Game Commission of these very necessary revenues, I have, with the author's full knowledge and consent, withheld my signature.

I am informed that in place of this measure there has been introduced into the Legislature another bill containing the same provisions as those contained in Assembly Bill No. 54, but also expressly exempting from its provisions the fines and forfeitures which, at present, go to the Fish and Game Commission.

I respectfully recommend to the Legislature the passage of the new measure.

Very respectfully, your obedient servant,

GEO. C. PARDEE, Governor.

The message was ordered printed in the Journal and placed on the unfinished business file for further consideration.

## TIME FOR RECESS EXTENDED.

Mr. Treadwell, at twelve o'clock and twenty-nine minutes P. M., moved that the hour for recess be extended for five minutes.

Motion carried.

## MESSAGES FROM THE GOVERNOR.

The following messages from His Excellency, Governor George C. Pardee, were read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }  
SACRAMENTO, February 20, 1905.

*To the Assembly of the State of California*

GENTLEMEN: I have the honor respectfully to return Assembly Bill No. 55—"An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures"—without my approval, for the following reason: It appears, from a careful reading of the bill, that it may be possible, even probable, that, were this bill to become a law, certain fines and forfeitures now turned into the funds of the Fish and Game Commission would be covered into city or town treasuries. As the funds at the disposal of the Fish and Game Commission are, even with these fines and forfeitures, hardly sufficient to properly conduct the affairs of the commission, and as it was not the intention of the author of the measure to deprive the Fish and Game Commission of these very necessary revenues, I have, with the author's full knowledge and consent, withheld my signature.

I am informed that in place of this measure there has been introduced into the Legislature another bill containing the same provisions as those contained in Assembly Bill No. 55, but also expressly exempting from its provisions the fines and forfeitures which, at present, go to the Fish and Game Commission.

I respectfully recommend to the Legislature the passage of the new measure.

Very respectfully, your obedient servant,

GEO. C. PARDEE, Governor.

The message was ordered read, and placed on the unfinished business file for further consideration.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }  
SACRAMENTO, February 20, 1905.

*To the Assembly of the State of California*

I have the honor to inform your honorable body that I have approved Assembly Bill No. 281—An Act to amend the Political Code by adding thereto a new section, to be numbered 421, relating to watchmen employed in the State Capitol and for the Governor's Mansion, and providing for their salaries.

Also: Assembly Bill No. 215—An Act to repeal Section 8 of the Civil Code and to amend Section 9 thereof, both relating to holidays.

Very respectfully, your obedient servant,

GEO. C. PARDEE, Governor.

The message was ordered printed in the Journal.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }  
SACRAMENTO, February 20, 1905.

*To the Assembly of the State of California*

GENTLEMEN. I have the honor respectfully to return to your honorable body, without my approval, Assembly Bill No. 227—An Act to amend Section 1 of an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, relating to the burial of soldiers who served in the war with Spain and in the Philippine insurrections—for the following reason:

It appears to me to be plain that the results desired to be obtained by Assembly Bill No. 227 are already provided for in the Act of 1889, as amended in 1901.

In this regard, it is but fair to say that the author of Assembly Bill No. 227, Mr. Speaker Prescott, upon having his attention called to the fact recited above, freely acquiesced in the opinion that the said bill is unnecessary and, therefore, ought not to become a law.

Very respectfully, your obedient servant,

GEO. C. PARDEE, Governor.

The message was ordered printed in the Journal, and placed on unfinished business file for further consideration.

#### RESOLUTION—(OUT OF ORDER).

Mr. Lumley was granted leave to introduce the following resolution (out of order):

(Accepting resignation of Clerk Petterson)

*Resolved*, That the name of A. S. Petterson be stricken from the rolls of the Assembly as clerk of committee, the same to date from this day, and that the accompanying resignation of said A. S. Petterson as such attaché be printed in the Journal.

SACRAMENTO, CALIFORNIA, February 20, 1905.

*To the Assembly of the State of California*

I hereby tender my resignation as committee clerk to date from this day, and request that the same be accepted at once.

(Signed:) A. S. PETTERSON.

Resolution adopted.

RECESS.

At twelve o'clock and thirty-five minutes P. M., Mr. Atkinson moved that a recess be taken until two o'clock P. M.

Motion carried, and recess declared.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.

The Speaker, Hon. Frank C. Prescott, in the chair.

#### VOTE ON SENATE BILL RECONSIDERED.

Mr. McGowan called up his notice of reconsideration and moved to reconsider the vote whereby Senate Bill No. 150 was refused final passage on the last legislative day of the Assembly.

Senate Bill No. 150—An Act to amend Section 2 of an Act entitled "An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California located on the water-front at San Francisco, California," approved March 25, 1901.

The question being, "Shall the Assembly reconsider the vote whereby Senate Bill No. 150 was refused final passage?"

The roll was called, and the vote reconsidered by the following vote:

**AYES**—Messrs. Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Cleveland, Coyle, Creighton, Cullen, Duryea, Ellis, Hawkins, Held, Johnson, Jones of Tuolumne, Jury, Lumley, McCartney, McGowan, McKenney, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Strobbridge, Strohl, Thompson, Transue, Treadwell, Vogel, Weyand, Whiting, and Mr. Speaker—44.

**NOES**—Messrs. Amerige, Anthony, Chandler, Johnstone, King, McNamara, and Walsh—7.

#### SENATE BILL MADE A SPECIAL ORDER.

Mr. McGowan moved that further consideration of Senate Bill No. 150 be made a special order for Thursday, February 23, 1905, at twelve o'clock, noon.

Motion carried.

#### INTRODUCTION AND REFERENCE OF BILLS, ETC.—(OUT OF ORDER).

Leave was granted for the introduction and reference of bills, etc. (out of order), as follows:

By Mr. Prescott:

#### ASSEMBLY CONCURRENT RESOLUTION NO. 21.

*Resolved by the Assembly of the State of California, the Senate concurring,* That a joint committee of the Senate and Assembly, consisting of four members, be appointed, two by the President of the Senate and two by the Speaker of the Assembly, to examine into and report upon all matters connected with or in any way appertaining to the system of revenue and taxation in this State; and to further report upon such constitutional and legislative measures as may be deemed necessary to the revision and reform of revenue and taxation;

*Resolved,* That said joint committee be and it is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters and things hereinabove enumerated, and to that end to employ all necessary clerical and expert assistants; and that said joint committee be and it is hereby authorized and empowered to send for persons and papers, and to take all necessary means to procure the attendance of witnesses and testimony; and the members of said joint committee are, and each of them is, hereby authorized to administer oaths; and that all the provisions of Article VIII, of Chapter II, Title I, Part III of the Political Code of this State, relative to the "attendance and examination of witnesses before the Legislature and committees thereof," shall apply to the joint committee appointed under this resolution, and that the Sergeant-at-Arms of either the Senate or the Assembly is hereby authorized and directed to serve any and all subpoenas and orders or other process that may be issued by the chairman of said joint committee, when directed to do so by the said chairman.

*Resolved,* That in the event provision is made by law for the existence of a commission for the revision and reform of the system of revenue and taxation in force in this State, of which the aforementioned committee is to be a constituent part, then and in that event, the joint committee aforesaid, and the members thereof, are authorized to act as, and be an integral part and portion of, said commission.

Assembly Concurrent Resolution No. 21 read.

Mr. Atkinson moved that Assembly Concurrent Resolution No. 21 be adopted.

Motion carried.

#### INTRODUCTION OF BILLS—(RESUMED).

By Mr. Prescott: Assembly Bill No. 1145—An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general

committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission and to define its powers.

Read first time, and referred to Committee on Revenue and Taxation.

By Mr. McGowan: Assembly Bill No. 1146—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 755 thereof, relating to the salary of the Clerk of the Supreme Court.

Read first time, and referred to Committee on Judiciary.

By Mr. Atkinson: Assembly Bill No. 1147—An Act to regulate the placing, installing, and maintaining of electric light and power work, wiring, and appliances in buildings and other structures.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Burke: Assembly Bill No. 1148—An Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered and designated Section 595a, relating to certificates of authority to be issued to insurance companies.

Read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1149—An Act to amend Section 602 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section to said Act, to be numbered 612a, relating to the liabilities of casualty insurance corporations, and the determination of the loss reserve of such corporations.

Read first time, and referred to Committee on Insurance and Insurance Laws.

#### BILLS RECALLED FROM COMMITTEE.

Mr. Cleveland moved that Assembly Bill No. 1133 be recalled from the Committee on Counties and County Boundaries and referred to the Committee on County and Township Governments.

Motion carried.

Mr. Moore moved that Assembly Constitutional Amendment No. 16 be recalled from Committee on Swamp and Overflowed Lands and Drainage and referred to Committee on Constitutional Amendments.

Motion carried.

#### INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

Leave was granted for the introduction and reference of a bill, as follows:

By Mr. King: Assembly Bill No. 1150—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 184 thereof, relating to the compensation of the recorder and of the auditor in counties of the twenty-seventh class.

Read first time, and referred to Committee on County and Township Governments.

#### SPECIAL SENATE FILE.

Bills on the special Senate file were considered, as follows:

Senate Bill No. 104—An Act to amend Sections 1 and 7 of an Act entitled "An Act authorizing certain corporations to act as executor

and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Passed on file.

Senate Bill No. 116—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Burke, Chandler, Coghlan, Coyle, Creighton, Cullen, Devlin, Duryea, Ellis, Hawkins, Held, Jarvis, Johnson, Jones of Tuolumne, Jury, King, Lynch, McKenney, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Slaven, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Weyand, Whiting, and Mr. Speaker—49.

NOES—Mr. Severance—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 117—An Act to amend Sections 773 and 871 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the assessment and collection of taxes in municipalities of the fifth and sixth classes.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Chandler, Coghlan, Coyle, Creighton, Cullen, Duryea, Ellis, Hawkins, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, Lynch, McKenney, McNamara, Meincke, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Weyand, Whiting, and Mr. Speaker—48.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 92—An Act adding a new section to the Penal Code, to be numbered 273, relating to the protection of children under eighteen years of age.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Coghlan, Coyle, Cullen, Duryea, Ellis, Hawkins, Held, Houser, Johnstone, Jones of Tuolumne, Jury, Lynch, McCartney, McNamara, Meincke, Moore, O'Brien, Perkins, Pfaffle, Pyle, Severance, Strobbridge, Strohl, Thompson, Tripp, Vogel, Walsh, Weyand, Whiting, and Mr. Speaker—44.

NOES—Messrs. Lumley and Pryor—2.

Title read and approved.

Bill ordered transmitted to the Senate.

#### VOTE ON SENATE BILL RECONSIDERED.

Mr. Duryea called up his notice of reconsideration given on the last legislative day to reconsider the vote whereby Senate Bill No. 60 was refused final passage.

Senate Bill No. 60—An Act to repeal an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880, and the Act amendatory thereof, approved March 9, 1897, relating to the protection of stockholders in mining companies.

The question being, "Shall the Assembly reconsider the vote whereby Senate Bill No. 60 was refused final passage?"

The roll was called, and the vote reconsidered by the following vote:

AYES—Messrs. Amerige, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Chandler, Cullen, Duryea, Ellis, Gans, Hawkins, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, Lumley, Lynch, McCartney, McKenney, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Weyand, and Mr. Speaker—49.

NOES—Messrs. Anthony, Cleveland, Coyle, Houser, and Whiting—5.

The question being on the final passage of Senate Bill No. 60.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Atkinson, Barnes, Beckett, Boyle, Branstetter, Burge, Cbandier, Cullen, Duryea, Ellis, Hawkins, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, McCartney, McKenney, McNamara, Mindham, Moore, O'Brien, Olmsted, Pfaffle, Pryor, Rolley, Severance, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Weyand, and Mr. Speaker—43.

NOES—Messrs. Anthony, Cleveland, Coyle, Gans, Houser, Perkins, Pyle, Strobridge, and Whiting—9.

Title read and approved.

Bill ordered transmitted to the Senate.

#### SPECIAL FILE OF SENATE BILLS—(RESUMED).

Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Passed on file.

Senate Bill No. 105—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State; for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

Passed on file.

Senate Bill No. 260 (identical with Assembly Bill No. 618)—An Act to authorize the appointment of an interpreter of the Spanish language, in criminal proceedings, in counties and cities and counties of one hundred thousand inhabitants and over.

Read third time.

Senate Bill No. 260 continued on file for further consideration.

#### THIRD-READING FILE—(RESUMED).

Mr. Busick was granted leave to call up Assembly Bill No. 850 (No. 192 on the file), for the purpose of amendment.

Assembly Bill No. 850—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery, and wagons, buggies, vehicles, and other articles, providing for the collection thereof, and making the violation of this Act a misdemeanor.

Read third time.

## SELECT COMMITTEE AMENDMENT.

Mr. Busick moved that a select committee of one be appointed to amend Assembly Bill No. 850, as follows:

Strike out the word "with," in line four (4), Section eleven (11), page 3 of printed bill, and insert in lieu thereof the word "within."

Motion carried, and amendment adopted.

Mr. Busick was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 850—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery, and wagons, buggies, vehicles, and other articles, providing for the collection thereof, and making the violation of this Act a misdemeanor—with instructions, does now report that the instructions of the Assembly have been carried out.

BUSICK, Committee.

Report of select committee of one adopted.

Assembly Bill No. 850 ordered to reprint, reengrossment, and on file for passage.

## REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following report, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly reengrossed:

Assembly Bill No. 585—An Act to amend Sections 3897 and 3898 of the Political Code of the State of California, relating to the sale by the State of property sold to the State for taxes.

DEVLIN, Chairman.

## SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 88—An Act forbidding the payment of municipal officers out of the funds of the county.

Passed on file.

Senate Joint Resolution No. 6—A resolution instructing our Senators in Congress, and requesting our members of Congress, to obtain the passage of an Act permitting the withdrawal from the Government arsenal at Benicia, California, under bond from the Division Commander of the Division of California, Sons of Veterans, of certain firearms.

## SENATE JOINT RESOLUTION No. 6.

WHEREAS, There are contained in the Government Arsenal at Benicia, Cal., Springfield rifles, of 45-70 caliber, called in from the National Guard companies of the State of California by the Federal Government, which has adopted in lieu of the Springfield rifle the Krag-Jorgensen model; and

WHEREAS, There exists in the United States a large and influential non-sectarian and non-political patriotic organization known as the order of the Sons of Veterans, U. S. A., whose membership is composed of the sons and grandsons of honorably discharged Union soldiers, sailors, and marines of the Civil War of 1861 1865, in many instances members of the aforesaid order themselves being honorably discharged soldiers of the Civil War or of the Spanish-American War, and

WHEREAS, The avowed principles of the order of Sons of Veterans, U. S. A., and of the subdivisions by States and Territories, known as "divisions," and of the local minor organizations, known as "camps," of which said order is composed, include devotion to and loyal support of the Constitution and flag of the United States, in pursuance whereof a military body known as "The Sons of Veterans Reserves" has been formed from among the members of the order, said "reserves" being subject to the call of the President of the United States for military duty in time of war; and

WHEREAS, The principles of the order of Sons of Veterans, U. S. A., include, further, a chivalrous regard for the honor, peace, and welfare of the living veterans of the Civil War and for the glorious memory of the dead, in the exemplification of which regard the



order recognizes and enjoins a proper observance of each Memorial Day, with its attendant ceremony of the firing of rifle volleys over the graves of those who, in life, were defenders of the Federal Union in its time of need; and

WHEREAS, In furtherance of the foregoing principles of the order of Sons of Veterans, U. S. A., it becomes necessary that the members of the Division of California of said order, being at the present time the membership contained within the confines of the State of California, shall be equipped for the purposes of drill and the firing of salutes on Memorial Day, the right of members of said order of Sons of Veterans, U. S. A., to carry arms within the borders of the State of California being conceded by the authorities thereof; therefore, be it

*Resolved by the Senate and the Assembly, jointly,* That our Senators and Representatives in Congress be and they are hereby requested to employ all honorable means to obtain the passage of an Act permitting the withdrawal from the Government Arsenal at Benicia, California, under bond to be given by the division commander of the Division of California, Sons of Veterans, U. S. A., he to be designated as the proper authority to receive as many of the Springfield rifles of 45-70 caliber stored in said arsenal as may be required for the use of the members of the Division of California, Sons of Veterans, U. S. A.; and be it

*Resolved further,* That the Secretary of the Senate be and he is hereby instructed to mail a copy of these resolutions to each of our Senators and Representatives in Congress.

Senate Joint Resolution No. 6 read.

Mr. McCartney moved the adoption of the resolution.

Motion carried.

Senate Bill No. 519—An Act to provide one additional judge of the Superior Court of the County of San Joaquin, State of California, for the manner of his appointment, and for his compensation.

Read second time.

The Committee on Judiciary submitted the following amendment, which was read:

COMMITTEE AMENDMENT

Amend by striking out of lines 4 and 5, Section 2, printed bill, the words "shall be elected in said county, who shall hold office for the term of two years, and thereafter his successor."

Amendment adopted.

Senate Bill No. 519 ordered to reprint and to third reading on special Senate file.

Senate Bill No. 306—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Passed on file.

Senate Bill No. 68—An Act to amend Section 10 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to holidays.

Passed on file.

Senate Bill No. 364—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.

Passed on file.

Senate Bill No. 395—An Act making an appropriation to pay the claim of H. W. Scott for costs of suits in foreclosing delinquent purchases of State school lands.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cullen, Ells, Gang, Gates, Hawkins, Held, Houser, Jarvis, Johnstone, Jones of Tuolumne, Jury, King,

Lumley, Lynch, McCartney, McKenney, Meincke, O'Brien, Olmsted, Perkins, Pfaefle, Pryor, Pyle, Rolley, Thompson, Transue, Vogel, Weyand, Whiting, and Mr. Speaker—45.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 243—An Act to amend Section 3805a of the Political Code of the State of California, relating to public lands upon which final payment has not been made.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burke, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cullen, Ellis, Gans, Gates, Hawkins, Held, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, McCartney, Meincke, O'Brien, Olmsted, Perkins, Pfaefle, Pryor, Pyle, Rolley, Severance, Slaven, Strobridge, Thompson, Treadwell, Vogel, Whiting, and Mr. Speaker—43.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 12—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burke, Chandler, Cleveland, Coghlan, Creighton, Cullen, Dorsey, Ellis, Gans, Gates, Hawkins, Held, Jarvis, Jones of Tuolumne, Jury, Lucey, Lynch, McNamara, Meincke, Mindham, O'Brien, Perkins, Pfaefle, Pryor, Pyle, Severance, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Whiting, and Mr. Speaker—42.  
 NOES—Messrs. Coyle and Johnstone—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 9—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.

Passed on file.

Senate Bill No. 417—An Act to amend Section 17 of the Political Code of the State of California, relating to definitions of certain terms used in said Code.

Read second time.

The Committee on Judiciary submitted the following amendment, which was read:

Amend by striking out of line 39 of the printed bill, the word "signify," and insert in lieu thereof the word "signifies."

Amendment adopted.

Senate Bill No. 417 ordered to reprint and to third reading on special Senate file.

Senate Bill No. 182—An Act to amend Section 259 of the Code of Civil Procedure, relating to the duties and powers of court commissioners of superior courts.

Read second time.

The Committee on Judiciary submitted the following amendment, which was read:

Amend by inserting between lines 48 and 49, page 2 of printed bill, the following: "5. To provide an official seal, upon which must be engraved the words 'Court Com-

missioner,' and the name of the county or city and county, in which said commissioner resides."

Amendment adopted.

Senate Bill No. 182 ordered to reprint and to third reading on special Senate file.

Senate Bill No. 691—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Veterans' Home, located at Yountville, Napa County.

Read second time.

Mr. King submitted the following amendment :

Amend by adding the following: "Section 2. This Act shall take effect October 1, 1905."

Amendment adopted.

Senate Bill No. 691 ordered to reprint and to third reading on special Senate file.

RESOLUTION—(OUT OF ORDER).

Mr. Pryor was granted leave to introduce (out of order) the following resolution, which was read:

(To substitute a clerk.)

*Resolved*, That the name of C. W. Talbot, committee clerk, be stricken from the roll of attachés, and that the name of M. A. Charles be substituted in lieu thereof, the said Talbot presenting herewith his resignation and request for said substitution, and that the Controller be and he is hereby directed to draw his warrants in favor of the said M. A. Charles instead of C. W. Talbot, and the Treasurer is directed to pay same.

That this substitution date from and including February 22, 1905

I, C. W. Talbot, on list of attachés as committee clerk, hereby tender my resignation, and request that the name of M. A. Charles be substituted in lieu of myself. Substitution to take effect February 22, 1905.

C. W. TALBOT

Mr. Pryor moved the adoption of the resolution.

Motion carried.

UNFINISHED BUSINESS.

On motion of Mr. Burke, bills on the unfinished business file were called up.

Assembly Bill No. 468—An Act to amend Section 626m of the Penal Code of the State of California, relating to hunting at night-time.

Read third time.

Mr. Burke moved that a select committee of one be appointed to amend Assembly Bill No. 468, as follows:

Insert after the word "chapter," in line 6 of the printed bill, the words "except doves."

Motion carried.

Amendment adopted.

Mr. Burke was appointed such select committee of one.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 468—An Act to amend Section 626m of the Penal Code of the State of California, relating to hunting at night time—with instructions, does now report that the instructions of the Assembly have been carried out

BURKE, Committee.

Report of select committee of one adopted.

Assembly Bill No. 468 ordered to reprint, reengrossment, and on file for passage.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

Leave was granted for the introduction and reference of bills (out of order), as follows:

By Mr. Lynch (by request): Assembly Bill No. 1151—An Act prohibiting the use of dredgers for mining purposes, which fail to leave the ground so mined tillable for future agricultural purposes.

Read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 1152—An Act to amend Section 204 of the Code of Civil Procedure of the State of California, concerning the listing of grand and trial jurors.

Read first time, and referred to Committee on Judiciary.

By Mr. Transue: Assembly Bill No. 1153—An Act to amend Section 153 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 16, 1897, relating to county and township officers of counties of the second class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Tripp: Assembly Bill No. 1154—An Act relating to official bonds and amending an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section, to be numbered 946.

Read first time, and referred to Committee on Judiciary.

## THIRD-READING FILE—(RESUMED).

Assembly Bill No. 185—An Act to provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects.

Passed on file.

Assembly Bill No. 439—An Act to provide for the disposition of the funds which may hereafter be collected by the State of California from the United States in payment of the claims arising out of the War of the Rebellion.

Passed on file.

Assembly Bill No. 353—An Act to amend Section 6 of an Act entitled "An Act to provide for compiling, electrotyping, printing, binding, copyrighting, and distributing a State series of school text-books, and appropriating money therefor," approved March 15, 1887.

Passed on file.

Assembly Bill No. 171—An Act to amend Section 1617 of the Political Code, relating to boards of school trustees and city boards of education.

Passed on file.

Assembly Bill No. 172—An Act confirming the organization of school districts.

Passed on file.

Assembly Bill No. 249—An Act to amend Section 1621 of the Political Code, relating to boards of school trustees and city boards of education.

Passed on file.

Mr. Houser was granted leave to call up Assembly Bill No. 589 (No. 122 on file), in place of Assembly Bill No. 522 (No. 93 on file).

Assembly Bill No. 589—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to change the site thereof; to provide better facilities and to construct new and more commodious buildings for said school, and to furnish and equip the same, and for this purpose to authorize and empower the said board of trus-

tees to sell and convey the lands and buildings of said school, and to use the proceeds therefrom for the construction of said new buildings, and to purchase furniture and equip the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Chandler, Cleveland, Coyle, Creighton, Dorsey, Duryea, Ells, Gans, Gates, Hawkins, Held, Houser, Jarvis, Jury, King, McCartney, McNamara, Meincke, Mindham, O'Brien, Olmsted, Perkins, Pfaeffe, Pyle, Rolley, Slaven, Strobridge, Strohl, Thompson, Transue, Tripp, Vogel, Weyand, and Whiting—45.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### SPEAKER PRO TEM. CALLED TO THE CHAIR.

The Speaker, Hon. Frank C. Prescott, at three o'clock and forty-two minutes P. M., called the Speaker pro tem., Hon. T. E. Atkinson, to the chair.

#### THIRD-READING FILE—(RESUMED).

Mr. Treadwell was granted leave to call up Assembly Bill No. 104 (No. 208 on file), in place of Assembly Bill No. 462 (No. 94 on file).

Assembly Bill No. 104—An Act to appropriate \$3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Coghlan, Creighton, Dorsey, Duryea, Ells, Gans, Hawkins, Held, Jarvis, Jones of Tuolumne, Jury, King, Lumley, Lynch, McCartney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pyle, Rolley, Slaven, Strobridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Weyand, and Whiting—48.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### BILL WITHDRAWN.

Mr. Strobridge was granted leave to withdraw Assembly Bill No. 350 (No. 95 on file), and substitute in its place Assembly Bill No. 351 (No. 150 on file).

Assembly Bill No. 351—An Act to amend Section 637 of the Penal Code of the State of California, relating to the taking and killing of meadow larks and wild birds other than game birds.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Cleveland, Coghlan, Coyle, Creighton, Dorsey, Drew, Duryea, Ells, Gans, Hawkins, Held, Jarvis, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, McCartney, McNamara, Meincke, Mindham, Moore, O'Brien,

Olmsted, Pfaeffle, Pryor, Pyle, Rolley, Ströbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Weyand, and Whiting—50.  
 Nones—None

Title read and approved.

Bill ordered transmitted to the Senate.

Mr. Treadwell was granted leave to call up Assembly Bill No. 162 (No. 206 on file), in place of Assembly Bill No. 95 (No. 96 on file).

Assembly Bill No. 162—An Act to appropriate \$590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Burke, Cleveland, Coghlan, Creighton, Dorsey, Drew, Duryea, Ellis, Hawkins, Held, Houser, Jarvis, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, McCartney, McNamara, Meincke, Mindham, O'Brien, Olmsted, Pryor, Rolley, Ströbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Weyand, and Whiting—45.  
 Nones—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following report, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 782—An Act making an appropriation of \$2,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of constructing a reservoir to be used in storing the water supply of said school.

Assembly Bill No. 785—An Act making an appropriation of \$250 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new books for the library of said school.

Assembly Bill No. 846—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the amendment thereof, approved March 3, 1901, by amending Section 205 thereof, relating to counties of the forty-eighth class.

Assembly Bill No. 145—An Act to provide for the payment by the State or counties or cities, or cities and counties, of the premium or charge on official bonds.

Assembly Bill No. 139—An Act to repeal an Act entitled "An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903.

DEVLIN, Chairman.

#### RESOLUTION—(OUT OF ORDER).

Mr. Lumley was granted leave to introduce the following resolution (out of order), which was read:

(To substitute Committee Clerk.)

*Resolved*, That the following-named person be and he is hereby appointed and employed for the position and at the per diem set opposite to his name, said per diem to be paid out of the appropriation for the contingent expenses of the Assembly; said appointment to date from and include the 20th day of February, 1905; and the State Controller is hereby authorized and directed to draw his warrant upon the said fund in favor of the following-named person for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same:

E. Keubler, Committee Clerk.....\$4 per diem.

Said appointment of E. Keubler being substituted for A. S. Petterson.

## BILL WITHDRAWN.

Mr. Johnstone requested, and was granted, leave to withdraw Assembly Bill No. 125 (No. 90 on file), and to substitute in its place Assembly Bill No. 752 (No. 214 on file).

Assembly Bill No. 752—An Act to amend the Political Code by adding thereto a new section, to be numbered 1874a, creating the office of Secretary to the State Text-Book Committee, defining the duties pertaining to said office, authorizing the said Text-Book Committee to elect a secretary to fill said office, and fixing his compensation, and to repeal all Acts and parts of Acts in conflict with this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Burke, Chandler, Cleveland, Coghlan, Coyle, Dorsey, Drew, Ells, Gans, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tazulume, Jury, King, Lynch, McCartney, McNamara, Meincke, O'Brien, Olmsted, Perkins, Pryor, Pyle, Rolley, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Weyand, and Whiting—45.  
NAYS—None.

Title read and approved.

Bill ordered transmitted to the Senate.

## BILL WITHDRAWN.

Mr. Whiting requested and was granted leave to withdraw Assembly Bill No. 533 (No. 98 on file), and to substitute in its place Assembly Bill No. 649 (No. 164 on file).

Assembly Bill No. 649—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Burke, Cleveland, Coghlan, Coyle, Creighton, Cullen, Dorsey, Duryea, Ells, Gans, Hawkins, Held, Houser, Jarvis, Johnson, Jury, King, Lumley, Lynch, McCartney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pyle, Rolley, Slaven, Strobridge, Strohl, Transue, Treadwell, Tripp, Vogel, Weyand, and Whiting—49.  
NAYS—None.

Title read and approved.

Bill ordered transmitted to the Senate.

## SPECIAL FILE—(RESUMED).

Mr. Creighton moved to call up (out of order) Assembly Bill No. 886 (No. 54 on the special file).

Motion carried.

Assembly Bill No. 886—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved March 23, 1901, by amending Section 205 thereof, relating to counties of the forty-eighth class."

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Burke, Chandler, Coghlan, Coyle, Creighton, Cullen, Dorsey, Drew, Ellis, Gans, Gates, Hartman, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, McCartney, McNamara, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffie, Pryor, Pyle, Rolley, Severance, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Weyand, and Whiting—51.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### SECOND-READING FILE.

Mr. Drew moved to take up Assembly Bill No. 978 (No. 340 on the second-reading file).

Motion carried.

#### URGENCY RESOLUTION.

By Mr. Drew:

*Resolved*, That Assembly Bill No. 978 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

The roll being called, the urgency resolution offered by Mr. Drew was declared adopted by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Burge, Burke, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Ellis, Gans, Gates, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lumley, Lynch, McCartney, McKenney, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaffie, Pryor, Pyle, Strobridge, Strohl, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, and Whiting—54.

**NOES**—None.

Assembly Bill No. 978—An Act to provide for the investigation of the nature of the diseases known as pear blight and walnut blight, and to prevent, eradicate, and procure a cure for the same, and to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read second and third times.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Gans, Gates, Hawkins, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, King, Lucey, Lumley, Lynch, McCartney, McKenney, McNamara, Meincke, Mindham, Moore, Olmsted, Perkins, Pfaffie, Pryor, Pyle, Slaven, Strobridge, Transue, Tripp, Vogel, Waste, Weyand, and Whiting—52.

**NOES**—None.

Title read and approved.

#### NOTICE OF RECONSIDERATION.

Mr. Drew gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 978 was passed this day.



## TIME FOR RECESS EXTENDED.

Mr. Waste, at four o'clock and twenty-five minutes P. M., moved that the time for recess be extended fifteen minutes.

Motion carried.

## TIME FOR ADJOURNMENT.

Mr. McCartney moved that when the Assembly adjourn this day, it be until the hour of ten o'clock A. M. to-morrow.

Motion carried.

## REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following report, which was read:

## ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905.

MR SPEAKER: Your Committee on Engrossment and Enrollment have examined and found the following correctly enrolled:

Assembly Concurrent Resolution No. 13—Relative to making arrangements for appropriately celebrating Washington's Birthday

Also: Assembly Concurrent Resolution No. 18—Approving eight certain amendments to the charter of the City of Pasadena, County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Pasadena, at the special municipal election held therein for that purpose on the 4th day of February, 1905.

Also: Assembly Bill No. 89—An Act to amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time therefor.

Also: Assembly Bill No. 45—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorneys, their appointment and term of office.

Also: Assembly Bill No. 127—An Act to provide for the proper naming of trees, seeds, plants, and vines, sold, offered, or exposed for sale in this State, and providing a penalty for the violation of this Act.

Also: Assembly Bill No. 70—An Act to amend Section 1277 of the Code of Civil Procedure of the State of California, relating to fixing time for hearing applications for change of name, and publication of notice thereof.

Also: Assembly Bill No. 199—An Act to amend Section 890 of the Code of Civil Procedure of the State of California, relating to judgments of dismissal without prejudice.

Also: Assembly Bill No. 22—An Act to amend Section 585 of the Code of Civil Procedure, relating to the cases in which judgment may be had upon the failure of a defendant to answer.

Also: Assembly Bill No. 21—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 138 of the Civil Code, relating to orders respecting custody and maintenance of minor children of the marriage in actions for divorce.

Also: Assembly Bill No. 30—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895, which became a law March 4, 1899.

Also: Assembly Bill No. 739—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, relating to the powers of boards of trustees of cities of the fifth class.

Also: Assembly Bill No. 529—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Superintendent of Public Instruction's office, for the fifty-sixth fiscal year.

Also: Assembly Bill No. 57—An Act to amend Section 1560 of the Political Code of the State of California, relating to the public schools.

Also: Assembly Bill No. 112—An Act to amend Section 424 of the Penal Code of the State of California, relative to embezzlement and falsification of accounts by public officers

Also: Assembly Bill No. 25—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Also: Assembly Bill No. 26—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Also: Assembly Bill No. 182—An Act to amend Section 1593 of the Political Code of the State of California, relating to the election of school trustees.

Also: Assembly Bill No. 183—An Act to amend Section 1615 of the Political Code of the State of California, relating to the organization of a new school district.

Also: Assembly Bill No. 47—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 4235 of said Code, relative to the recording of instruments.

Also: Assembly Bill No. 738—An Act to amend an Act entitled "The Political Code of the State of California," relating to the employment of women as physicians in State hospitals for the care and treatment of the insane, and in the California Home for the Care and Training of Feeble-Minded Children at Eldridge, Sonoma County, by amending Section 2153a thereof.

And presented the same to the Governor on this day at three o'clock and fifteen minutes P. M.

DEVLIN, Chairman.

#### SPECIAL FILE—(RESUMED).

Mr. Beardslee moved to take up Assembly Bill No. 299 (No. 20 on the special file) for the purpose of amendment.

Motion carried.

Assembly Bill No. 299—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class.

Read third time.

#### SELECT COMMITTEE AMENDMENT.

Mr. Beardslee moved that a select committee of one be appointed to amend Assembly Bill No. 299, as follows:

Strike out in line 51, page 2 of printed amended bill, the word "eighty-five," and insert the words "one hundred."

Motion carried.

Amendment adopted.

Mr. Beardslee was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 299—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salary and fees of county and township officers in counties of the eighth class—with instructions, does now report that the instructions of the Assembly have been carried out.

BEARDSLEE, Committee.

Report of select committee of one adopted.

Assembly Bill No. 299 ordered to reprint, reengrossment, and on file for passage.

#### THIRD-READING FILE—(RESUMED).

Mr. Atkinson (in the chair) requested that Assembly Bill No. 602 (No. 133 on file) be now taken up for passage.

So ordered.

Assembly Bill No. 602—An Act to amend Sections 1817, 1818, and 1820 of the Political Code, all relating to county, and city and county school tax.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Chandler, Coghlan, Coyle, Creighton, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, McCartney,

McGowan, McKenney, McNamara, Meincke, Mindham, Moore, Perkins, Pfaffle, Pryor, Pyle, Slaven, Strohl, Thompson, Transue, Tripp, Vogel, Waste, Weyand, and Whiting—56.  
NAYS—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 709—An Act to amend Section 1893 of the Political Code, relating to the manner of conducting elections for the issuance of bonds in school districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Burke, Chandler, Coghlan, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, McCartney, McKenney, McNamara, Meincke, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Thompson, Transue, Tripp, Vogel, and Waste—48.  
NAYS—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 79—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3652, and by adding a new section, to be numbered 3652½, relating to the time of completion of assessment roll, and the giving of notice by the assessor of the amount of the assessment, and the date of meeting of boards of equalization.

Passed on file.

Assembly Bill No. 24—An Act to add a new section to the Code of Civil Procedure, to be known as Section 637, relating to causes in the superior court in equity and at law, without a jury, in which testimony shall at request of a party be reduced to writing, and upon appeal be heard *de novo*.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Amerige, Arneich, Atkinson, Barnes, Bates, Beardslee, Boyle, Burge, Busick, Coyle, Creighton, Drew, Duryea, Estudillo, Gans, Gates, Goodrich, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lumley, McKenney, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Thompson, Transue, Waste, and Weyand—35.  
NAYS—Messrs. Anthony, Burke, Chandler, Cleveland, Coghlan, Cromwell, Cullen, Devlin, Hartman, Hawkins, Held, Jarvis, King, Lucey, McCartney, Meincke, Mindham, Pfaffle, Strobbridge, Tripp, Vogel, and Whiting—22.

#### TIME FOR RECESS EXTENDED.

At four o'clock and forty-six minutes P. M., Mr. Transue moved that the time for recess be extended fifteen minutes.

Motion carried.

#### NOTICE OF RECONSIDERATION.

Mr. McCartney gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 24 was refused passage this day.

#### SENATE MESSAGES TAKEN UP.

Mr. McGowan moved to take up Senate messages.

Motion carried.

## SENATE MESSAGES.

The following messages from the Senate were read and ordered printed in the Journal:

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 14.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Concurrent Resolution No. 14 ordered on the special Senate file.  
Also:

SENATE CHAMBER, SACRAMENTO, February 17 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendment to Senate Bill No. 241.

LEWIS A. HILBORN, Secretary of Senate  
By J. W. HARPER, Assistant Secretary

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

Reports from standing committees were submitted (out of order), as follows:

## ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 905—An Act making an appropriation of \$8,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of replumbing the main building of said school—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 906—An Act making an appropriation of \$5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of building and equipping a hospital for the use of the boys' school on the grounds of said school—have had the same under consideration, and respectfully report the same back, without recommendation.

McKENNEY, Chairman.

Assembly Bills Nos. 905 and 906 ordered on second-reading file and referred to Committee on Ways and Means.

## ON INSURANCE AND INSURANCE LAWS

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 928—An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, cities, and towns of the State

Also: Assembly Bill No. 965—An Act to amend Section 437 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, relating to mutual life, health, and accident insurance corporations

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BATES, Chairman

Assembly Bills Nos. 928 and 965 ordered on second-reading file.

## THIRD-READING FILE—(RESUMED).

Mr. Cromwell was granted leave to call up Assembly Bill No. 762 (No. 221 on file), in place of Assembly Bill No. 171 (No. 86 on file).

Assembly Bill No. 762—An Act making an appropriation to pay the claim of John V. Powers.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Burke, Chandler, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew,

Duryea, Ells, Espey, Estudillo, Gates, Goodrich, Hawkins, Held, Houser, John, Johnson, Johnstone, Jury, King, Lucey, Lumley, Lynch, McKenney, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Slaven, Strobridge, Strohl, Transue, Tripp, Vogel, Waste, Weyand, and Whiting—52  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

TIME FOR RECESS EXTENDED.

At five o'clock and ten minutes P. M., Mr. Transue moved that the time for recess be extended fifteen minutes.

Motion carried.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

Leave was granted to the Committee on Revenue and Taxation to submit the following report (out of order), which was read:

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 257—An Act to provide for the levying of a tax for promotion purposes in certain counties of the State.

Also: Assembly Bill No. 933—An Act to amend Section 633 of the Political Code of the State of California, relating to life insurance agents

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass

Also: Senate Bill No. 405—An Act to amend Section 3650 of the Political Code of the State of California, relating to how the assessor must prepare an assessment book and list therein all property within the county

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 320—An Act to amend Section 3821 of the Political Code of the State of California, relating to the collection of taxes.

Also: Assembly Bill No. 912—An Act to amend Section 622a of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to taxation of insurance companies.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

GOODRICH, Chairman.

Assembly Bills Nos. 257, 933, 912, and 320 ordered on the second-reading file.

Senate Bill No. 405 ordered on special Senate file.

THIRD-READING FILE—(RESUMED).

Mr. Barnes was granted leave to call up Assembly Bill No. 237 (No. 172 on file), in place of Assembly Bill No. 234 (No. 105 on file).

Assembly Bill No. 237—An Act to amend Section 1670 of the Political Code, relating to the establishment and maintenance of high schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Busick, Chandler, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Estudillo, Gates, Goodrich, Hawkins, Held, Houser, John, Johnson, Jones of Tuolumne, Jury, King, Lucey, Lumley, Lynch, McKenney, Meincke, Mindham, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Strohl, Transue, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—45.  
NOES—Mr. Amerige—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 317—An Act to amend Section 813 of "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof.

Passed on file.

Assembly Bill No. 318—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof.

Passed on file.

SENATE MESSAGES TAKEN UP.

Mr. McGowan moved to take up Senate messages.

Motion carried.

SENATE MESSAGES.

The following messages from the Senate were read:

SENATE CHAMBER, SACRAMENTO, February 20, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following: Assembly Bill No. 44—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 94 of said Civil Code, relating to extreme cruelty as a cause of action for divorce.

Also: Assembly Bill No. 71—An Act to amend Chapter IX of Title XI of Part III of the Code of Civil Procedure of the State of California, relating to the conveyance of real estate and personal property by executors and administrators in certain cases.

Also: Assembly Bill No. 435—An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary

Assembly Bills Nos. 44, 71, and 435 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed the following: Assembly Bill No. 192—An Act to amend Section 3446 of the Political Code; relating to the formation of reclamation districts.

Also: Assembly Bill No. 58—An Act to amend Section 611 of the Civil Code, relating to the issuance of bonds by cemetery corporations.

Also: Assembly Bill No. 64—An Act for the relief of Patrick Creighton.

Also: Assembly Bill No. 345—An Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Also: Assembly Bill No. 131—An Act to add a new section, to be known as Section 1927 of the Code of Civil Procedure, relating to the admission in evidence of certain statements of facts contained in patents for mineral lands issued or granted by the United States of America.

Also: Assembly Bill No. 69—An Act to amend Section 200 of the Code of Civil Procedure of the State of California, relating to persons exempt from liability to act as jurors.

And respectfully ask your concurrence in same

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 192, 58, 64, 345, 131, and 69 ordered on file of unfinished business for further consideration.

Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bills Nos. 190, 195, and 53.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary.

INTRODUCTION OF GENERAL APPROPRIATION BILL.

Mr. Stanton, Chairman of the Committee on Ways and Means, at five o'clock and ten minutes P. M., was greeted with applause when he announced that, on behalf of the Committee on Ways and Means, he would now introduce the General Appropriation Bill.

## INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

Leave was granted for the introduction and reference of bills, as follows:

By Committee on Ways and Means: Assembly Bill No. 1155—An Act making appropriations for the support of the government of the State of California for the fifty-seventh and fifty-eighth fiscal years.

Read first time, and ordered on second-reading special file.

By Mr. Stanton: Assembly Bill No. 1156—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," by adding a new section to said Act, to be known as Section 83½, relating to the power of the board of supervisors to appropriate from the general fund of the county moneys to aid in and carry on the work of the preservation of forests, reforestation, and the protection of forests against fire.

Read first time, and referred to Committee on County and Township Governments.

## MADE A SPECIAL ORDER.

Mr. Stanton moved that Assembly Bill No. 1155 be sent to the printer with a rush order, and that the same be made a special order for Thursday evening, February 23, 1905, at seven o'clock and thirty minutes.

## ADJOURNMENT.

The hour of adjournment having arrived, at five o'clock and twelve minutes P. M. Speaker pro tem. Hon. T. E. Atkinson declared the Assembly adjourned until ten o'clock A. M. of Tuesday, February 21, 1905.

## IN ASSEMBLY.

## ASSEMBLY CHAMBER,

Tuesday, February 21, 1905. }

The Assembly met at ten o'clock A. M., pursuant to adjournment.

Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ella, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—71.

Quorum present.

## PRAYER.

Prayer by the Rev. George M. Richmond.

## READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. King, its further reading was dispensed with.

## APPROVAL OF JOURNALS.

The Journals of Thursday, February 16, and Friday, February 17, 1905, were corrected, and, as corrected, approved.

## SPECIAL ORDERS.

This being the time set for the consideration of special order—the report of the special committee on resolutions relative to the charge of contempt against A. A. Taylor of the Santa Cruz “Surf”—the same was called up.

Mr. McCartney submitted the following communication, which was read:

COMMUNICATION FROM THE EDITOR OF THE SANTA CRUZ “SURF.”

SANTA CRUZ, CAL., February 20, 1905

To F. C. PRESCOTT, *Speaker of the Assembly, and Members of the House*

GENTLEMEN: The undersigned is resting under resolutions of censure from your honorable body, and in expectation of being cited before you to receive punishment for alleged contempt.

These resolutions recite that the Santa Cruz “Surf” has published articles containing allegations and insinuations relative to Messrs. McCartney, Atkinson, Beardslee, Lumley, and Burke, members of the special committee appointed by the Speaker of the Assembly to investigate and report on the charges made against the Hon. Lucas F. Smith, Judge of the Superior Court of the County of Santa Cruz, State of California, which were unwarrantable, and intended to disturb the due and orderly course of said investigation, by impugning the motives of said investigation, ridiculing the members of the committee before the people of Santa Cruz and the entire State, and discrediting any report the committee may make, and that thereby A. A. Taylor has affronted the dignity of, and placed himself in contempt of, this Assembly.

This action you have taken without giving the editor any opportunity to “show cause,” or to disprove your conclusions, which are absolutely erroneous.

You have selected the Santa Cruz “Surf” as the one paper in the whole State as subject to legislative censure, and held up its editor as the only journalist in the State as guilty of violating the true ethics of journalism.

You proclaim as a fact, to be spread throughout the State, to mar the reputation and injure the business of said journalist, what is merely an unfounded suspicion on your part.

This action has been based on a news item in the “Surf,” when this committee was announced, that its chairman was a “reliable programmer,” and it was presumed the balance of the committee was similarly selected.

This statement in the “Surf” involved neither ridicule nor an affront to these gentlemen, and was not so understood among the “Surf’s” constituency. It did not imply any lack of personal integrity, or impute unworthy motives to the members of this committee. To make no mistake about this, the “Surf” stated subsequently:

“To politicians it is not necessary to explain the meaning of this term. According to the dictionary, it could be no reflection upon a person to call him a ‘programmer.’ It would simply be an absurdity. The term is a part of the political slang of the day, very expressive when rightly understood, otherwise meaningless. Nationally, there are two kinds of Republicans—those who favor a revision of the tariff, and those who do not. Those opposed are known as ‘standpaters,’ and it is no reflection on a Congressman to call him a ‘standpatter,’ although it is known that protected trusts are back of that position.”

“In this State there are two kinds of Republicans—those who take orders from the ‘organization,’ and those who do not. Those who do, are known as ‘programmers,’ although it does not necessarily imply turpitude. The majority of the present Legislature is composed of ‘programmers.’ They are governed in their attitude on public measures by instructions coming through the State committee, or the county committee, or some trusted party leader.”

“When members of a legislative committee were referred to in the ‘Surf’ as ‘programmers,’ it meant that they belonged to that ‘wing’ of the party. We do not apprehend that any of these gentlemen have been approached or influenced concerning the Smith case.”

We note a Stockton paper observes: “Assemblyman Beardslee of this city (one of the committee) is a ‘programmer,’ in the sense that he is loyal to his friends, and is an ardent supporter of the Republican ‘organization,’ but he is not the kind of man who can be swerved from his ideas of justice by extraneous influences.”

This is precisely what the “Surf” supposed was true, and it never intended to “allege,” or “insinuate,” anything different.

Allusions to the entertainment of the committee in the “Surf” of February 10 were designed to cauterize a certain local movement, and conveyed to local readers no reflection upon the personnel of the committee. The utterances of the “Surf” are made to a local audience, and ought to be so construed.



This committee has visited Santa Cruz, and held the investigation, the "due and orderly course of which" was in nowise interfered with. Although probably ninety-five per cent of those who attended had read the alleged "allegations and insinuations," the committee found the utmost respect and deference shown to them, and the "Surf" was prompt to express approbation of the dignity and the equity with which the hearing was conducted.

If called before your honorable body to receive punishment for this alleged contempt, I shall not retract, or recant, or apologize but simply show to all right-minded persons that the Santa Cruz "Surf" has not transgressed the limits of legitimate newsmongering and editorial criticism.

I believe it is but rudimentary justice that this communication should be read before the Assembly and published in the Journal

Respectfully yours,

ARTHUR A TAYLOR

#### RESOLUTIONS INDEFINITELY POSTPONED.

Mr. McCartney moved to indefinitely postpone the further consideration of the resolutions relative to A. A. Taylor of the Santa Cruz "Surf," to show cause why he should not be punished for contempt.

Motion carried.

#### PETITION.

Mr. Espey presented a petition from citizens of Los Angeles County, which contained about three thousand signatures.

#### ANTI-RACETRACK GAMBLING PETITION.

We, whose names are hereto subscribed, citizens of Los Angeles County, California, approve the Espey bill, amending the Penal Code by adding the following:

337½. Every person who within the State of California sells or offers for sale, buys or offers to buy, issues or offers to issue, or in any manner disposes of, purchases, or acquires any interest in any pool, or in any pool ticket, certificate, writing, or other evidence of payment, acceptance, or deposit of money, or other things of value, staked upon the result of any running, pacing, or trotting race or contest between horses, mares, or geldings, or makes any bet or wager on the result of such race or contest, or acts as a stakeholder of any bet or wager laid on the result of any such race or contest, or receives or pays over any money or article or thing of value, the ownership or right to possession of which has been, is or is to be determined by any such race or contest, or rents or leases any building, structure, room, apartment, place, or premises whatever, or permits the same to be used or occupied for any of the above purposes, is guilty of a misdemeanor, and shall be punishable by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

We respectfully urge the passage of the same.

THOS. L. COLWELL and others.

The petition was ordered printed in the Journal, without the signatures.

#### REPORTS OF STANDING COMMITTEES.

Reports from standing committees were submitted and read, as follows:

#### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 915—An Act to add a new section to the Political Code of the State of California, to be known as Section 1264a, relating to canvassing and returning the vote and the delivery and custody of the roster of voters after elections and primary elections.

Assembly Bill No. 916—An Act to add a new section to the Political Code of the State of California, to be known as Section 1367a, relating to primary elections and the manner of voting thereat.

Assembly Bill No. 748—An Act to add a new section to the Political Code, to be numbered 1366a, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

Assembly Bill No. 917—An Act to amend Section 1204 of the Political Code of the State of California, relating to election tickets and ballots and the manner of voting.

DEVLIN, Chairman

Assembly Bills Nos. 915, 916, 748, and 917 were ordered on third-reading file.

The Committee on State Hospitals and Asylums submitted the following report, which was read:

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 128—An Act amending an Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a board of directors for the government thereof, and appropriating the sum of \$65,000 for the support of said home—have had the same under consideration, and respectfully report the same back, with a substitute therefor, and recommend that the substitute do pass.

HELD, Chairman.

Assembly Bill No. 128 ordered on second-reading file.

REQUEST FOR INTRODUCTION OF BILL.

The Committee on State Hospitals and Asylums requested permission to introduce a bill entitled "An Act to amend an Act entitled 'An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a board of directors for the government thereof, and appropriating the sum of \$65,000 for the support of said home,' approved March 17, 1887, relating to the Industrial Home of Mechanical Trades for the Adult Blind in the State of California, by amending Sections 15 and 20 of Article III thereof."

Referred to Committee on Introduction of Bills.

REPORTS OF STANDING COMMITTEES—(RESUMED).

Reports of standing committees were read, as follows:

ON STATE HOSPITALS AND ASYLUMS

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Senate Bill No. 269—An Act to authorize and provide for the transfer of the Veterans' Home of California, its property, management, control, and support to the Government of the United States, its officers and authorities, to be conducted as a national home under such laws as now exist, or which hereafter may be made by Congress, and for the conveying of the property of said home, both real and personal, belonging to the State of California, situate in Napa County, to the Government of the United States for such purpose.

Also Assembly Bill No. 992—An Act to amend an Act entitled "An Act to confer certain powers upon the directors of the Deaf, Dumb, and Blind Asylum," approved April 1, 1876, by changing the name of such asylum.

Also Assembly Bill No. 993—An Act to add a new section to the Political Code, to be known and numbered as Section 2236, and to amend Section 2237 of the Political Code, all relating to the Deaf, Dumb, and Blind Asylum at Berkeley.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also Assembly Bill No. 867—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of curable cases of tuberculosis, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

HELD, Chairman.

Senate Bill No. 269 ordered on special Senate file.

Assembly Bills Nos. 992, 993, and 867 ordered on second-reading file.

The Committee on Ways and Means submitted the following report, which was read:

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 290—An Act making an appropriation to pay the deficiency in the appropriation for support of the Industrial Home of Mechanical Trades for the Adult Blind for the fifty-fifth and fifty-sixth fiscal years

Also: Assembly Bill No. 911—An Act to amend "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered 629a, and providing for the appointment of a clerk and stenographer, and fixing the compensation of such clerk and stenographer.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

STANTON, Chairman.

Assembly Bills Nos. 290 and 911 ordered to second reading on the special file.

The Committee on Counties and County Boundaries submitted the following report, which was read:

COUNTIES AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 773—An Act to amend Section 3916 of the Political Code.

Also: Assembly Bill No. 774—An Act to add a new section to the Political Code of the State of California, to be known as Section 3959.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

PYLE, Chairman.

Assembly Bills Nos. 773 and 774 ordered on second-reading file.

The Committee on State Prisons and Reformatory Institutions submitted the following report, which was read:

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 861—An Act to permit of the compensation of prisoners in any of the State prisons or of the Preston School of Industry

Also: Assembly Bill No. 975—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code, to be numbered 1588, making it unlawful for the State Board of Prison Directors, or the State Prison authorities at Folsom, or any other State penal institution in the State of California, to engage or employ any person confined or employed in any penal institution in said State, in the manufacturing, cutting, or dressing any curbing or crosswalk material for street or sidewalk purposes, monuments, headstones, coping, posts, or steps suitable for use, or to be used in cemetery work, cut granite for building purposes, and dimension stone for cemetery or building work, except such cut and dimension stone as may be used in State prison buildings and walls, cut stone for arches in bridges and culverts, for use on State highways, county or district roads," became a law under constitutional provision without the Governor's approval, March 12, 1901

Also: Assembly Bill No. 974—An Act to amend an Act entitled "An Act to add a new section to the Penal Code, to be known and numbered as 679a, regulating and limiting the sale of convict-made articles, and providing a penalty for the violation of the same," which became a law under constitutional provision without the Governor's approval March 16, 1901.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 715—An Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers, providing for the appointment of a clerk of said bureau, and fixing his qualification, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting said office"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 367—An Act directing the use of the Bertillon signalistic system for the identification of criminals in the State prisons, Preston School of Industry, county jails of the State of California, providing for the keeping of a record of the same and for the exchanging of such records with other states and territories of the United States and foreign countries—have had the same under consideration, and respectfully report the same back, without recommendation.

McKENNEY, Chairman.

Assembly Bills Nos. 861, 975, 974, 715, and 367 referred to Committee on Ways and Means, and ordered to second reading on the special file.

The Committee on Revision and Reform of Laws submitted the following report, which was read:

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 1055—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of the Law," and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895," approved March 25, 1903, by amending Section 9 thereof, relating to the tenure of such commission.

Also: Assembly Bill No. 968—An Act to amend Section 770 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeals from judgments of removal from office.

Have had the same under consideration, and respectfully report that said Assembly Bill No. 1055 do pass, and that the same be re-referred to the Committee on Commissions and Public Expenditures, and that said Assembly Bill No. 968 be re-referred to the Committee on Judiciary.

DREW, Chairman.

Assembly Bill No. 1055 re-referred to Committee on Commissions and Public Expenditures, and ordered to second reading on special Code Revision file.

Assembly Bill No. 968 re-referred to Committee on Judiciary, and ordered to second reading on special Code Revision file.

The Committee on Judiciary submitted the following report, which was read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Senate Bill No. 406—An Act to amend Section 312 of the Civil Code of the State of California, relating to elections by stockholders in corporations—reports the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 823—An Act to provide that no person will be eligible to the office of justice of the peace in any incorporated city or town of California having a population of more than ten thousand persons, excepting a regularly admitted attorney at law, and providing a special means of determining, for the purposes of this Act, the population of incorporated cities and towns—reports the same back, with three amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 824—An Act to amend an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses, in this State," approved March 28, 1895, by amending the provisions thereof relative to jurors' fees—reports the same back, with the recommendation that it do not pass.

Also: Assembly Bill No. 939—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered and designated Section 616a, relating to the granting of licenses to persons to act as agents to procure, in certain cases, policies of insurance from persons not authorized to transact insurance business in this State, regulating the proceedings for procuring the same, fixing fees and percentages upon premiums, and providing penalties for the violation thereof—reports the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 895—An Act to add a new section to the Code of Civil Procedure, the said section to be designated eleven hundred and sixty-six a (1166a), relating to actions for obtaining possession of real property upon default in payment of rent, to the manner in which tenants may be ejected, and providing a summary proceeding therefor—reports the same back, with the recommendation that it do not pass.

Also: Assembly Bill No. 324—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," providing penalties for the violation thereof, and to repeal an Act now in force relative to the same, and known as "An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California," approved March 18, 1885," approved March 25, 1901, by amending Section 12, and repealing Section 13 thereof—reports the same back, with the recommendation that it do not pass.

Also: Assembly Bill No. 971—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better educa-

tion of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1883," approved March 23, 1901, by amending Sections 12 and 13—reports the same back, with the recommendation that it do not pass.

Also: Assembly Bill No. 970—An Act to compel corporations having their stocks and bonds listed to file statements with the Secretary of State—reports the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 935—An Act to add a new section to the Penal Code, to be numbered Section 499b, relating to the unauthorized taking for temporary use or operation of automobiles, bicycles, motor cycles, and other vehicles—reports the same back, with the recommendation that it do pass.

DURYEA, Chairman

Senate Bill No. 406 ordered to second reading on special Senate file.

Assembly Bills Nos. 823, 822, 939, 895, 324, 971, 970, and 935 ordered on second-reading file.

#### RESIGNATION OF CLERK.

The Speaker submitted the following communication:

SACRAMENTO, February 21, 1905

MR. SPEAKER AND MEMBERS OF THE ASSEMBLY: Please accept as of this day my resignation as a committee clerk, and oblige,

MRS. W. FISHER

The resignation was accepted.

#### EXTRA COPIES OF BILL TO BE PRINTED.

Mr. Hawkins moved that 500 extra copies of Assembly Bill No. 1082 be printed, and that the same be sent to the printer with a rush order.  
Motion carried.

#### REPORT AND RESOLUTION.

The special committee to investigate charges against Judge L. F. Smith, of Santa Cruz County, submitted the following report and resolution, which was read:

(For mileage to special committee.)

MR. SPEAKER: Your special committee appointed to investigate the charges of misconduct on the part of Judge Lucas F. Smith, the Judge of the Superior Court of the County of Santa Cruz, beg leave to report that the following are entitled to mileage.

H. S. G. McCartney	\$43 60
Thomas Atkinson	43 60
J. J. Burke	43 60
Robert Beardslee	43 60
A. M. Lumley	43 60
Edward Baxter	43 60
Total	\$261 60

And we ask the adoption of the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of H. S. G. McCartney, chairman of said committee, for the sum of \$261.60, as per above statement, said warrant to be drawn upon the fund for the contingent expenses of the Assembly, and the Treasurer be directed to pay the same.

McCARTNEY, Chairman.

#### REPORT AND RESOLUTION ADOPTED.

Mr. McCartney moved the adoption of the report and resolution.

The roll was called, and the report and resolution were declared adopted by the following vote:

AYES—Messrs Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cooper, Coyle, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, King, Lucey, Lynch, Maxwell, McGowan, McKenney, McNamara, Meincke, Mindham, Mitchellree, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Strobridge, Strohl, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—53.

NOES—None.

## SPECIAL ORDERS.

Bills on special orders file were considered, as follows:

Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employes of the Senate and Assembly.

Passed on file.

Assembly Bill No. 789—An Act to increase the number of judges of the Superior Court of the County of Shasta, State of California, and for the appointment of such additional judges.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Burke, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Duryea, Ellis, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, King, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, O'Brien, Olmsted, Perkins, Pfaff, Pryor, Pyle, Rolley, Severance, Strobridge, Strohl, Thompson, Treadwell, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—55.

NOES—Mr. Drew—1.

Title read and approved.

Bill ordered transmitted to the Senate.

## RECONSIDERATION OF VOTE ON ASSEMBLY BILL No. 24.

Mr. McCartney moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 24 was yesterday refused passage.

The question being, "Shall the Assembly reconsider the vote whereby Assembly Bill No. 24 was refused passage?"

The roll was called, and the vote was reconsidered by the following vote:

AYES—Messrs. Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lynch, McCartney, McGowan, Meincke, Mindham, Mitchell, O'Brien, Olmsted, Perkins, Pryor, Pyle, Rolley, Severance, Strobridge, Strohl, Thompson, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—52.

NOES—Messrs. Anthony, Espey, King, Lucey, Manwell, and McNamara—6.

Mr. McCartney moved that further consideration of Assembly Bill No. 24 be continued until to-morrow (Wednesday), and that the bill be placed on the unfinished business file.

Motion carried.

## UNFINISHED BUSINESS.

Bills on the unfinished business file were considered, as follows:

Assembly Bill No. 468—An Act to amend Section 626m of the Penal Code of the State of California, relating to hunting at night-time.

Passed on file.

Assembly Bill No. 219—An Act to repeal Sections 3824 and 3825 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Passed on file.

Assembly Bill No. 192—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

## SENATE AMENDMENT.

The following Senate amendment to Assembly Bill No. 192 was read:

Amend by striking out of Section 1, line 1, the word "ond," and insert in lieu thereof the word "and."

## SENATE AMENDMENT CONCURRED IN.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 192?"

The roll was called, and the Senate amendment concurred in by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Chandler, Cooper, Cromwell, Cullen, Devlin, Drew, Ellis, Espee, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, Lynch, Manwell, McCartney, McGowan, McNamara, Meincke, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Strohl, Thompson, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—57.

**NOES**—None.

Assembly Bill No. 192 ordered to enrollment.

## VOTE ON ASSEMBLY BILL NO. 978 RECONSIDERED.

Mr. Drew moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 978 was passed yesterday.

The question being, "Shall the Assembly reconsider the vote whereby Assembly Bill No. 978 was passed yesterday?"

The roll was called, and the vote was reconsidered by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, John, Johnson, Jury, Lumley, Lynch, Manwell, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Rolley, Severance, Stanton, Strohl, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—61.

**NOES**—None.

Mr. Drew moved to reconsider the vote whereby Assembly Bill No. 978 was read third time.

Motion carried.

## URGENCY RESOLUTION.

By Mr. Drew:

*Resolved*, That Assembly Bill No. 978 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

The question being on the adoption of the resolution.

The roll was called, and the resolution declared adopted by the following vote:

**AYES**—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hawkins, Held, Houser, John, Johnson, Johnstone, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Stanton, Strohl, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—61.

**NOES**—None.

Assembly Bill No. 978—An Act to provide for the investigation of the nature of the diseases known as pear blight and walnut blight, and to prevent, eradicate, and procure a cure for the same, and to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read second time.

MOTION.

Mr. Drew moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 978.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Assembly Bill No. 978 was considered in Committee of the Whole.

Mr. Drew moved that the Committee of the Whole rise and report back Assembly Bill No. 978, with a recommendation that it do pass.

Motion carried.

IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 978 (Committee Substitute for Assembly Bills Nos. 83, 616, and 620)—An Act to provide for the investigation of the nature of the diseases known as pear blight and walnut blight, and to prevent, eradicate, and procure a cure for the same, and to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

Report adopted.

Assembly Bill No. 978 (Committee Substitute for Assembly Bills Nos. 83, 616, and 620)—An Act to provide for the investigation of the nature of the diseases known as pear blight and walnut blight, and to prevent, eradicate, and procure a cure for the same, and to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, John, Johnson, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strohl, Thompson, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.



## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Public Health and Quarantine submitted the following report, which was read:

## ON PUBLIC HEALTH AND QUARANTINE

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 683—An Act to promote and facilitate the enforcement of laws against the adulteration of foods and drugs—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

Also: Assembly Bill No. 682—An Act to repeal Section 9 of an Act entitled "An Act to regulate the sale of imitation olive oil and to regulate the sale of olive oil," approved March 10, 1891—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

Also: Assembly Bill No. 372—An Act to amend Section 382 of the Penal Code, relating to adulteration of foods—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Assembly Bill No. 528—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, providing penalties for the violation thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 244—An Act to provide for the formation and government of mosquito-extirminating districts, and for the levy, collection, custody, and disbursements of taxes therein—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 7—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts," etc.; approved March 31, 1901—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 370—An Act to amend an Act entitled an Act to establish a Penal Code by adding a section thereto, relating to public health.

Also: Assembly Bill No. 884—An Act to amend an Act to encourage and provide for a general vaccination in the State of California, relating to the vaccination of school children.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

GATES, Chairman.

Assembly Bills Nos. 372, 528, 244, 7, 370, and 884 ordered on second-reading file.

## BILLS WITHDRAWN.

Mr. Pyle was granted permission to withdraw Assembly Bills Nos. 683 and 682.

The Committee on Oil Industries and Oil Mining Interests submitted the following report, which was read:

## ON OIL INDUSTRIES AND OIL MINING INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER: Your Committee on Oil Industries and Oil Mining Interests, to whom was referred Assembly Bill No. 657—An Act to establish a State refinery of petroleum, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Assembly Bill No. 313—An Act to add a new section, to be known as Section 2168½, to the Civil Code of the State of California, relating to common carriers of oil.

Also: Assembly Bill No. 573—An Act regulating the furnishing to shippers of crude and fuel petroleum tank cars for the carriage of such shipments.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DORSEY, Chairman.

Assembly Bills Nos. 657, 313, and 573 ordered on second-reading file.

## UNFINISHED BUSINESS—(RESUMED).

Assembly Bill No. 498—An Act to amend Sections 1275, 1276, 1285, 1300, 1306, 1307, 1327, 1360, 1364, and 1376 of the Civil Code, and to add a new section thereto, to be numbered 1314, all relating to wills.

Passed on file.

Assembly Bill No. 58—An Act to amend Section 611 of the Civil Code, relating to the issuance of bonds by cemetery corporations.

#### SENATE AMENDMENT.

The following Senate amendment to Assembly Bill No. 58 was read:

Amend as follows: By striking out of the enacting clause the word "the," after the word "in," and before the word "Senate."

#### SENATE AMENDMENT CONCURRED IN.

Mr. Gates moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 58?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Amers, Anthony, Arnerich, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Burke, Obandler, Cooper, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Olmsted, Perkins, Pfaefle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strohl, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—62.

NOES—None.

Assembly Bill No. 58 ordered to enrollment.

Assembly Bill No. 64—An Act for the relief of Patrick Creighton.

#### SENATE AMENDMENT.

The following Senate amendment to Assembly Bill No. 64 was read:

Amend by striking out the enacting clause, and inserting in lieu thereof the following: "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

#### SENATE AMENDMENT CONCURRED IN.

Mr. McGowan moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 64?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Anthony, Barnes, Bates, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cooper, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Houser, John, Johnson, Johnstone, Jury, King, Lumley, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Olmsted, Perkins, Pyle, Rolley, Severance, Slaven, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—56.

NOES—None.

Assembly Bill No. 64 ordered to enrollment.

Assembly Bill No. 345—An Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

#### SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 345 were read:

Amend by adding on page 1, Section 1, line 11, after the word "Costa," the word "Kings."

On page 1, Section 1, line 5, after the word "Alameda," insert the words "and Los Angeles, five thousand dollars."

On page 1, Section 1, line 6, strike out the words "Los Angeles."

On page 1, Section 1, line 11, after the word "Costa," insert the words "Napa and San Benito."

On page 1, Section 1, line 10, after the word "Yolo," strike out the word "and."

After the words "Contra Costa" in lines 10 and 11, and before the word "four," insert "Amador, Calaveras, Stanislaus, El Dorado, Merced, Madera, Tuolumne."

Strike out of lines 11 and 12 the words "Counties of Amador, Calaveras, Stanislaus, El Dorado, and Tuolumne," and insert in lieu thereof the words "County of Orange."

#### SENATE AMENDMENTS CONCURRED IN.

Mr. McGowan moved to concur in Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 345?"

The roll was called, and the Senate amendments concurred in by the following vote:

**Ayes**—Messrs. Anthony, Arnerich, Barnes, Bates, Beckett, Boyle, Branstetter, Burge, Burke, Cooper, Coyle, Creighton, Cullen, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Held, John, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lumley, Lynch, McGowan, McNamara, Meincke, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Slaven, Strobridge, Strohl, Vogel, Walsh, Weyand, Whiting, and Mr. Speaker—48.

**Noes**—None.

Assembly Bill No. 345 ordered to enrollment.

Assembly Bill No. 131—An Act to add a new section to be known as Section 1927 of the Code of Civil Procedure, relating to the admission in evidence of certain statements of facts contained in patents for mineral lands issued or granted by the United States of America.

#### SENATE AMENDMENT.

The following Senate amendment to Assembly Bill No. 131 was read:

On page 1, strike out all of the title down to the word "relating," on line 3, and insert in lieu thereof the following: "An Act to add a new section to the Code of Civil Procedure, to be known as Section 1927."

#### SENATE AMENDMENT CONCURRED IN.

Mr. McKenney moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 131?"

The roll was called, and the Senate amendment concurred in by the following vote:

**Ayes**—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Cleveland, Cooper, Coyle, Creighton, Cullen, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, McGowan, McKenney, McNamara, Meincke, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Slaven, Strobridge, Thompson, Treadwell, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—57.

**Noes**—None.

Assembly Bill No. 131 ordered to enrollment.

Assembly Bill No. 69—An Act to amend Section 200 of the Code of Civil Procedure of the State of California, relating to persons exempt from liability to act as jurors.

#### SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 69 were read:

##### AMENDMENT No. 1.

On page 2, Section 1, strike out lines 33, 34, 35, and 36, and insert in lieu thereof the following: "A person drawn as a juror in any court of record in this State, upon a regular panel, who has served as such within a year, or a person drawn or summoned as a juror in any such court who has been discharged as a juror within a year, as herein-after provided."

## AMENDMENT No. 2.

On page 1, after the enacting clause, insert the following: "Section 1. Section 199 of the Code of Civil Procedure is hereby amended to read as follows:

"Section 199. A person is not competent to act as a juror:

"1. Who does not possess the qualifications prescribed by the preceding section;

"2. Who has been convicted of malfeasance in office, or any felony, or other high crime, or

"3. Who has been discharged as a juror by any court of record in this State within a year, as provided in Section 203 of this Code, or who has been drawn as a grand juror in any such court and served within a year, and been discharged.

"4. A person who is serving as a grand juror in any court of record in this State is not competent to act as a trial juror in any such court, and a person who is serving as a trial juror in any court of this State is not competent to act as a grand juror in any such court."

## AMENDMENT No. 3.

On page 1, Section 1, printed bill, renumber Section 1 "Section 2."

## AMENDMENT No. 4

On page 1 amend the title so as to read as follows:

"An Act to amend Sections 199 and 200 of the Code of Civil Procedure relating to the qualifications and exemptions of jurors."

## AMENDMENT No. 5

On page 2, line 28, after the word "a" insert the word "said"

## SENATE AMENDMENTS CONCURRED IN.

Mr. Waste moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 69?"

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beckett, Boyle, Branstetter, Burge, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Eils, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, Lumley, Lynch, McCartney, McGowan, McNamara, Meincke, Mindham, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Strohl, Thompson, Treadwell, Vogel, Walsh, Waste, Wevand, Whiting, and Mr. Speaker—58.

NOES—None.

Assembly Bill No. 69 ordered to enrollment.

## UNFINISHED BUSINESS—(RESUMED).

Consideration of unfinished business was resumed, as follows:

Consideration of the Governor's veto to Assembly Bill No. 54—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justices' courts.

Governor's veto pending.

Consideration of the Governor's veto to Assembly Bill No. 55—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Governor's veto pending.

## GOVERNOR'S VETO SUSTAINED.

Consideration of the Governor's veto to Assembly Bill No. 227.

Assembly Bill No. 227—An Act to amend Section 1 of an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State, who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, relating to the burial of soldiers who served in the war with Spain and in the Philippine insurrection.

The question being, "Shall the bill become a law notwithstanding the objections of the Governor?"

The roll was called, and the veto of the Governor sustained by the following vote:

AYES—Messrs. McGowan and O'Brien—2.

NOES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beckett, Boyle, Branstetter, Burge, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Ellis, Espey, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Johnson, Johnstone, Jury, Lucey, Lumley, Lynch, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Strohl, Thompson, Treadwell, Vogel, Waste, Weyand, Wickersham, and Mr. Speaker—52.

#### SPECIAL FILE.

Bills on the special file were considered, as follows:

Assembly Bill No. 865—An Act to prohibit the sale of spirits, liquors, or wines without a State license, to provide for the issuance of such a license, and for the violation of the provisions of this Act, and prescribing the duties of certain officers in connection therewith.

Passed on file.

Assembly Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 61 of said Act, relating to county officers.

Passed on file.

Assembly Bill No. 299—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class.

Passed on file.

Assembly Bill No. 818—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 25 of said Act a new subdivision, to be known as Section 6½, and relating to coöperation by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Creighton, Cromwell, Cullen, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Held, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, Lumley, Lynch, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Strohl, Thompson, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 619—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.

Passed on file.

Assembly Bill No. 421—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relating to salaries and fees of county officers in counties of the thirty-ninth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Gans, Goodrich, Hartman, Hawkins, Held, Johnson, Johnstone, Jury, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Strohl, Thompson, Treadwell, Tripp, Vogel, Walsh, Weyand, Whiting, and Wickersham—56

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

#### PRIVILEGES OF THE FLOOR EXTENDED.

The Speaker, on behalf of the Assembly, extended the privileges of the floor to Hon. J. M. Higgins, an ex-member of the Assembly.

#### SPECIAL FILE—(RESUMED).

Assembly Bill No. 782—An Act making an appropriation of \$2,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of constructing a reservoir to be used in storing the water supply of said school.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, Lumley, Lynch, Maxwell, McCartney, McGowan, McNamara, Meincke, Mindham, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—65.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 785—An Act making an appropriation of \$350, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new books for the library of said school.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Cleveland, Cooper, Coyle, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, Johnson, Johnstone, Jury, Lucey, Lynch, McCartney, McGowan, McNamara, Meincke, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Rolley, Severance, Stanton, Strohl, Thompson, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 525—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.

Passed on file.

Assembly Bill No. 440—An Act to amend Section 10 of an Act entitled "An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or balloting machines for receiving or registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result of such elections, and providing for the punishment of all violations of the provisions of this Act relating to voting machines."

Passed on file.

Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the right of suffrage.

Passed on file.

Assembly Bill No. 527—An Act to add a new section, to be known as Section 42½, to an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893; extending the provisions of Sections 19 to 33, inclusive, and Sections 39 to 42, inclusive, of said Act, to primary elections, and so providing for punishment of offenses at primary elections.

Passed on file.

Assembly Bill No. 839—An Act to amend Section 12 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901.

Passed on file.

Assembly Bill No. 802—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Passed on file.

Assembly Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 183 thereof, relating to salaries and fees of county and township officers in counties of the twenty-sixth class.

Passed on file.

Assembly Bill No. 697—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.

Passed on file.

Assembly Bill No. 832—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 25 of said Act a new sub-

division, to be known as Section 6½, and relating to coöperation by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services.

Passed on file.

Assembly Bill No. 618—An Act to authorize the appointment of an interpreter of the Spanish language in counties of the first and one half class.

Passed on file.

Assembly Bill No. 800—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 180 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-third class.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Busick, Chandler, Cooper, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Johnson, Johnstone, Jury, Lumley, Lynch, McCartney, McGowan, McNamara, Meincke, Mindham, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Strohl, Thompson, Treadwell, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 799—An Act authorizing and empowering boards of supervisors of the counties of this State to change the names of streets and avenues.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Cooper, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, Gates, Goodrich, Hartman, Hawkins, Held, Johnson, Johnstone, Jury, Lumley, Lynch, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Slaven, Stanton, Strobridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The Committee on Constitutional Amendments was granted leave to submit the following report (out of order), which was read:

#### ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 19—Proposed amendment to Article XII of the Constitution, relative to the extension of the franchise or charter of any corporation, now or hereafter existing under the laws of this State, for a period not exceeding fifty years—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

Also: Assembly Constitutional Amendment No. 20—A resolution proposing to the people of the State of California amendments to the Constitution of the State, to wit:



A new Article XIII, relating to revenue and taxation, and repealing the present Article XIII of the Constitution of the State, relative to the same subject—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Assembly Constitutional Amendment No. 6—Relative to proposing an amendment to the State Constitution providing for free public school books.

Also: Assembly Constitutional Amendment No. 7—To propose to the people of the State of California an amendment to the Constitution of the State amending Article XI, by adding thereto a new section, to be numbered Section 20, providing for the enactment of certain laws by popular vote in counties, cities and counties, and cities.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted, by a majority, as amended.

Also: Assembly Constitutional Amendment No. 16—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 14 of Article I, relating to taking or damaging private property for public use—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

Also: Assembly Concurrent Resolution No. 8—A resolution expressing the need that, in the judgment of the Legislature, exists for a revision of the State Constitution by a convention to be called for that purpose and recommending to the electors of the State that the subject be voted upon by them at the next ensuing general election—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Assembly Constitutional Amendment No. 18—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California, by amending Section 12 of Article XIII, relating to revenue and taxation—have had the same under consideration, and respectfully report the same back, as amended, without recommendation.

Also: Assembly Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 23 of Article IV of said Constitution, limiting the expenses of the Legislature and regulating the salary of the members thereof—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

Also: Assembly Constitutional Amendment No. 15—For the recall of officials by electors—have had the same under consideration, and respectfully report the same back, without recommendation by a majority.

HOUSER, Chairman.

Assembly Constitutional Amendments Nos. 19, 20, 6, 7, 16, 8, 18, 25, and 15 were ordered on the special file.

Assembly Bill No. 139—An Act to repeal an Act entitled "An Act to provide for the payment by the State or counties or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903.

Read third time.

The question being on the passage of the bill.

TIME FOR RECESS EXTENDED.

Mr. Held moved that the hour for recess be extended five minutes.

Motion carried.

The roll was called, and Assembly Bill No. 139 passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Beardslee, Bliss, Beckett, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Espey, Gans, Gates, Hartman, Hawkins, Held, Houser, John, Johnson, Jones of Tuolumne, Jury, King, Lacey, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, O'Brien, Olmsted, Perkins, Pfeifle, Pryor, Pyle, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—59

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 145—An Act to provide for the payment by the State, or counties, or cities and counties, of the premium or charge on official bonds.

Read third time.

## TIME FOR RECESS EXTENDED.

Mr. Creighton, at twelve o'clock and twenty-five minutes P. M., moved to extend the time for recess ten minutes.

Motion carried.

Mr. Olmsted moved that the further consideration of Assembly Bill No. 145 go over until to-morrow as unfinished business.

Motion lost.

## FURTHER EXTENSION OF TIME.

Mr. Espey, at twelve o'clock and forty minutes P. M., moved that the hour for recess be extended five minutes.

Motion carried.

## PREVIOUS QUESTION DEMANDED.

Mr. Amerige moved the previous question.

The question, "Shall the main question be now put?" was put to vote, and declared carried.

The question being on the passage of Assembly Bill No. 145.

The roll was called, and the bill refused passage by the following vote :

AYES—Messrs. Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Cleveland, Cooper, Coyle, Creighton, Cullen, Duryea, Ellis, Estudillo, Gates, John, Johnson, Jones of Tuolumne, Jury, King, Lucey, Manwell, McKenney, McNamara, Meincke, Mindham, Mitchelltree, Perkins, Plaetle, Pryor, Pyle, Rolley, Severance, Strohl, Treadwell, Vogel, Weyand, and Mr. Speaker—38

NOES—Messrs. Amerige, Anthony, Beckett, Bliss, Burge, Burke, Busick, Chandler, Devlin, Dorsey, Dren, Espey, Gans, Goodrich, Hartman, Hawkins, Held, Houser, Johnstone, Lumley, Lynch, McGowan, O'Brien, Olmsted, Stanton, Strobbridge, Thompson, Tripp, Walsh, Waste, Whiting, and Wickersham—32.

## RECESS.

The Speaker, at twelve o'clock and forty-seven minutes P. M., declared a recess of the Assembly until two o'clock P. M.

## REASSEMBLED.

The Assembly reconvened at two o'clock P. M.

The Speaker, Hon. Frank C. Prescott, in the chair.

## NOTICE OF RECONSIDERATION.

Mr. Held gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 145 was refused passage this day.

## SPECIAL SENATE FILE.

Bills on the special Senate file were considered, as follows:

Senate Bill No. 104—An Act to amend Sections 1 and 7 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Passed on file.

Senate Bill No. 8 (identical with Assembly Bill No. 155)—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Passed on file.

Senate Bill No. 105—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of

sanitary districts in any part of the State; for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

Passed on file.

Senate Bill No. 260 (identical with Assembly Bill No. 618)—An Act to authorize the appointment of an interpreter of the Spanish language in criminal proceedings in counties, and cities and counties of one hundred thousand inhabitants and over.

Passed on file.

Senate Bill No. 519—An Act to provide one additional judge of the Superior Court of the County of San Joaquin, State of California, for the manner of his appointment, and for his compensation.

Passed on file.

Senate Bill No. 306—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Passed on file.

Senate Bill No. 68—An Act to amend Section 10 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to holidays.

Passed on file.

Senate Bill No. 364 (identical with Assembly Bill No. 525)—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.

Passed on file.

Senate Bill No. 226—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Passed on file.

Senate Bill No. 189—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Passed on file.

Senate Bill No. 402—An Act to promote the better education of practitioners of nursing the sick in the State of California; to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation thereof.

Read second time.

The Committee on Judiciary submitted the following amendment, which was read:

Strike out all of Section 1 of the printed bill, and in lieu thereof insert the following: "Section 1. Within sixty days after the passage of this Act the Board of Regents of the University of California shall appoint five examiners of registered nurses, to serve at the pleasure of the Board of Regents, such examiners to be persons who shall have been in practice as nurses in this State for not less than three years after graduation from a training school for nurses attached to a reputable hospital giving a general training for nurses."

Amendment adopted.

Senate Bill No. 402 ordered to print, and third reading on special Senate file.

Senate Bill No. 405—An Act to amend Section 3650 of the Political Code of the State of California, relating to how the assessor must prepare an assessment book, and list therein all property within the county.

Read second time.

Senate Bill No. 405 ordered to third reading on special Senate file.

Senate Bill No. 459—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties, and providing for their compensation.

Read second time.

Senate Bill No. 459 ordered to third reading on special Senate file.

Senate Bill No. 415 (identical with Assembly Bill No. 581)—An Act to add a new section to the Civil Code of the State of California, to be numbered 328, relating to lost or destroyed certificates of stock, or of shares in a corporation.

Read second time.

Mr. Coghlan offered the following amendments, which were read:

AMENDMENT No. 1.

Amend by striking out of title, line 3 of printed bill, the words "or destroyed," and inserting in lieu thereof the following words: "destroyed or wrongfully withheld."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of Section 1, line 6 of printed bill, the words "or destroyed," and inserting in lieu thereof the following words: "destroyed or wrongfully withheld."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of Section 1, line 39 of printed bill the words "or destroyed," and inserting in lieu thereof the following words: "destroyed or wrongfully withheld."

Amendment adopted.

Senate Bill No. 415 ordered to print, and to third reading on special Senate file.

SENATE CONCURRENT RESOLUTION No. 14.

Relative to the consent of the Legislature to the absence of His Excellency, George C. Pardee, Governor of the State of California, from the State for more than sixty days.

*Resolved by the Senate, the Assembly concurring,* That the Legislature of the State of California has consented, and does hereby consent, that his Excellency, George C. Pardee, Governor of the State of California, may absent himself from the State of California at such times as he may choose, or as necessity may require, during his official term, for a period of more than sixty days; *provided*, that the periods of such absence taken together do not exceed, in any one calendar year, a period of four months.

Senate Concurrent Resolution No. 14 read, and, on being put to vote, was declared adopted.

Senate Bill No. 88—An Act forbidding the payment of municipal officers out of the funds of the county.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burge, Chandler, Cleveland, Coghlan, Cooper, Creighton, Cullen, Drew, Estudillo, Gans,

Gates, Held, Houser, Johnson, Jones of Tuolumne, Jury, King, Lucey, McNamara, Meincke, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Severance, Strobridge, Strohl, Thompson, Treadwell, Tripp, Walsh, Whiting, Wickersham, and Mr. Speaker—42.  
Nones—Mr. Johnstone—1.

Title read and approved.

SPEAKER PRO TEM. CALLED TO THE CHAIR.

The Speaker, Hon. Frank C. Prescott, at two o'clock and twenty minutes P. M., called the Speaker pro tem., Hon. T. E. Atkinson, to the chair.

NOTICE OF RECONSIDERATION.

Mr. Drew gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 88 was finally passed this day.

SPECIAL FILE—(RESUMED).

Consideration of bills on the special file was resumed, and the following were considered:

Assembly Bill No. 15—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof in relation to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices.

Passed on file.

Assembly Bill No. 197—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 25, 1901.

Passed on file.

Assembly Bill No. 198—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto by amending Section 34 of said Act."

Passed on file.

Assembly Bill No. 247—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 25, 1901.

Passed on file.

Assembly Bill No. 221—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat, and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the superior court.

Passed on file.

Assembly Bill No. 908—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 25, 1901, and amended March 19, 1903, by amending Section 200 thereof, relating to the compensation of officers of the forty-third class.

Passed on file.

Assembly Bill No. 876—An Act to amend Section 20 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to county and township officers of counties of the sixteenth class, and providing for the compensation of such officers and their deputies.

Passed on file.

Assembly Bill No. 931—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Passed on file.

Assembly Bill No. 997—An Act to amend an Act entitled "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employes of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employes," approved March 18, 1903; to provide for the appointment and compensation of certain additional assistants, stenographers, and clerks for county officers, in counties of the second class.

Read second time.

Mr. Thompson offered the following amendments:

AMENDMENT No. 1.

Strike out of line 32, on page 2 of the printed bill, the word "fifteen," and insert in lieu thereof the word "twenty-five."

Amendment adopted.

AMENDMENT No. 2.

Strike out of line 35, on page 2 of printed bill, the word "monh," and insert in lieu thereof the word "month."

Amendment adopted.

AMENDMENT No. 3.

Strike out of lines 47 and 48, on page 3 of the printed bill, the following: "four deputies at a salary of ninety dollars each per month."

Amendment adopted.

AMENDMENT No. 4.

Insert in line 323, on page 10 of the printed bill, after the word "month," the following: "one clerk who shall be superintendent of charities, at a salary of one hundred dollars per month; two clerks who shall be assistants to the superintendent of charities, at a salary of seventy-five dollars each per month."

Amendment adopted.

AMENDMENT No. 5.

Insert in line 341, on page 10 of the printed bill, after the word "counties" the word "now."

Amendment adopted.

## AMENDMENT No. 6.

Insert in line 380, on page 11 of the printed bill, after the word "for," the words "each of the."

Amendment adopted.

## AMENDMENT No. 7.

Strike out in line 381, on page 11 of the printed bill, the words "clerk shall," and insert in lieu thereof the words "clerks shall each."

Amendment adopted.

## AMENDMENT No. 8.

Strike out of line 382, on page 12 of the printed bill, the word "his."

Amendment adopted.

## AMENDMENT No. 9.

Insert in line 383, on page 12 of the printed bill, after the word "month," the word "each."

Amendment adopted.

## AMENDMENT No. 10.

Strike out of line 385, on page 12 of the printed bill, the words "clerk shall," and insert in lieu thereof the words "clerks shall each."

Amendment adopted.

## AMENDMENT No. 11.

Strike out of line 390, on page 12 of the printed bill, the word "clerk," and insert in lieu thereof the word "clerks."

Amendment adopted.

## AMENDMENT No. 12.

Strike out of line 392, on page 12 of the printed bill, the word "him," and insert in lieu thereof the word "them."

Amendment adopted.

Assembly Bill No. 997 ordered to reprint, reengrossment, and on third-reading file.

## THIRD-READING FILE.

Bills on third-reading file were called and considered, as follows:

Assembly Bill No. 56—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justice courts and justices.

Passed on file.

Assembly Bill No. 176—An Act to amend Section 3738 of the Political Code of the State of California, relating to redemption of lands from tax sales.

Passed on file.

Assembly Bill No. 443—An Act to provide for the location and acquirement of mining claims on salt marsh and tide lands owned by the State of California.

Passed on file.

Assembly Bill No. 185—An Act to provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects.

Passed on file.

Assembly Bill No. 439—An Act to provide for the disposition of the funds which may hereafter be collected by the State of California from the United States in payment of the claims arising out of the War of the Rebellion.

Passed on file.

Assembly Bill No. 353—An Act to amend Section 6 of an Act entitled "An Act to provide for compiling, electrotyping, printing, binding, copyrighting, and distributing a State series of school text-books, and appropriating money therefor," approved March 15, 1887.

Passed on file.

Assembly Bill No. 172—An Act confirming the organization of school districts.

Passed on file.

Assembly Bill No. 249—An Act to amend Section 1621 of the Political Code, relating to boards of school trustees and city boards of education.

Passed on file.

Assembly Bill No. 532—An Act protecting the claims of those who may furnish materials or labor for the working or developing of mining properties under powers which are obtained by bond or a trust deed.

Passed on file.

Assembly Bill No. 453—An Act to appropriate \$20,000 for the improvement of Big Basin Park.

Passed on file.

Assembly Bill No. 590—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1365, relating to the persons who shall be entitled to administer estates of deceased persons, and the order in which such persons shall be so entitled.

Passed on file.

Assembly Bill No. 79—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3652, and by adding a new section, to be numbered 3652½, relating to the time of completion of assessment roll, and the giving of notice by the assessor of the amount of the assessment, and the date of meeting of boards of equalization.

Passed on file.

Mr. Held was granted leave to call up Assembly Bill No. 535 (No. 118 on file), and transpose same for Assembly Bill No. 585 (No. 91 on file).

Assembly Bill No. 535—An Act to amend Sections 3897 and 3898 of the Political Code of the State of California, relating to the sale by the State of property sold to the State for taxes.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

Ayes—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyt Branstetter, Burge, Chandler, Cogblan, Cooper, Creighton, Cullen, Estudillo, Gan Gates, Held, Houser, Jarvis, Johnson, Jones of Tuolumne, Jury, King, Luce-McNamara, Meincke, Mitchell, Olmsted, Perkins, Pfadt, Pryor, Pyle, Slave Stanton, Strobridge, Strohl, Thompson, Treadwell, Tripp, Whiting, and Wicke sham—42.

Noes—Mr. Walsh—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 218—An Act to amend Section 2690 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings on approval of viewer's report in the matter of public highways.

Passed on file.

Assembly Bill No. 317—An Act to amend Section 813 of "An Act to provide for the organization, incorporation, and government of municipi-



pal corporations," approved March 13, 1883, and the Acts amendatory thereof.

Passed on file.

Assembly Bill No. 318—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof.

Passed on file.

Assembly Bill No. 325—An Act to amend Sections 2, 3, 5, 7, 10, and 13, and to repeal Section 14, of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Read third time.

#### SELECT COMMITTEE AMENDMENT.

Mr. King moved that a select committee of one be appointed to amend Assembly Bill No. 325, as follows:

Strike out the words "and purchase said supplies in open market after securing at least two competitive oral bids, to last only until the next annual awards are made" on page 5, lines 23, 24, 25, and 26 of the printed bill, and insert in lieu thereof the following: "and readvertise as in the first instance."

Also, on page 6, line 52 of the printed bill, strike out the word "or."

Amendment adopted.

Mr. King was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 325—An Act to amend Sections 2, 3, 5, 7, 10, and 13 and to repeal Section 14, of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897—with instructions, does now report that the instructions of the Assembly have been carried out.

KING, Committee.

The report of the select committee of one was adopted.

Assembly Bill No. 325 ordered to reprint, reëngrossment, and on file for passage.

Mr. Treadwell was granted leave to transpose Assembly Bill No. 534 (No. 234 on file) for Assembly Bill No. 96 (No. 90 on file).

Assembly Bill No. 534—An Act to appropriate the sum of \$2,000 to pay the claim of W. C. Van Fleet for legal services rendered the State of California in the Superior Court of the City and County of San Francisco, and the Supreme Court of the State of California, in an action entitled "Jeremiah F. Sullivan et al. vs. Henry T. Gage et al., constituting the State Board of Examiners."

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burge, Burke, Chandler, Coghlan, Cooper, Creighton, Cullen, Ells, Estudillo, Gans, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, McNamara, Meincke,

Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Strobridge, Strohl, Thompson, Treadwell, Tripp, Walsh, Whiting, and Wickersham—44.  
 Nays—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 478—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualification of persons following such business, and the sanitary condition of barber shops in the State of California.

Read third time.

The question being on the passage of the bill.

#### CALL OF THE HOUSE.

Pending the roll call and the announcement of the result, Mr. Mitcheltree, at three o'clock and five minutes P. M., moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Duryea, Ellis, Estudillo, Gans, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Manwell, McGowan, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Strobridge, Strohl, Thompson, Tripp, Vogel, Walsh, Weyand, Whiting, and Wickersham—55

Mr. Olmsted, at three o'clock and ten minutes P. M., moved—that further proceedings under the call of the House be dispensed with.

Motion lost.

The doors were ordered closed.

The Sergeant-at-Arms was furnished with a warrant to bring the unexcused members before the bar of the House.

The Sergeant-at-Arms, at three o'clock and fifteen minutes P. M., brought Messrs. McGowan, Branstetter, King, Gates, and Lynch before the bar of the House.

The gentlemen were excused.

#### FURTHER PROCEEDINGS UNDER CALL DISPENSED WITH.

Mr. Cleveland, at three o'clock and seventeen minutes P. M., moved that further proceedings under the call of the House be dispensed with.

Motion carried.

The roll was called on the passage of the bill, and Assembly Bill No. 478 was passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Coghlan, Cullen, Devlin, Dorsey, Drew, Estudillo, Gates, Hawkins, Held, Jarvis, John, Johnson, Jury, King, Lucy, Lumley, Lynch, Manwell, McCartney, McGowan, Meincke, Mindham, Mitcheltree, O'Brien, Pfaffle, Pyle, Rolley, Slaven, Stanton, Strobridge, Strohl, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—51.

NOES—Messrs. Amerige, Beardslee, Chandler, Cleveland, Cooper, Coyle, Creighton, Cronwell, Duryea, Ellis, Espey, Gans, Goodrich, Houser, Johnstone, Jones of Tuolumne, Jones of San Francisco, Moore, Olmsted, Perkins, Pryor, Severance, and Thompson—24.

Title read and approved.

#### NOTICE OF RECONSIDERATION.

Mr. Drew gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 478 was passed this day.

## SPEAKER RESUMES THE CHAIR.

The Speaker, Hon. Frank C. Prescott, at three o'clock and twenty-five minutes P. M., resumed the chair.

## SPECIAL ORDERS—(RESUMED).

Senate Bill No. 179 (Substitute for Assembly Bill No. 356)—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

**AYES**—Messrs. Arnerich, Atkinson, Bates, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Cleveland, Coghlan, Creighton, Cullen, Dorsey, Hartman, Held, Jarvis, John, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Strobridge, Vogel, Weyand, and Whiting—42.

**NOES**—Messrs. Amerige, Barnes, Beardslee, Busick, Chandler, Cooper, Coyle, Cromwell, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Goodrich, Hawkins, Houser, Johnstone, Lynch, Manwell, Moore, O'Brien, Olmsted, Rolley, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Wickersham, and Mr. Speaker—35.

Title read and approved.

## REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following report:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 783—An Act making an appropriation of \$500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the assembly hall of the boys' department.

Assembly Bill No. 780—An Act making an appropriation of \$1,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing type and printing materials, to be used in the printing office at said school.

Assembly Bill No. 786—An Act making an appropriation of \$650, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new sewing machines for use in said school.

Assembly Bill No. 779—An Act making an appropriation of \$750 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of furnishing "B" cottage, of the girls' department.

Assembly Bill No. 618—An Act to authorize the appointment of an interpreter of the Spanish language in counties of the second class.

Assembly Bill No. 842—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the powers of boards of supervisors.

Assembly Bill No. 938—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to health officers and health regulations, and the powers of boards of supervisors in connection therewith.

Assembly Bill No. 812—An Act to amend Section 1470 of the Code of Civil Procedure of the State of California.

Assembly Bill No. 717—An Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Assembly Bill No. 629—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Assembly Bill No. 878—An Act to amend Sections 1184 of the Code of Civil Procedure, and to repeal Section 1203 of said Code, all relating to liens of mechanics and others upon real property.

Assembly Bill No. 150—An Act to amend Section 1 of an Act entitled "An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers, duties, and compensation, and to provide methods, means and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter 63 of the Laws of 1883, Chapter 7 of the Laws of 1885, Chapter 86 of the Laws of 1889, and Chapter 194 of the Laws of 1891," approved March 23, 1903.

DEVLIN, Chairman.

Assembly Bills Nos. 783, 780, 786, 779, 618, 842, 938, 812, 717, 629, 878, and 150 ordered on third-reading file.

## SPECIAL ORDERS--(RESUMED).

Assembly Bill No. 297—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of Public Instruction.

Read third time.

## PROPOSED SELECT COMMITTEE AMENDMENT.

Mr. McGowan moved that a select committee of one be appointed to amend Assembly Bill No. 297, as follows:

Strike out of lines 26 to 38 the following: "In apportioning said fund he shall apportion to every county, and to every city and county, \$250 for every teacher determined and assigned to it on school census by the county or city and county school superintendent for the next preceding school year, as required of the county or city and county school superintendent by the provisions of Section 1853 of this Code, and after thus apportioning \$250 on teacher or census basis, he shall apportion the balance of the State school fund to the several counties or cities and counties according to their daily average attendance as shown by the reports of the county or city and county school superintendents for the next preceding school year."

Mr. McGowan proceeded to discuss his proposed amendment.

## TIME FOR ADJOURNMENT EXTENDED.

Mr. Transue, at four o'clock and twenty-eight minutes P. M., moved that the hour for adjournment be extended for one hour.

Motion carried.

## MOTION TO SUSPEND RULE LOST.

Mr. Treadwell moved that the rule limiting discussion on a bill be suspended.

Motion lost.

Mr. Stanton moved that Mr. McGowan be granted thirty minutes' time in which to discuss the pending measure.

Motion carried.

## MOTION TO ADJOURN.

Mr. Coghlan, at five o'clock P. M. moved that the Assembly adjourn until to-morrow (Wednesday) at ten o'clock A. M.

Mr. Espey moved to amend that the Assembly take a recess until seven o'clock and thirty minutes P. M.

## POINT OF ORDER.

Mr. Treadwell raised the point of order that a motion to adjourn can only be amended as to the time of adjournment.

Mr. Espey withdrew his motion, and moved to amend the original motion of Mr. Coghlan that the Assembly adjourn to seven o'clock and thirty minutes P. M.

Mr. Treadwell raised the point of order that the House cannot adjourn to a time on the same day.

The Chair sustained the point of order as well taken.

## MOTION TO ADJOURN LOST.

The question recurring on Mr. Coghlan's motion to adjourn to to-morrow (Wednesday) at ten o'clock A. M.

The ayes and noes were demanded by Messrs. Espey, Beckett, and Treadwell.

The roll was called, and the motion to adjourn declared lost by the following vote:

**AYES**—Messrs. Anthony, Atkinson, Bates, Beckett, Boyle, Burke, Coghlan, Cullen, Hartman, Jarvis, Jones of San Francisco, Jury, Lucey, McGowan, McNamara, Meincke, Mindham, Pfaeffe, Pryor, Pyle, Severance, Strobbridge, Strohl, Treadwell, Vogel, and Walsh—26.

**NOES**—Messrs. Amerige, Arnerich, Barnes, Beardslee, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Gans, Gates, Goodrich, Hawkins, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, Manwell, McKenney, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Rolley, Slaven, Stanton, Thompson, Transue, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—48.

#### MOTION TO LAY ON THE TABLE.

Mr. Espey moved that Mr. McGowan's motion for the appointment of a select committee of one be laid on the table.

The ayes and noes were demanded by Messrs. Atkinson, Beckett, and Coghlan.

The roll was called, and the motion to lay on the table was declared carried by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Houser, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobbridge, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—67.

**NOES**—Messrs. Beckett, Duryea, Held, and Wickersham—4.

Mr. Amerige moved the previous question.

#### POINTS OF ORDER.

Mr. Treadwell raised the point of order that as the motion to lay on the table had been carried, it carried the whole subject-matter of the bill under consideration with it.

The Chair ruled that Mr. Treadwell's point of order was not well taken, as the motion to lay on the table was only to table a motion calling for the appointment of a committee to amend, and was not on a motion to amend the bill.

#### APPEAL FROM DECISION OF THE CHAIR.

Mr. McGowan appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the decision of the House?"

#### THE SPEAKER SUSTAINED.

The Speaker directed the Clerk to call the roll, and the decision of the Chair was sustained by the following vote:

**AYES**—Messrs. Amerige, Arnerich, Barnes, Bates, Beardslee, Bliss, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hawkins, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, Manwell, McKenney, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Rolley, Slaven, Stanton, Strobbridge, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, and Wickersham—54.

**NOES**—Messrs. Anthony, Atkinson, Beckett, Boyle, Coghlan, Cullen, Hartman, Jones of San Francisco, Jury, Lucey, McGowan, McNamara, Meincke, Mindham, Pfaeffe, Severance, Strohl, Vogel, and Walsh—19.

## TIME FOR ADJOURNMENT EXTENDED.

Mr. Stanton, at five o'clock and twenty-five minutes P. M., moved that the hour for adjournment be extended for half an hour.

Messrs. Atkinson, Beckett, and McGowan demanded the ayes and noes.

The roll was called, and the motion declared carried by the following vote:

**AYES**—Messrs. Amerige, Beardslee, Bliss, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hawkins, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, Manwell, McGowan, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Slaven, Stanton, Thompson, Transue, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—48.

**NOES**—Messrs. Anthony, Atkinson, Bates, Boyle, Cullen, Hartman, Jarvis, Jones of San Francisco, Jury, Lucey, McNamara, Meincke, Mindham, Mitcheltree, and Pfaffle—15.

## PREVIOUS QUESTION DEMANDED.

Mr. Amerige moved the previous question.

The question, "Shall the main question be now put?" was put to vote and declared carried.

Mr. Atkinson requested, in accordance with Rule 74, that his protest against the action of the Assembly in ordering the previous question be entered in the record.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 297 passed by the following vote:

**AYES**—Messrs. Amerige, Arnerich, Barnes, Beardslee, Bliss, Branstetter, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hawkins, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, Manwell, McKenney, Moore, O'Brien, Olmsted, Perkins, Pryor, Rolley, Slaven, Stanton, Thompson, Transue, Tripp, Waste, Weyand, Whiting, and Mr. Speaker—51.

**NOES**—Messrs. Anthony, Atkinson, Bates, Beckett, Boyle, Cullen, Hartman, Jarvis, Jones of San Francisco, Jury, Lucey, McGowan, McNamara, Meincke, Mindham, Mitcheltree, Pfaffle, Pyle, Severance, Strobridge, Strohl, Treadwell, Vogel, Walsh, and Wickersham—25.

Title read and approved.

## NOTICE OF RECONSIDERATION.

Mr. Coghlan gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 297 was passed this day.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Commissions and Public Expenditures was granted leave to submit the following report (out of order), which was read:

## ON COMMISSIONS AND PUBLIC EXPENDITURES

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Assembly Bill No. 1055—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of the Law," and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895," approved March 25, 1903, by amending Section 9 thereof, relating to the tenure of such commission—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

VOGEL, Chairman.

Assembly Bill No. 1055 ordered on second-reading file.

## RECESS.

Mr. Atkinson, at five o'clock and fifty-two minutes P. M., moved that the Assembly take a recess until eight o'clock P. M.

Motion carried, and recess declared.

## REASSEMBLED.

The Assembly reconvened at eight o'clock P. M.

Speaker Prescott in the chair.

## CONSIDERATION OF SENATE FILE OF CODE BILLS.

Senate Bill No. 14—An Act to amend Section 7 of the Penal Code, relating to definitions.

Read second time, and ordered on file for third reading.

Senate Bill No. 134—An Act to repeal Title I of Part III of the Penal Code, relating to State prisons.

Read second time, and ordered on file for third reading.

Senate Bill No. 120—An Act to amend Section 27 of the Penal Code, relating to persons liable to punishment for crime.

Read second time, and ordered on file for third reading.

Senate Bill No. 136—An Act to amend Section 76 of the Penal Code, relating to the refusal by an officer to surrender property to his successor.

Read second time, and ordered on file for third reading.

Senate Bill No. 137—An Act to amend Section 100 of the Penal Code, relating to collusion and corruption by Superintendent of State Printing.

Read second time, and ordered on file for third reading.

Senate Bill No. 139—An Act to amend Sections 109 and 110 of the Penal Code, both relating to the unlawful escapes of prisoners and others in custody.

Read second time, and ordered on file for third reading.

Senate Bill No. 140—An Act to amend Section 111 of the Penal Code, relating to the costs of trials of escaped prisoners and expenses incident thereto.

Read second time, and ordered on file for third reading.

Senate Bill No. 135—An Act to add a new section to the Penal Code, to be numbered 74a, relating to the retention by an officer of any part of the salary or fees allowed to his subordinate officer.

Read second time, and ordered on file for third reading.

Senate Bill No. 141—An Act to amend Sections 119, 121 and 124 of the Penal Code, and to add two new sections thereto, to be numbered 118a and 129, all relating to perjury.

Read second time, and ordered on file for third reading.

Senate Bill No. 152—An Act to amend Section 165 of the Penal Code, relating to bribery.

Read second time, and ordered on file for third reading.

Senate Bill No. 151—An Act to add a new section to the Penal Code, to be numbered 161a, making it a misdemeanor for any person other than a regularly licensed attorney to advertise or hold himself out as an attorney.

Read second time, and ordered on file for third reading.

Senate Bill No. 142—An Act to amend Section 159½ of the Penal Code, relating to advertising to procure alimony, divorce, or annulment of marriage, or to aid therein.

Read second time, and ordered on file for third reading.

Senate Bill No. 376—An Act to amend Section 1579 of the Code of Civil Procedure, relating to leases of real property belonging to estates of deceased persons, minors, and incompetent persons.

Read second time, and ordered on file for third reading.

Senate Bill No. 375—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Read second time, and ordered on file for third reading.

Senate Bill No. 156—An Act to repeal Sections 178 and 179 of the Penal Code, relating to the employment of Chinese or Mongolians.

Read second time, and ordered on file for third reading.

Senate Bill No. 157—An Act to amend Section 207 of the Penal Code, relating to kidnaping.

Read second time, and ordered on file for third reading.

Senate Bill No. 161—An Act to add seven new sections to the Penal Code, to be numbered 266a, 266b, 266c, 266d, 266e, 266f, and 266g, all relating to the prostituting of women.

Read second time, and ordered on file for third reading.

Senate Bill No. 153—An Act to amend Section 168 of the Penal Code, relating to disclosing the fact of an information or indictment having been made.

Read second time, and ordered on file for third reading.

Senate Bill No. 159—An Act to amend Section 218 of the Penal Code, relating to attempted wrecking or derailment of railroad trains, cars, or engines.

Read second time, and ordered on file for third reading.

Senate Bill No. 160—An Act to add a new section to the Penal Code, to be numbered 219, relating to the wrecking or derailment of railroad trains, cars, or engines.

Read second time, and ordered on file for third reading.

Senate Bill No. 158—An Act to add a new section to the Penal Code, to be numbered 214, relating to the going upon or doing any act in relation to any railroad train, car, or engine, for the purpose of robbery thereon.

Read second time, and ordered on file for third reading.

Senate Bill No. 164—An Act to amend Section 302 of the Penal Code, relative to disturbing religious meetings.

Read second time, and ordered on file for third reading.

Senate Bill No. 165—An Act to repeal Section 303 of the Penal Code, relating to the sale of liquors at places of amusement and the employing of women to sell liquors thereat.

Read second time.

The following committee amendment was read:

Amend by striking out the enacting clause where the same occurs in the engrossed bill, and inserting between the title of said Act and Section 1 thereof the following: "The People of the State of California, represented in Senate and Assembly, do enact as follows:"

Amendment adopted.

Bill ordered to reprint, and on file for third reading.

Senate Bill No. 166—An Act to repeal Section 306 of the Penal Code, relating to the exhibiting of females in public places.

Read second time.



The following committee amendment was read :

Amend by striking out the enacting clause where the same occurs in the engrossed bill, and inserting between the title of said Act and Section 1 thereof the following: "The People of the State of California, represented in Senate and Assembly, do enact as follows:"

Amendment adopted.

Bill ordered to reprint, and on file for third reading.

Senate Bill No. 167—An Act to repeal Section 310 $\frac{1}{2}$ , relating to the keeping open and conducting of barber shops, hair-dressing establishments, and bath-houses on Sundays and legal holidays.

Read second time.

The following committee amendment was read:

Amend by striking out the enacting clause where the same occurs in the engrossed bill, and inserting between the title of said Act and Section 1 thereof the following: "The People of the State of California, represented in Senate and Assembly, do enact as follows:"

Amendment adopted.

Bill ordered to reprint, and on file for third reading.

Senate Bill No. 154—An Act to amend Section 171 of the Penal Code, and to add to said Code three new sections to numbered 171a, 171b, and 171c, and to repeal Section 180a thereof, and all relating to acts tending to create breaches of discipline in State prisons, jails, and reformatories by persons not inmates thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 252—An Act to amend and renumber Section 654 of the Penal Code, relating to abuse of teachers of the public schools.

Bill read second time.

The following committee amendments were read:

AMENDMENT No. 1.

Amend on line 1, in the title of the engrossed bill, by inserting a comma after the word "fifty-four," and by inserting after that the following: "as approved March 30, 1874."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of Section 1, line 4 of the engrossed bill, the figures "6536" and inserting in lieu thereof the following: "653b."

Amendment adopted.

Bill ordered to reprint, and on file for third reading.

Senate Bill No. 359—An Act to add two new sections to the Penal Code, to be numbered 653c and 653d, both relating to crimes against employes.

Read second time, and ordered on file for third reading.

Senate Bill No. 451—An Act to add a new section to the Penal Code, to be numbered 597g, relating to offenses against public decency.

Read second time, and ordered on file for third reading.

Senate Bill No. 455—An Act to amend Sections 487, 496, 497, 498, and 500, and to renumber Section 502 $\frac{1}{2}$  of the Penal Code, all relating to larceny.

Read second time, and ordered on file for third reading.

Senate Bill No. 456—An Act to amend Section 591 of the Penal Code, and to add two new sections thereto, to be numbered 587a and 593a, all relating to malicious injuries.

Read second time, and ordered on file for third reading.

Senate Bill No. 469—An Act to amend Section 602 of the Penal Code and to repeal Section 603 thereof, both relating to trespasses.

Read second time, and ordered on file for third reading.

Senate Bill No. 473—An Act to amend Sections 777, 784, and 789 of the Penal Code, and to add new sections thereto, to be numbered 778a and 778b, all relating to the local jurisdiction of public offenses.

Read second time, and ordered on file for third reading.

Senate Bill No. 474—An Act to amend Section 840 of the Penal Code, relating to arrests.

Read second time, and ordered on file for third reading.

Senate Bill No. 480—An Act to amend Section 1147 of the Penal Code, relating to verdicts in criminal cases.

Read second time, and ordered on file for third reading.

Senate Bill No. 485—An Act to amend Sections 1214, 1221, 1223, 1224, 1225, 1226, and 1227 of the Penal Code, all relating to the execution of judgments in criminal cases.

Read second time, and ordered on file for third reading.

Senate Bill No. 493—An Act to amend Section 1475 of the Penal Code, relating to the writ of habeas corpus.

Read second time, and ordered on file for third reading.

Senate Bill No. 496—An Act to add a new section to the Penal Code, to be numbered 1541a, relating to rewards.

Read second time, and ordered on file for third reading.

Senate Bill No. 548—An Act to amend Section 600 of the Penal Code, relating to and defining the offense of burning structures and other property not the subject of arson.

Read second time, and ordered on file for third reading.

Senate Bill No. 497—An Act to amend Sections 1603 and 1605 of the Penal Code, and to add a new section thereto, to be numbered 1615, all relating to county jails.

Read second time, and ordered on file for third reading.

Senate Bill No. 495—An Act to amend Section 1541 of the Penal Code, relating to search warrants.

Read second time, and ordered on file for third reading.

Senate Bill No. 492—An Act to amend Section 1427 of the Penal Code, and to add a new section thereto, to be numbered 1425, both relating to proceedings in justices' and police courts.

Read second time, and ordered on file for third reading.

Senate Bill No. 491—An Act to amend Sections 1390 and 1391 of the Penal Code, both relating to criminal prosecutions against corporations.

Read second time, and ordered on file for third reading.

Senate Bill No. 490—An Act to amend Section 1388 of the Penal Code, relating to criminal prosecutions against minors.

Read second time, and ordered on file for third reading.

Senate Bill No. 489—An Act to amend Sections 1370, 1372, and 1373 of the Penal Code, all relating to inquiries into the sanity of the defendant in criminal cases.

Read second time, and ordered on file for third reading.

Senate Bill No. 494—An Act to amend Sections 1510, 1512, 1513, and 1515 of the Penal Code, and to add new sections thereto, to be numbered 1511a, 1511b, and 1514a, all relating to coroners.

Read second time, and ordered on file for third reading.

Senate Bill No. 487—An Act to amend Sections 1305, 1306, and 1307 of the Penal Code, all relating to forfeiture of bail in criminal cases.

Read second time, and ordered on file for third reading.

Senate Bill No. 486—An Act to amend Sections 1235, 1238, 1240, 1241, 1245, and 1264 of the Penal Code, all relating to appeals in criminal cases.

Read second time.

The following amendment by Mr. Drew was read:

Amend by inserting on line 7, second page, printed bill, after the word "indictment" the word "accusation."

Amendment adopted.

Bill ordered to reprint, and on file for third reading.

Senate Bill No. 484—An Act to amend Sections 1191, 1201, 1206, and 1207 of the Penal Code, all relating to judgments in criminal cases.

Read second time, and ordered on file for third reading.

Senate Bill No. 483—An Act to amend Sections 1185, 1186, and 1187 of the Penal Code, all relating to arrest of judgment in criminal cases.

Read second time, and ordered on file for third reading.

Senate Bill No. 482—An Act to amend Section 1182 of the Penal Code, relating to new trials in criminal cases.

Read second time, and ordered on file for third reading.

Senate Bill No. 479—An Act to amend Sections 1108 and 1110 of the Penal Code, and to add a new section thereto, to be numbered 1103a, all relating to evidence necessary to convict in certain criminal cases.

Read second time, and ordered on file for third reading.

Senate Bill No. 478—An Act to amend Sections 1033 and 1034 of the Political Code, both relating to change of the place of trial in criminal cases.

Read second time, and ordered on file for third reading.

Senate Bill No. 477—An Act to amend Sections 954, 969, 1004, 1008, and 1020 of the Penal Code, and to add a new section thereto, to be numbered 1025, all relating to pleadings in criminal cases.

Read second time.

The following committee amendments were read:

#### AMENDMENT No. 1.

Amend by striking out of lines 2 and 3 of the title of the engrossed bill the following words: "nine hundred and sixty-nine."

Amendment adopted.

#### AMENDMENT No. 2.

Strike out in line 5 of the title, page 1 of the engrossed bill, after the word "add" the following: "a new section thereto to be numbered," and insert in lieu thereof the following: "two new sections thereto to be numbered nine hundred and sixty-nine and."

Amendment adopted.

Bill ordered to reprint, and on file for third reading.

Senate Bill No. 476—An Act to amend Sections 915, 919, 923, and 925 of the Penal Code, to repeal Sections 907, 908, 909, 910, and 916 thereof, and to repeal Chapter IV of Title IV of Part II of said Code, and Sections 931, 932, 933, 934, 935, 936, and 937 of said Code, contained in said Chapter IV, all relating to proceedings by and before grand juries.

Read second time, and ordered on file for third reading.

Senate Bill No. 475—An Act to amend Sections 872 and 882 of the Penal Code, both relating to the examinations of persons accused of crime and the testimony taken thereat.

Read second time, and ordered on file for third reading.

Senate Bill No. 472—An Act to amend Sections 758 and 769, and to repeal Section 772 of the Penal Code, all relating to the removal of officers otherwise than by impeachment.

Read second time, and ordered on file for third reading.

Senate Bill No. 471—An Act to amend Sections 619, 620, 621, 638, 639, 640, and 641 of the Penal Code, all relating to telegraphic and telephonic messages.

Read second time, and ordered on file for third reading.

Senate Bill No. 470—An Act to amend Section 609 of the Penal Code, relating to the removal or injuring of buoys and beacons.

Read second time, and ordered on file for third reading.

Senate Bill No. 468—An Act to amend Section 601 of the Penal Code, relative to explosives.

Read second time, and ordered on file for third reading.

Senate Bill No. 467—An Act to add two new sections to the Penal Code, to be numbered 598a and 599, both relating to the injuring or taking of birds or their nests or eggs.

Read second time, and ordered on file for third reading.

Senate Bill No. 457—An Act to amend Section 564 of the Penal Code, relating to fraud in the management of corporations.

Read second time, and ordered on file for third reading.

Senate Bill No. 454—An Act to amend Sections 512, 513, and 514 of the Penal Code, all relating to embezzlement.

Read second time, and ordered on file for third reading.

Senate Bill No. 458—An Act to amend Sections 529, 530, 532, 537½, and 538, and to renumber Section 538½, and to repeal Sections 531 and 537, approved March 9, 1893, of the Penal Code, and to add a new section thereto, to be numbered 538b, all relating to false personation and cheats.

Read second time.

The following committee amendments were read:

AMENDMENT No. 1.

Amend Section 8, line 1, page 3 of the engrossed bill, by inserting after the word "Code," in said line, a comma, and by inserting thereafter the following: "as approved March 9, 1903."

Amendment adopted.

AMENDMENT No. 2.

In Section 9, line 2, page 4 of the engrossed bill, strike out the two dashes after the word "approved," and insert in lieu thereof the following: "March eleventh."

Amendment adopted.

AMENDMENT No. 3.

Insert in line 5 of the title of the engrossed bill, after the word "thirty-eight," a comma, and after that insert the following: "as approved March 9, 1893."

Amendment adopted.

Also, strike out the dotted line after the word "approved," in line 7 of the title of the engrossed bill, and insert in lieu thereof the following: "March eleventh."

Amendment adopted.

Bill ordered to reprint, and on file for third reading.

Senate Bill No. 481—An Act to amend Sections 1171, 1174, and 1176 of the Penal Code, all relating to bills of exceptions in criminal cases.

Read second time, and ordered on file for third reading.

Senate Bill No. 488—An Act to amend Sections 1335, 1336, 1337, 1338, 1339, 1340, and 1341 of the Penal Code, all relating to the conditional examination of witnesses in criminal cases.

Read second time, and ordered on file for third reading.

Assembly Bill No. 1055—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of the Law," and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary and stenographer, and to appropriate money therefor,' approved March 28, 1905," approved March 25, 1903, by amending Section 9 thereof, relating to the tenure of such commission.

Read second time, and ordered on file for third reading.

Assembly Bill No. 484—An Act to amend Section 643 of the Civil Code, to repeal Section 648½ of said Code, and to add a new section thereto, to be numbered 638a, all relating to land and building corporations.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Busick, Coghlan, Cooper, Dorsey, Drew, Ells, Estudillo, Gates, Hawkins, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, McKenney, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pyle, Stanton, Strohl, Treadwell, Vogel, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—42.

NOES—Messrs. Jones of San Francisco and King—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 483—An Act to repeal Title XV of Part IV of Division I of the Civil Code, and to substitute therefor in said Code a new Title XV, relating to corporations formed for the purpose of furnishing light for public use.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Busick, Cooper, Cullen, Dorsey, Drew, Ells, Estudillo, Gates, Hawkins, John, Johnson, Johnstone, McKenney, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Stanton, Strobridge, Strohl, Treadwell, Vogel, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—42.

NOES—Messrs. Jones of San Francisco and King—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 885—An Act to add a new chapter to Title IV of Part III of the Code of Civil Procedure, to be known as Chapter IV, relating to certain liens on animals.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Busick, Coghlan, Cooper, Cromwell, Cullen, Dorsey, Drew, Ellis, Espey, Estudillo, Gates, Hawkins, John, Johnson, Johnstone, Jury, King, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Stanton, Strobbridge, Strohl, Treadwell, Vogel, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—43.

NOES—Mr. Jones of San Francisco—1.

Title read and approved.

Bill ordered transmitted to the Senate.

#### BILL RECALLED FROM COMMITTEE.

On motion of Mr. Anthony, Assembly Bill No. 968—An Act to amend Section 770 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeals from judgments of removal from office—was recalled from Committee on Judiciary, and ordered on second-reading file.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

##### ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 600—An Act to provide for the establishment of a hospital for persons afflicted with leprosy, and for the restraint of such persons, and to provide for an appropriation of money for the establishment and maintenance of such hospital, and to pay the expenses incidental thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 831—An Act to promote and facilitate the enforcement of laws against the adulteration of foods and drugs, creating certain officers, prescribing their duties, their terms of office, fixing their salaries, and making an appropriation to pay such salaries and other expenses, creating the pure-food fund, defining certain crimes, and providing penalties for the punishment thereof, and repealing inconsistent Acts—have had the same under consideration, and respectfully report the same back without recommendation, and recommend that it be re-referred to the Committee on Ways and Means.

Also: Assembly Bill No. 736—An Act to amend Section 347 of the Penal Code, relating to the willfully poisoning of food, medicine, or drink—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 952—An Act to amend Section 374 of the Penal Code of the State of California, relating to public health—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 369—An Act to amend an Act entitled "An Act to establish a Penal Code by adding a new section thereto"—have had the same under consideration, and respectfully report the same back as amended, without recommendation.

GATES, Chairman.

Assembly Bills Nos. 600 and 831 ordered on special second-reading file, and referred to Committee on Ways and Means.

Assembly Bills Nos. 736, 952, and 369 ordered on file for second reading.

##### ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 1039—An Act authorizing and directing the Board of State Capitol Commissioners to remodel and repair the State Capitol building, making the same fire proof, rendering all space therein available, and making an appropriation therefor.

Also: Assembly Bill No. 1040—An Act authorizing and directing the Board of State Capitol Commissioners to make certain repairs and improvements and to remodel the State Capitol building and its appurtenances, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BARNES, Chairman.

Assembly Bills Nos. 1039 and 1040 ordered on second-reading file, and referred to Committee on Ways and Means.

## ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 181—An Act to create and regulate public warehouses—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

WALSH, Chairman.

Bill ordered on file for second reading.

## MESSAGES FROM THE SENATE.

On motion of Mr. Johnstone, the following Senate messages were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to Assembly Bill No. 366—An Act to repeal an Act entitled "An Act relating to commitments to the State School at Whittier and the Preston School of Industry, fixing the authority to examine and commit to such schools with the superior judges of counties, and fixing the responsibilities for which commitments are made to the State for the maintenance of the persons committed therefrom, providing for the manner of payment therefor, and fixing the responsibility of parents to the counties for which their children are committed," approved March 26, 1895.

Also, passed: Assembly Bill No. 365—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a State Reform School for Juvenile Offenders, and to make an appropriation therefor,' approved March 11, 1889, by amending the title to said Act, and by amending Sections 1, 4, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by adding three new sections thereto, to be numbered respectively Sections 16a, 16b, and 16c, relating to a change in the name of the institution, and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State school located and established under the aforesaid Act and now maintained by the State of California at Whittier, in the County of Los Angeles therein," approved March 23, 1893, and adding certain sections thereto.

Also: Senate Bill No. 675—An Act amending an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1307 thereof.

Also: Senate Bill No. 440—An Act to prevent the spread of contagious diseases among animals.

Also: Senate Bill No. 91—An Act to amend Section 1238 of the Code of Civil Procedure, relating to the exercise of the power of eminent domain.

Also: Senate Bill No. 591—An Act to amend Sections 285, 290, 292, and 305 of the Civil Code, all relating to the formation of corporations.

Also: Senate Bill No. 333—An Act requiring the wardens of the State prisons of California to furnish the sheriffs of California and the bureau of identification with certain information concerning convicts within thirty days after receiving said convicts, and providing for payment of the expense incurred thereby.

Also: Senate Bill No. 325—An Act making an appropriation of \$668.65 to pay the claim of Edward W. Lehner against the State of California, and prescribing the duties of the Controller and the Treasurer of State in relation thereto.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary.

Assembly Bill No. 365 ordered to enrollment.

Senate Bill No. 675 read first time, and referred to Committee on Judiciary.

Senate Bill No. 440 read first time, and referred to Committee on Agriculture.

Senate Bill No. 91 read first time, and referred to Committee on Judiciary.

Senate Bill No. 333 read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Senate Bill No. 591 read first time, and referred to Committee on Corporations.

Senate Bill No. 325 read first time, and referred to Committee on Claims.

Also:

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, the following:

Assembly Bill No. 347—An Act to amend Sections 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, and 3083, and to repeal Section 3084 of the Political Code of the State of California, relating to the State Board of Health and the registration of births, marriages, and deaths, and providing for the compensation of a State Statistician and assistants.

Also: Assembly Bill No. 346—An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and fixing penalties for the violation of this Act—and respectfully ask your concurrence in same.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 346 and 347, with Senate amendments, were ordered on file as "unfinished business."

Also:

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bills No. 92, 116, 117, and 213.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 385—An Act to amend Section 1723 of the Code of Civil Procedure of the State of California, relating to the disposition of life estates or homesteads or community property in certain cases.

Also: Senate Bill No. 438—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals," relating to the acquisition and disposal of property, real and personal.

Also: Senate Bill No. 503—An Act to amend Sections 412 and 413 of the Code of Civil Procedure, all relating to the service of summonses in civil action.

Also: Senate Bill No. 64—An Act to appropriate the sum of \$1,226 to pay the amount of a judgment against the Board of Trustees of the Whittier State School, and in favor of Lucy J. Harvey, and directing the State Controller to draw his warrant for the same and the State Treasurer to pay the same.

Also: Assembly Bill No. 300—An Act to amend Article I of Chapter II, Title VII, of Part III, of the Political Code of the State of California, by adding a new section thereto, to be numbered Section 2934, for the enforcement of the rules, orders, and regulations of the State Board of Health, within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities and towns in relation to the State Board of Health.

Also: Assembly Bill No. 217—An Act to amend Section 1669 of the Code of Civil Procedure of the State of California, relating to payment of taxes and decrees of distribution of estates.

Also: Assembly Bill No. 87—An Act making an appropriation of \$5,075 to repay the Regents of the University of California for moneys appropriated by them to repair, maintain, and erect necessary buildings for a forestry station at Santa Monica, and prescribing the duties of the Controller and Treasurer in relation thereto.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 385 read first time, and referred to Committee on Judiciary.

Senate Bill No. 438 read first time, and referred to Committee on Judiciary.

Senate Bill No. 503 read first time, and referred to Committee on Judiciary.

Senate Bill No. 64 read first time, and on motion of Mr. Johnson, ordered on file without reference to committee.

Assembly Bills Nos. 300, 217, and 87 ordered to enrollment.



Also:

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 605—An Act for the relief of E. D. McCabe, and to appropriate money therefor.

Also: Senate Bill No. 245—An Act appropriating the sum of \$12,000 for the purchase and installment of a heating plant for the use of the State Normal School at Chico.

Also: Senate Bill No. 7—An Act to provide for the erection of a State historical building to be located in the City of Los Angeles; to provide for the purchase of a site therefor; to provide for the acquisition, maintenance, and display of historical and educational exhibits, and for the collection and preservation of historical records and all objects of interest connected with the history of California; to provide within such building rooms for the Supreme Court of California, for the Court of Appeals of the Second District, and for an armory and other rooms for the accommodation of the National Guard of California, located at Los Angeles; to provide for the appointment of trustees, as a body corporate, for the management, control, and care of said building and its uses, its archives, exhibits, and appurtenances, and making an appropriation for the purposes above stated.

Also: Senate Bill No. 336—An Act to appropriate the sum of \$3,500 to pay the claim of E. J. Card, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Also: Senate Bill No. 510—An Act to amend an Act entitled "An Act fixing the price and conditions of sale at which state goods shall be sold by the State," approved February 27, 1893.

Also: Senate Bill No. 509—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to the designation of one of the prisons of the State as a reformatory, relating to the powers of the State Board of Prison Directors, relating to the selection and duties of the wardens, relating to the transfer of prisoners, and to other matters incident thereto.

Also Senate Bill No. 44—An Act to amend Section 1870 of the Political Code, relating to the establishment and maintenance of high schools.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 605 read first time, and referred to Committee on Claims.

Senate Bill No. 245 read first time, and referred to Committee on Education.

Senate Bill No. 7 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 336 read first time, and referred to Committee on Claims.

Senate Bill No. 510 read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Senate Bill No. 509 read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Senate Bill No. 44 read first time, and referred to Committee on Education.

#### ASSEMBLY BILL TAKEN UP.

On motion of Mr. Stanton, Assembly Bill No. 11 was substituted on file for Assembly Bill No. 185, and taken up for consideration.

Assembly Bill No. 11—An Act to abate the gopher and squirrel nuisance upon or adjacent to cultivated lands, and for the protection of agriculture and horticulture from destruction by said gophers and squirrels, and to provide for the enforcement of this Act.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Beckett, Boyle, Busick, Coghan, Cooper, Cromwell, Cullen, Dorsey, Drew, Ellis, Estudillo, Gates, Hawkins, John, Johnson, Jones of Tuolumne, Jury, King, Lunley, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfeaffle, Pyle, Severance,

Stanton, Strohl, Treadwell, Vogel, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—45.

NOES—Messrs. Barnes and Jones of San Francisco—2.

Title read and approved.

Bill ordered transmitted to the Senate.

#### MESSAGE FROM THE GOVERNOR.

The following message from the Governor was, on motion of Mr. Atkinson, taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }  
SACRAMENTO, February 21, 1905. }

*To the Assembly of the State of California*

I have the honor to inform your honorable body that I have approved Assembly Bill No. 211—An Act to appropriate out of the State School-Book Fund the sum of \$4,119 71, to pay the claim of Bonestell, Richardson & Co.

Very respectfully, your obedient servant,

GEO. C. PARDEE, Governor.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received (out of order) and read:

##### ON COUNTIES AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 1086—An Act to amend an Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

PLYLE, Chairman

Bill ordered on file for second reading.

##### ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 1086—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 611 of said Political Code, relating to time of filing statements by insurance companies—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BATES, Chairman.

Bill ordered on file for second reading.

##### ON DAIRIES AND DAIRY PRODUCTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER: Your Committee on Dairies and Dairy Products, to whom was referred Assembly Bill No. 1021—An Act to provide against the adulteration of milk and cream, and to fix the standard of purity thereof—have had the same under consideration, and respectfully report the same back without recommendation.

COOPER, Chairman.

Bill ordered on file for second reading.

##### ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 444—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Assembly Bill No. 726—An Act to amend Section 2643 of the Political Code of the State of California, relating to the duties of boards of supervisors respecting roads.

Also: Assembly Bill No. 725—An Act to amend Section 2712 of the Political Code, relating to discretionary powers of boards of supervisors.

Have had the same under consideration, and respectfully report the same back, and a majority recommend that they do not pass.

Also: Assembly Bill No. 795—An Act to amend Section 220 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the time of payment of salaries of officers.

Also: Assembly Bill No. 796—An Act to add a new section to the Political Code of the State of California, to be known as Section 4088, providing for a contingent expense fund for the use of district attorneys.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Assembly Bill No. 716—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, by amending Section 191 thereof, relating to the compensation of officers of counties of the thirty-seventh class.

Also: Assembly Bill No. 973—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 183 thereof, relating to salaries and fees of county and township officers in counties of the twenty-sixth class.

Also: Assembly Bill No. 937—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 198 thereof, relating to the compensation of officers of counties of the forty-first class.

Also: Assembly Bill No. 936—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 207 thereof, relating to the compensation of officers of the counties of the fiftieth class.

Also: Assembly Bill No. 1037—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, and amended March 23, 1901, by amending Section 193 thereof, relating to the fees, salaries, and compensation of officers of counties of the thirty-sixth class."

Also: Assembly Bill No. 794—An Act providing for the payment by the State of certain fees, costs, and expenses.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

BURKE, Chairman.

Assembly Bills Nos. 444, 726, 725, 795, 796, 716, 973, 937, 936, 1037, and 794 ordered on file for second reading.

#### SECOND-READING FILE.

On motion of Mr. Dorsey, the second-reading file was taken up for consideration.

Assembly Bill No. 722—An Act making an appropriation to pay the claim of the County of El Dorado against the State of California.

Read second time.

#### COMMITTEE AMENDMENT

The following committee amendment was offered:

Amend by striking out the words "twenty-five hundred dollars," on line 3, first page, printed bill, and inserting in lieu thereof the following: "twenty-four hundred and eight dollars and ten cents (\$2,408 10)."

Amendment adopted.

#### MOTION.

Mr. Dorsey moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 722.

Motion carried.

#### IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 722 was considered in Committee of the Whole.

#### IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 722, and do now report the same back, and recommend that it do pass as amended.

PRESCOTT, Chairman.

Report adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 641—An Act making an appropriation of \$5,000 to be used by the Governor, Attorney-General, and Secretary of State (comprising the Board of Examiners), in defense of the interest of the State and the political subdivisions thereof in suits involving the right to use oil upon the public highways.

Read second time.

## MOTION.

Mr. Stanton moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 641.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 641 was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

The Speaker announced that he had no report to make for the Committee of the Whole on Assembly Bill No. 641.

Assembly Bill No. 955—An Act to amend Section 4 of an Act entitled "An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 899—An Act to amend Sections 3909, 3911, 3912, 3913, 3914, 3915, 3916, 3917, 3919, 3920, 3921, 3922, 3925, 3931, 3934, 3938, 3939, 3940, 3941, 3943, 3944, 3945, 3946, 3947, 3948, and 3949, and to repeal Section 3910, of the Political Code, and to add eight new sections thereto, to be numbered 3959, 3960, 3961, 3962, 3963, 3964, 3965, and 3966, all relating to county boundaries.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 225—An Act entitled an Act to amend Section 1701 of the Political Code of the State of California, relating to employment and payment of teachers.

Read second time.

The following committee amendment was read:

Amend by striking out the words on lines 7, 8, 9, and 10 after the word "five" in line 7.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 837—An Act requiring the payment of tuition fees from all Japanese children attending the public schools.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 746—An Act to amend Section 427 of an Act entitled "An Act to establish a Civil Code of the State of California,"

approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Read second time.

The following committee amendments were read:

AMENDMENT No. 1.

Amend by striking out the title to said bill, first page, printed bill, and inserting in lieu thereof the following: "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto to be numbered 421, both in relation to how funds of insurance companies may be invested."

Amendment adopted.

AMENDMENT No. 2

Amend by striking out all the words on lines 1, 2, 3, 4, 5, 6 and 7, first page, printed bill, and inserting in lieu thereof the following:

"Sec. 2. A new section is hereby added to the Civil Code of the State of California, to be known as Section 421, the same to read as follows:

"421. Corporations organized under the laws of this State for the transaction of business in any kind of insurance, may invest their capital and accumulations in the following named securities:"

Amendment adopted.

AMENDMENT No. 3

Amend by striking out all of subdivision 6, on lines 33 to 57, second page printed bill, and inserting in lieu thereof the following:

"6. Corporations organized for and engaged in the business of fire, life, health, accident, and marine insurance, may, after the investment of two hundred thousand dollars, and corporations formed or organized for the transaction of business in any kind of insurance not enumerated in Section 419 of the Civil Code may, after the investment of one hundred thousand dollars, in the manner provided in Subdivisions 1, 2, 3, and 4 of this section, invest the balance of their capital and any accumulations in the purchase of or loans upon the stock of any corporation (except mining companies) organized and carrying on business under the laws of the State of California, which have at the time of investment a market value of not less than their paid-in value, and which are rated as first-class securities, or in interest-bearing bonds of same not in default of interest; *provided*, that a two-thirds vote of all the directors of such corporations shall approve such investment. It shall be the duty of the officers of such corporation to report quarterly during the months of January, April, July, and October of each year to the Insurance Commissioner a list of such investments so made by them, and the Insurance Commissioner may, if such investments, or any of them, seem injudicious to him, require the sale of the same. But no investment in the securities named in Subdivisions 1, 2, 3, and 4 of this section must be made in an amount exceeding the market value of such securities at the date of such investment."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the words:

"7. Life insurance companies, or corporations, may loan upon their policies; *provided*, that the amount so loaned on each policy shall not exceed the reserve against said policy at the time said loan is made," on lines 58, 59, 60, and 61, third page, printed bill, and inserting in lieu thereof the following:

"7. Life insurance corporations may loan upon their own policies; *provided*, that the amount so loaned upon each policy shall not exceed the reserve against said policy at the time said loan is made; *provided further*, that no policy loans whatever shall ever be used as security which may be deposited with the Insurance Commissioner under section six hundred and thirty-four of the Political Code; and *provided further*, that whenever any such loan in any amount is made on a policy registered with the Insurance Commissioner under said section six hundred and thirty-four of the Political Code, such registration shall be forthwith canceled.

"8. The powers conferred by this section are in addition to and separate from those conferred by Section 444 of the Code."

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

SPEAKER PRO TEM. IN THE CHAIR.

At nine o'clock and five minutes P. M. Hon. T. E. Atkinson, Speaker pro tem. of the Assembly, was called to the chair.

Assembly Bill No. 575—An Act to amend Sections 2293 and 2303 of the Political Code, relating to the State Library.

Read second time.

COMMITTEE AMENDMENT.

The following amendment was read:

"Section 2303 The annual salary of each deputy is \$1,800, payable out of the general fund of the treasury The annual salary of the assistant librarian is \$2,400, and the compensation of the other employes in the library shall be fixed by the board of trustees, and paid out of the State Library Fund "

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 577—An Act to amend Sections 4 and 6 of an Act entitled "An Act to provide for the maintenance of public libraries within municipalities," approved March 13, 1901.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 846—An Act to repeal Section 1143 of the Penal Code, relating to fees of jurors in criminal cases.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 913—An Act to amend Section 2191 of the Political Code of the State of California, relating to the return to the country or State to which they belong of insane or incompetent persons not resident for one year of the State of California.

Read second time.

COMMITTEE AMENDMENTS.

The following amendments were read:

AMENDMENT No. 1.

Amend by striking out of lines 5 and 6 the parenthesis marks

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of line 3 the words "by any judge "

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting in line 1 before the word "Section" the following: "Section 1."

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 614—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities, to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 947—An Act to add a new section to the Penal Code, to be known as Section 353d, relating to attempts by members of boards of directors of State institutions or State commissions to ask, solicit, demand, or control appointments to be made by any officer appointed by said State board or commission.

Read second time.

The following committee amendments were read:

AMENDMENT No. 1.

Amend by striking out of line 2 of bill, the small letter "d" and inserting in lieu thereof the small letter "e."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of line 4 of bill, the small letter "d" and inserting in lieu thereof the small letter "e."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out all of line "14."

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 341—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 290½, relating to the names, powers of corporations, and the purposes for which certain corporations may be formed.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 815—An Act to repeal Section 270 of the Penal Code and to add a new section to Chapter II, Title IX, of Part I, of the Penal Code of the State of California, to be numbered 270, relative to minor children and their care by parents.

Read second time.

COMMITTEE AMENDMENTS.

The following committee amendments were read:

AMENDMENT No. 1.

Strike out all of the title after the first line on page 1 of printed bill and insert in lieu thereof the following: "to amend Section 270 of the Penal Code, relative to minor children and their care by parents."

Amendment adopted.

AMENDMENT No. 2.

Strike out all of Section 1 on page 1 of printed bill and insert in lieu thereof the following:

"Section 1. Section 270 of the Penal Code of California is hereby amended to read as follows:"

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 381—An Act to provide for the manner of establishing heirship in cases where property is granted to the heirs of a deceased person without naming them.

Read second time.

COMMITTEE AMENDMENTS.

The following committee amendments were read:

AMENDMENT No. 1.

Strike out all of the title after line 1 of printed bill and insert in lieu thereof the following: "to add a new section to the Code of Civil Procedure to be numbered 1745, relative to the manner of establishing heirship in cases where property is granted to the heirs of the deceased person without naming them."

Amendment adopted.

AMENDMENT No. 2.

Insert after the enacting clause of said printed bill on page 1 the following:

"Section 1. A new section is hereby added to the Code of Civil Procedure, to be numbered 1745, to read as follows."

Amendment adopted.

## AMENDMENT No. 3.

Strike out the word "Section" and the figure "1" in line 1, on page 1 of printed bill, and insert in lieu thereof the figures "1745"

Amendment adopted.

## AMENDMENT No. 4.

Strike out the word "Sec." and the figure "2" on the second line, numbered 1, on page 1 of printed bill, and insert in lieu thereof the figure "1."

Amendment adopted.

## AMENDMENT No. 5.

Strike out the word "Sec." and the figure "3" in the third line, numbered 2, on page 1 of printed bill, and insert in lieu thereof the figure "2."

Amendment adopted.

## AMENDMENT No. 6.

Strike out the word "Sec." and the figure "4" in line 1 of page 2 of printed bill and insert in lieu thereof the figure "3."

Amendment adopted.

## AMENDMENT No. 7.

Strike out the word "Sec" and the figure "5" on page 2 of printed bill and insert in lieu thereof the figure "4"

Amendment adopted.

## AMENDMENT No. 8.

Strike out the word "Sec" and the figure "6" on page 2 of printed bill and insert in lieu thereof the figure "5."

Amendment adopted.

## AMENDMENT No. 9.

Strike out all of Section 7 of printed bill.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 924—An Act making an appropriation to pay the judgment against the State of California, recovered by Abe Darlington, in the Superior Court of El Dorado County, March 11, 1903, for and on account of claims for bounty on coyote scalps.

Read second time.

## MOTION.

Mr. Treadwell moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem., Hon. T. E. Atkinson, in the chair, for the purpose of considering Assembly Bill No. 924.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

Assembly Bill No. 924 was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 924, and do now report the same back, and recommend that it do pass.

ATKINSON, Chairman.

Report adopted.

Bill ordered to engrossment and on file for third reading.



Assembly Bill No. 941—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for the violation of the Act," approved March 24, 1903.

Read second time.

The following committee amendments were read :

AMENDMENT No. 1.

Amend by striking out the words "and at least eighteen weeks of such attendance shall be consecutive," on lines 11 and 12, first page of printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the semicolon (;), on line 23, second page of printed bill, the following: "or that any such child between the age of twelve and fourteen years has been given a permit to work by the proper judicial officer in accordance with Section 2 of an Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof."

Amendment adopted.

By Mr. Espey:

Amend by adding to Committee Amendment No. 2 the following: "Approved February 20, 1905."

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 1082—An Act to create a drainage district to be called "Sacramento Drainage District," to promote drainage therein, to provide for the election and appointment of officers for said drainage district, defining the powers, duties, and compensation of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said "Sacramento Drainage District," and providing for the levying and collection of assessments upon lands within said drainage districts.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 963—An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term "boulevard."

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 860—An Act providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 901—An Act to amend Section 111 of the Penal Code of the State of California, relating to the expenses of prosecuting escapes from, and crimes committed within, State prisons, and the expenses of coroners' inquests of any deceased convict.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 859—An Act to permit the Board of State Prison Directors, the Board of Managers of the Preston School of Industry, and the Board of Trustees of the Whittier State School to employ the inmates of the State prisons, the Preston School of Industry, and State School at Whittier in the manufacture of such articles, or at such labor, as can be

utilized for the benefit of the public institutions owned or managed and controlled by the State, or any of the political divisions thereof.

Read second time.

COMMITTEE AMENDMENTS.

The following amendments were read:

AMENDMENT No. 1.

Amend by striking out the words "*Provided*, that nothing herein contained shall be construed to permit the sale of any article manufactured in any of the institutions named to any private individual, corporation or association, with the exception of the jute bags manufactured at the State Prison at San Quentin and the rock crushed at the State Prison at Folsom," on lines 13, 14, 15, 16, 17, 18, Section 2, page 2, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting the words "not less than," after the word "be," on line 2, Section 5 of the printed bill.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 720—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered Section 1265, relating to proceedings to condemn property for a public use in the name of the people of the State of California, and providing procedure in such cases.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 851—An Act to amend Section 3366 of the Political Code, relating to the imposition and collection of license taxes by counties, incorporated cities, and towns.

Read second time.

COMMITTEE AMENDMENTS.

The following amendments were read:

AMENDMENT No. 1.

Amend by striking out of line 3, page 1 of the printed bill, the word "superivsors," and inserting in lieu thereof the word "supervisors."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of line 25, page 2 of printed bill, the word "country," and inserting in lieu thereof the word "county."

Amendment adopted.

AMENDMENT No. 3

Amend by striking out of line 26, page 2 of printed bill, the word "soldiers," and inserting in lieu thereof the word "soldier."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out all of lines 21 and 22, and all of line 23, to and including the word "churns."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out of line 2, page 1 of printed bill, the word "said," and inserting in lieu thereof the words "the political."

Amendment adopted.

## AMENDMENT No. 6.

Amend by striking out all of Section 2.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 940—An Act to amend Sections 1323 and 1324 of the Code of Civil Procedure of the State of California.

Read second time, ordered engrossed, and on file for third reading.

Assembly Bill No. 109—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 487 thereof, relating to "grand larceny defined."

Read second time.

## COMMITTEE AMENDMENTS.

The following amendments were read:

## AMENDMENT No. 1.

Amend by striking out of the fourth line of the title the words "grand larceny defined," and insert in lieu thereof the words "grand larceny."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out all of Section 2.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 375—An Act to amend Section 1536 of the Penal Code of California, relating to search warrants.

Read second time, ordered engrossed, and on file for third reading.

Assembly Bill No. 377—An Act to amend Section 1524 of the Penal Code of California, relating to search warrants.

Read second time, ordered engrossed, and on file for third reading.

Assembly Bill No. 942—An Act to amend Section 791 of the Political Code, relating to the number of notaries public.

Read second time, ordered engrossed, and on file for third reading.

Assembly Bill No. 813—An Act to amend Sections 245 and 246 of the Political Code of the State of California, relating to the officers of the Senate and Assembly.

Read second time.

## COMMITTEE AMENDMENTS.

The following amendments were read:

## AMENDMENT No. 1.

Amend by inserting in line 4 of the title, after the word "California," the words "and to add a new section thereto to be numbered 246a."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out of line 13, page 1 of the printed bill, the word "or," and insert in lieu thereof the word "to."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out of line 25, page 2 of the printed bill, the word "five," at the end of the line.

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out of line 22, page 3 of the printed bill, the word "five."

Amendment adopted.

## AMENDMENT No. 5.

Amend by inserting after the figure 3 in line 1, Section 3, the following: "There is hereby added to the Political Code a new section, to be numbered 246a, to read as follows: Section 246a."

Amendment adopted.

## AMENDMENT No. 6.

Amend by striking out of line 9, page 3 of the printed bill, the words "leas ninety," and inserting in lieu thereof, "one hundred."

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 764—An Act to regulate the operation of motor vehicles on public highways.

Read second time.

## COMMITTEE AMENDMENTS.

The following amendments were read:

## AMENDMENT No. 1.

Amend by striking out of the title the words "bill for."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out of line 3, page 1 of the printed bill, the word "incompetent," and inserting in lieu thereof the word "inconsistent."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out of line 82, page 7 of the printed bill, the word "resulting," and inserting in lieu thereof the word "resulting."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out of line 38, page 6 of the printed bill, the word "of," and inserting in lieu thereof the word "or."

Amendment adopted.

## AMENDMENT No. 5.

Amend by striking out of line 32, page 2 of printed bill, the word "of," and inserting in lieu thereof the word "or."

Amendment adopted.

## AMENDMENT No. 6.

Amend by striking out of line 1, Section 2, page 2 of the printed bill, the word "hereafter," and inserting in lieu thereof the word "hereafter."

Amendment adopted.

## AMENDMENT No. 7.

Amend by striking out of line 42, page 6 of the printed bill, the small letter "a," followed by two semicolons ( ; ), and inserting in lieu thereof the word "all."

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 907—An Act to amend Section 2181 of the Political Code, relating to the duties of guardians of insane persons.

Read second time.

The following committee amendments were read.

AMENDMENT No. 1.

Amend by striking out of line 37, page 2 of the printed bill, the word "who," and inserting in lieu thereof the words "whose ward."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of line 37 the word "his," and inserting in lieu thereof the word "the."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out all of Section 2.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 569—An Act to amend Section 1185 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to liens.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 31—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1672 of said Political Code, relating to sectarian books and teachings in public schools.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 35—An Act to amend Section 159½ of the Penal Code, making it a misdemeanor to advertise, solicit, advise, or offer to obtain or procure a divorce or nullity of marriage by advertising.

Read second time.

The following committee amendments were read:

AMENDMENT No. 1.

Amend by striking out of line 9, page 1 of the printed bill, the word "advise," and inserting in lieu thereof the word "advice."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting in line 9, after the word "counsel," the words "in obtaining."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out all of Section 2.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 168—An Act amending Section 170 of the Code of Civil Procedure.

Read second time.

AMENDMENTS.

The following committee amendments were read :

AMENDMENT No. 1.

Amend the title by striking out the word "amending," in line 2 thereof, and inserting in lieu thereof the words "to amend."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the period (.) at the end of line 2 of the title, and inserting therein a comma (,) and the words "relating to the disqualification of judicial officers."

Amendment adopted.

## AMENDMENT No. 3.

Amend by inserting after the title the enacting clause, "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out of line 18, page 1 of the printed bill, the word "prejudice," and inserting in lieu thereof the word "prejudice."

Amendment adopted.

## AMENDMENT No. 5.

Amend by striking out of line 3, page 1 of the printed bill, the word "must," and inserting in lieu thereof the word "shall."

Amendment adopted.

## AMENDMENT No. 6.

Amend by striking out all of lines 32, 33, 34, 35, 36, 37, 38, and 39, and all of line 40 down to and including the word "hereof."

Amendment adopted.

By Mr. Jury:

Insert in line 9 of page 1 of printed bill, after the word "law," the following: "*provided, however, that if the parties to the action, or the executor or administrator of the estate, or the guardian of the minor or incompetent person, or the receiver, or the commissioner, or the referee, shall sign and file in the action or matter a stipulation in writing waiving the disqualification herein, the judge of the court may proceed with the trial or hearing with the same legal effect as if no such disqualification existed*"

Amendment adopted.

Bill ordered to reprint, engrossment and on file for third reading.

Assembly Bill No. 613—An Act to add a new section to the Code of Civil Procedure, the said section to be designated 1166a, relating to actions for obtaining possession of real property, to the manner in which tenants may be ejected, and providing the form of the complaint, the form and amount of the undertaking, and the form of the writ of ejectment, and the manner of executing and serving the writ.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out all of line 15 page 2 of printed bill, after the word "sureties," and all of lines 16, 17, 18 and 19, and all of line 20 down to and including the word "demanded," and inserting in lieu thereof the words "in a sum equal to at least double the value of the property involved in the action."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out all of Section 2.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 754—An Act to amend an Act entitled "An Act to establish a Penal Code," providing for the punishment and removal of officers who fail to do their duty.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 343—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 283 thereof, relating to the punishment for the crime of bigamy.

Read second time.

COMMITTEE AMENDMENT.

The following amendment was read:

Amend by striking out all of Section 2.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 921—An Act to amend Section 1368 of the Penal Code, relating to doubts as to sanity of the defendant, and how determined.

Read second time.

COMMITTEE AMENDMENTS.

The following amendments were read:

AMENDMENT No. 1.

Amend by striking out of line 3 of the printed bill, the word "maintenance," and insert in lieu thereof the word "pendency."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all of Section 2.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 922—An Act to amend Section 345 of the Code of Civil Procedure, relating to actions brought by the people.

Read second time.

COMMITTEE AMENDMENTS.

The following amendments were read:

AMENDMENT No. 1.

Amend line 3 of the title by inserting after the word "to" the words "limitation of," and by striking out of lines 3 and 4 the words "brought by the people," and insert in lieu thereof the words "by the State for money due for the keeping of patients in the State hospitals."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all of Section 2.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 368—An Act regulating the practice of running or operating motor vehicles.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 949—An Act to amend the Political Code by adding a new section thereto, to be numbered 1033, relating to compensation of State officers.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 950—An Act to amend Section 1 of an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 960—An Act providing for the furnishing to sheriffs and chiefs of police of certain information, descriptions, and photographs of persons confined in the State prison by wardens of State prisons.

Read second time.

COMMITTEE AMENDMENT.

The following amendment was read:

Amend by striking out all of Sections 3 and 4.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 957—An Act to amend the Civil Code by adding a new section thereto, to be numbered 1154, to Title IV of Part IV, Chapter III, Article III, relating to gifts of personal property in expectation of death.

Read second time, ordered to engrossment and on file for third reading.

Assembly Bill No. 928—An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, cities, and towns of the State.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 965—An Act to amend Section 437 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, relating to mutual life, health, and accident insurance corporations.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 933—An Act to amend Section 633 of the Political Code of the State of California, relative to life insurance agents.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 912—An Act to amend Section 622a of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to taxation of insurance companies.

Read second time.

COMMITTEE AMENDMENTS.

The following amendments were read:

AMENDMENT No 1.

Insert after the enacting clause the following: "An Act to establish a Political Code, approved March 12, 1872, is hereby amended to read as follows:"

Amendment adopted.

AMENDMENT No 2.

Also: Amend on line 1, first page, printed bill, by inserting the following: "622a."

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 715—An Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers, providing for the appointment of a clerk for said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and provide for the manner of paying the same, and providing for the expense of conducting said office."

Read second time.



## AMENDMENTS.

The following amendments by Mr. Olmsted were read:

Amend by adding after the word "fornia," on line 6, Section 2, the words "and whose term of office shall be during the pleasure of the Board of Prison Directors."

Also: Add after the word "States," in line 8, Section 3, the words "or of this or any other State."

Also: Strike out the word "any" after the word "in," in line 7, Section 4.

Also: Insert after the word "in," in line 7, Section 4, the words "this or any other."

Also: At the commencement of line 10, Section 4, strike out the words "the various," and insert in place thereof the words "this or any other."

Also: On same line, strike out the word "and," and insert in place thereof the word "or."

Also: In line 24, same section, strike out the letters "ac" from the word "acknowledge."

Also: In line 37, same section, after the word "wanted," insert the words "by the authorities of the United States or of the State."

Also: In line 38, same section, after the word "of," insert the word "the," and in the same line strike out the "comma" (,) after the word "crime," and insert in lieu thereof a "period" (.).

Also: In line 12, Section 5, after the word "officers," insert the words "or officers of other States or Territories or possessions of the United States."

Also: In Section 6, line 1, after the word "bureau," strike out the word "shall," and insert in lieu thereof the word "may."

Also: Strike out Section 8, and substitute therefor a new section, to read as follows: "Section 8. The director shall receive a salary of eighteen hundred dollars (\$1,800) per annum, to be paid in the same manner and out of the same fund as State officers are paid. The State Board of Prison Directors is hereby directed to provide room and furniture, stationery and necessary clerical assistance, and all other things which in their judgment are necessary to properly conduct said bureau, to be paid for pro rata out of the current expense funds of the penal institutions under the control of such Prison Directors."

Amendments adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

## MESSAGE FROM THE SENATE.

On motion of Mr. Dorsey, the following Senate message was taken up and read:

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 374—An Act to amend an Act entitled "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township governments.'"

Also: Senate Bill No. 620—An Act providing for authority to use the tide waters of the entrance to False Bay, in San Diego County, and certain lands adjacent thereto, to propel machinery, and to permit the erection and maintenance of structures for the installation, maintenance, and operation of such machinery, and fixing the charge therefor.

Also: Senate Bill No. 584—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274a, providing for the taking down and transcribing of instructions to jurors by judges of the superior court, and for opinions rendered in cases before said superior court.

Also: Senate Bill No. 508—An Act to appropriate \$40,000 for the purchase of additional land for the use of the Stockton State Hospital.

Also: Senate Bill No. 188—An Act to amend Section 1 of an Act entitled "An Act to create a State Commission of Horticulture; to provide for a State Commissioner of Horticulture, and prescribe his powers, duties and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support, and to pay the expenses thereof, and to repeal Chapter LXXIII of the laws of 1883, Chapter VII of the laws of 1885, Chapter LXXXVI of the laws of 1891, and Chapter CXCIV of the laws of 1891," approved March 26, 1903.

Also: Senate Bill No. 606—An Act to appropriate \$9,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles, to make necessary repairs and improvements in the building of said normal school.

Also: Senate Bill No. 667—An Act to amend Section 580 of the Civil Code of the State of California, relating to banking corporations

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 374 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 620 read first time, and referred to Committee on Commerce and Navigation.

Senate Bill No. 584 read first time, and referred to Committee on Judiciary.

Senate Bills Nos. 508 and 606 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 188 read first time, and referred to Committee on Commissions and Public Expenditures.

Senate Bill No. 667 read first time, and referred to Committee on Banks and Banking.

### THIRD READING OF BILL.

Assembly Bill No. 938 (Committee Substitute for Assembly Bill No. 301)—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to health officers and health regulations, and the powers of boards of supervisors in connection therewith.

Read third time

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Burke, Busick, Coghlan, Cooper, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Ellis, Epsey, Estudillo, Gates, Goodrich, Hawkins, Houser, Jarvis, Johnson, Johnstone, Jones of San Francisco, Jury, King, Lucey, Lumley, Maxwell, McCartney, McGowan, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Slaven, Stanton, Strobridge, Strohl, Thompson, Treadwell, Vogel, and Whiting—52.

NOES—None.

Title read.

### TITLE AMENDED.

Mr. Cromwell moved to amend the title as follows:

Strike out all of title and insert in lieu thereof the following:

"An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 25 thereof, relating to powers of boards of supervisors."

Amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for approval of title.

### CONSTITUTIONAL AMENDMENT RE-REFERRED.

Mr. Anthony moved that Constitutional Amendment No. 1 (No. 33 on the file) be re-referred to the Committee on Constitutional Amendments.

Motion carried, and such was the order.

### PETITION—(OUT OF ORDER).

The following petition was presented by Mr. King:

*To the Honorable Assembly of the State of California:*

We, the undersigned vineyardists, distillers, and vintners of the vicinity of Calistoga, Napa County, California, do most earnestly and forcibly protest against the passage of the Hahn Bill (Senate Bill No. 623) and the Belsaw Bill (Senate Bill No. 622).

C. M. PICKETT, and 18 others.

Petition read, and ordered printed in the Journal.

## BILL RE-REFERRED.

Mr. Atkinson moved that Assembly Bill No. 601 be referred back to Committee on Engrossment and Enrollment for further amendment.

Motion carried, and such was the order.

## ADJOURNMENT.

At nine o'clock and fifty-nine minutes P. M., on motion of Mr. Stanton, the Speaker pro tem. declared the Assembly adjourned until Wednesday, February 22, 1905, at ten o'clock A. M.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Wednesday, February 22, 1905. }

The Assembly met at ten o'clock A. M., pursuant to adjournment.

Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—79

Quorum present.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Weyand, its further reading was dispensed with.

## APPROVAL OF JOURNAL.

The Journal of Monday, February 20, 1905, was corrected, and, as corrected, approved.

## PETITIONS.

Speaker Prescott presented the following petition, which was read:

OPPOSED TO ASSEMBLY BILL NO. 708.

REDLANDS, CALIFORNIA, February 10, 1905.

*To the Honorable Senate and Assembly of the State of California.*

The undersigned, residents of the City of Redlands, California, and of a valley whose prosperity is entirely dependent upon the citrus industry, finding, upon careful investigation, that Assembly Bill No. 708, introduced by Hon. W. F. Gates, by its provisions forbids, under severe penalties, the officials of the State University from publishing the results of their tests, from making analyses for residents of this State, does, in its intent and purpose, destroy all value to the farming community of the law to regulate the sale

of commercial fertilizers now in force, and is a severe blow at the prosperity of agriculturists, do earnestly appeal to you to use your best endeavors to defeat the bill in its entirety, believing, as we do, that it is an insidious attempt to legislate for the benefit of a few favored manufacturers, to the detriment of the State at large.

A. G. HUBBARD, and others.

The petition was ordered printed in the Journal.

Mr. Houser presented a petition, signed by about four thousand citizens of Los Angeles County:

#### ANTI-RACETRACK GAMBLING PETITION.

We whose names are hereto subscribed, citizens of Los Angeles County, California, approve the Espey Bill, amending the Penal Code by adding the following:

337½. Every person who within the State of California sells or offers for sale, buys or offers to buy, issues or offers to issue, or in any manner disposes of, purchases, or acquires any interest in any pool, or in any pool ticket, certificate, writing or other evidence of payment, acceptance or deposit of money, or other things of value, staked upon the result of any running, pacing, or trotting race or contest between horses, mares, or geldings, or makes any bet or wager on the result of such race or contest, or acts as a stakeholder of any bet or wager laid on the result of any such race or contest, or receives or pays over any money or article or thing of value, the ownership or right to possession of which has been, is or is to be determined by any such race or contest, or rents, or leases any building, structure, room, apartment, place, or premises whatever, or permits the same to be used or occupied for any of the above purposes, is guilty of a misdemeanor, and shall be punishable by a fine of not less than \$100, nor more than \$500, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

We respectfully urge the passage of the same.

MRS. SAMUEL HAHN, and others.

The petition was ordered printed in the Journal.

Mr. Espey presented a similar petition, signed by thirty-two hundred citizens of Alameda County.

Mr. Thompson presented a similar petition, signed by about six hundred citizens of Los Angeles County.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Engrossment and Enrollment submitted the following reports, which were read:

#### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reengrossed:

Assembly Bill No. 498—An Act to amend Sections 1275, 1276, 1285, 1300, 1306, 1307, 1327, 1360, 1364, and 1376 of the Civil Code, and to add a new section thereto, to be numbered 1314, all relating to wills.

Assembly Bill No. 254—An Act to amend an Act entitled an Act to establish a Penal Code by amending Section 412 thereof.

Assembly Bill No. 60—An Act providing for the appointment by the county superintendent of schools, in counties so desiring, of a supervisor of nature study, agriculture, or mining or related subjects; indicating necessary qualifications and duties; and providing for the fixing of his salary and the payment thereof.

Assembly Bill No. 59—An Act to amend Sections 1521, 1665, 1771, and 1775 of the Political Code of the State of California, all relating to public schools and education, by making provision for the teaching, in the public schools, in connection with nature study, the elements of agriculture or mining

DEVLIN, Chairman.

Assembly Bills Nos. 498, 254, 60, and 59 ordered on file for third reading.  
Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly reengrossed:

Assembly Bill No. 819—An Act to amend Sections 628, 629 and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628a, 628b, 628c, 628d, and 632a, all relating to the protection and preservation of fish

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1905.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No 678—An Act to provide for the incorporation of associations for lending money on personal property, and regulating the same, and to forbid certain loans of money, property, or credit.

Assembly Bill No 909—An Act to amend Section 2197 of the Political Code, relating to actions which may be brought by the State Commission in Lunacy.

Assembly Bill No. 910—An Act to amend Section 3881 of the Political Code of the State of California, relating to the correcting of errors, omissions, defects in form or in descriptions, erroneous or double assessments in any assessment roll.

Assembly Bill No. 914—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 14 thereof, relating to the compensation of officers of counties of the ninth class.

Assembly Bill No. 221—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat, and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the superior court.

Assembly Bill No. 810—An Act to amend Section 3488 of the Political Code of the State of California.

Assembly Bill No 855—An Act to amend Section 213 of the Penal Code, and to add a new section thereto, to be numbered 214, relating to the crime of robbery, and punishment therefor.

Assembly Bill No. 932—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

Assembly Bill No 402—An Act to appropriate the sum of \$175 to pay the claim of William Saunders against the State of California

Assembly Bill No. 900—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments" approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 186 thereof, relating to the compensation of officers of the counties of the twenty-ninth class

Assembly Bill No. 471—An Act to establish and maintain a State hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health, providing for the appointment of a director thereof, and assistants; making an appropriation therefor and prescribing the duties of the State Controller and State Treasurer in relation thereto.

Assembly Bill No 852—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903

DEVLIN, Chairman.

Assembly Bills No. 678, 909, 910, 914, 221, 810, 855, 932, 402, 900, 471, and 852 ordered on file for third reading.

The Committee on Public Morals submitted the following report, which was read:

#### ON PUBLIC MORALS

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No 761—An Act to regulate the selling of stock in wheat, barley, oats, and other cereals, and to prohibit the sale thereof on margin or for future delivery—have had the same under consideration, and respectfully report the same back, without recommendation

Also: Assembly Bill No 735—An Act to prohibit the selling or giving away or furnishing of any ale, beer, wine, cider, or other intoxicating liquor within 1,000 feet outside of any entrance to any United States military reservation or military camp, or public school house, and providing a penalty therefor and declaring places where such acts are performed a public nuisance, and providing for the abatement thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

LUCEY, Chairman.

Assembly Bills Nos. 761 and 735 ordered on second-reading file.

The Committee on Claims submitted the following report, which was read:

#### ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1905.

MR SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 382—An Act authorizing the payment of a judgment heretofore rendered in favor of Ben-

jamin Lauer, plaintiff, against the State of California, defendant, in the Superior Court of the State of California, in and for the County of Modoc, in a cause numbered 1314 upon the register of actions maintained in the office of the clerk of said court, and making an appropriation therefor.

Also: Senate Bill No. 601—An Act making an appropriation to pay the claim of the County of El Dorado against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SEVERANCE, Chairman.

Senate Bills Nos. 382 and 601 referred to Committee on Ways and Means, and ordered on second-reading file.

#### MOTION NOT TO PRINT PETITION IN JOURNAL LOST.

Mr. Gates moved that the petition from the citizens of Redlands relative to Assembly Bill No. 708 be not printed in the Journal.

Motion lost.

#### BILLS RECALLED FROM COMMITTEES.

Mr. Barnes moved that Senate Bill No. 438 be recalled from the Committee on Judiciary and placed on the special Senate file, it being identical with Assembly Bill No. 557, which had been considered in committee.

Motion carried.

Mr. Barnes moved that Senate Bill No. 620 be recalled from the Committee on Commerce and Navigation.

Motion carried.

#### PRIVILEGES OF THE FLOOR EXTENDED TO COLONEL THOS. F. O'NEILL.

Mr. Anthony moved that the privileges of the floor be extended to Colonel Thomas F. O'Neill, Colonel of the First Regiment, National Guard of California, retired.

Motion carried.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The Committee on Swamp and Overflowed Lands and Drainage submitted the following report, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1905.

MR SPEAKER: Your Committee on Swamp and Overflowed Lands and Drainage, to whom was referred Assembly Bill No. 757—An Act to provide for the formation of drainage districts; to provide for the government of the same, and to authorize the levy and collection of assessments from the property benefited to pay the expense thereof—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Assembly Bill No. 650—An Act amending Sections 5 and 6 of an Act entitled "An Act concerning the construction and repair of levees in the City of Marysville, and the mode of raising revenue therefor," approved March 6, 1876

Also: Assembly Bill No. 966—An Act to amend Section 13 of an Act entitled "An Act to provide for the protection of certain lands in the County of Sutter from overflow," approved March 25, 1868.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

Also: Assembly Bill No. 728—An Act to create a reclamation district, to be called "Reclamation District No. 70," and providing for the control and management thereof—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that it do pass, as amended, by majority.

MOORE, Chairman.

Assembly Bills Nos. 757, 650, 966, and 728 were ordered on second-reading file.

## BILLS ORDERED ON FILE.

Mr. Bates moved that Senate Bill No. 591 (being identical with Assembly Bill No. 714—No. 127 on file) be withdrawn from the Committee on Corporations and placed on the special Senate file.

Motion carried.

Mr. Treadwell moved that Assembly Constitutional Amendment No. 1 be recalled from the Committee on Constitutional Amendments, it having already been considered by that committee.

Motion carried.

## RESOLUTION.

Mr. Cromwell offered the following resolution, which was read:

(To pay warrant in favor of Sergeant-at-Arms.)

*Resolved*, That the Controller be and is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of \$945 25 in favor of J T Stafford, Sergeant-at-Arms of the Assembly, same being for the following bills attached:

Hook & Son.....	\$75 25
Kane-Tranor Ice Co.....	21 00
B. Wilson & Co.....	4 50
A. J. Johnston Co.....	281 15
Roy Hart.....	5 20
Scott, Stack & Lyman.....	223 55
Mrs. C. Mackall.....	16 00
Gilman Hack Co.....	2 00
Capital Artesian Water Co.....	30 00
Locke & Lavenson.....	57 10
Capital Telephone Co.....	19 50
Capital Mfg. Co.....	12 50
Wm. H. Bradley & Son.....	7 50
John Breuner Co.....	2 00
Yost Typewriter Co.....	188 00
Total.....	\$945 25

## RESOLUTION ADOPTED.

Mr. Cromwell moved the adoption of the resolution without reference to a committee.

The roll was called, and the resolution declared adopted by the following vote:

AYES—Messrs. Anthony, Arnerich, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Cleveland, Coyle, Creighton, Cromwell, Cullen, Espey, Gans, Gates, Hartman, Hawkins, Held, Houser, John, Johnson, Johnstone, King, Lucey, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, Olmsted, Perkins, Pfaeffe, Pyle, Rolley, Slaven, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—52.

NOES—None.

## RESOLUTION.

Mr. McCartney offered the following resolution, which was read:

(To permit committee to return unexpended fund to Contingent Fund)

WHEREAS, On the 13th day of February, 1905, your committee appointed and empowered to investigate certain charges of misdemeanor in office against the Hon. Lucas F. Smith of Santa Cruz, California, presented to this Assembly by resolution, allowed and paid from the Contingent Fund of the Assembly the sum of \$250; and

WHEREAS, After discharging the duties imposed upon said committee and the payment of all witness fees and contingent expenses in accordance with said resolution, there remains of said sum of money so paid to your committee the sum of \$7.80; now therefore, be it

*Resolved*, That said committee be permitted and allowed to pay to the Treasurer of the State of California the said sum of \$7.80 remaining in the hands of said committee unexpended, and that the same be returned to the Contingent Fund of the Assembly, and the Treasurer of said State of California is hereby authorized to receive and receipt for the same

Mr. McCartney moved the adoption of the resolution.

Motion carried.

## MOTION TO RECONSIDER LAID ON THE TABLE.

Mr. Beckett moved that the Assembly do now reconsider the vote whereby Senate Bill No. 88 was yesterday finally passed.

Mr. Treadwell moved to lay on the table the motion to reconsider.

Motion carried.

## MOTION TO RECONSIDER.

Mr. Held moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 145 was yesterday refused passage.

## MOTION TO LAY ON THE TABLE LOST.

Mr. Houser moved to lay on the table the motion to reconsider.

Messrs. Anthony, Strobridge, and Atkinson demanded the ayes and noes.

The roll was called on the motion to lay on the table the motion to reconsider, with the following result:

AYES—Messrs. Bliss, Chandler, Espey, Houser, and Thompson—5.  
 NOES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Burke, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Drew, Ellis, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Jarvis, John, Johnson, Jones of Tuolumne, King, Lucey, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, Olmsted, Perkins, Pfaffle, Severance, Stanton, Strobridge, Strohl, Transue, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—50.

The motion was declared lost.

## VOTE RECONSIDERED ON ASSEMBLY BILL NO 145

The question being, "Shall the Assembly reconsider the vote whereby Assembly Bill No. 145 was refused passage on yesterday?"

The roll was called, and the vote was reconsidered by the following vote:

AYES—Messrs. Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Drew, Ellis, Estudillo, Gans, Gates, Hawkins, Held, John, Johnson, Jones of Tuolumne, King, Lucey, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—55.

NOES—Messrs. Amerige, Anthony, Houser, Jarvis, and Johnstone—5.

## ORDERED TO UNFINISHED BUSINESS FILE.

Mr. Held moved that Assembly Bill No. 145 be placed on the file of unfinished business for further consideration.

Motion carried.

## SPECIAL ORDERS.

The following bill on the file of special orders was considered:

Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employes of the Senate and Assembly.

Passed on file.

## UNFINISHED BUSINESS.

Bills on the unfinished business file were considered, as follows:

Assembly Bill No 219—An Act to repeal Sections 3824 and 3825 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Passed on file.



Assembly Bill No. 498—An Act to amend Sections 1275, 1276, 1285, 1300, 1306, 1307, 1327, 1360, 1364, and 1376 of the Civil Code, and to add a new section thereto, to be numbered 1314, all relating to wills.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, King, Lucey, McCartney, McGowan, McKenney, McNamara, Mindham, Moore, Perkins, Pfaffle, Pryor, Pyle, Rolley, Slaven, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### GOVERNOR'S VETO SUSTAINED.

Consideration of the Governor's veto to Assembly Bill No. 54—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justices' courts.

The question being, "Shall the bill become a law notwithstanding the objections of the Governor?"

The roll was called, and the veto of the Governor sustained by the following vote:

AYES—None.

NOES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Gates, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, King, Lucey, McCartney, McNamara, Meincke, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Strobridge, Thompson, Transue, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—54.

#### GOVERNOR'S VETO SUSTAINED.

Consideration of the Governor's veto to Assembly Bill No. 55—An Act to amend Section 150 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

The question being, "Shall the bill become a law notwithstanding the objections of the Governor?"

The roll was called, and the veto of the Governor sustained by the following vote:

AYES—None.

NOES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Espey, Estudillo, Gans, Hawkins, Held, Houser, Jarvis, John, Johnson, Jones of Tuolumne, King, Lumley, McCartney, McGowan, McNamara, Meincke, Mindham, Moore, Olmsted, Perkins, Pfaffle, Pyle, Severance, Strobridge, Thompson, Transue, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—50.

Assembly Bill No. 24—An Act to add a new section to the Code of Civil Procedure, to be known as Section 637, relating to causes in the superior court in equity and at law, without a jury, in which testimony shall at request of a party be reduced to writing, and upon appeal, be heard *de novo*.

Passed on file.

#### BILL TAKEN UP FOR AMENDMENT.

Mr. Cromwell moved to take up Assembly Bill No. 931 (No. 56 on file) for the purpose of amendment.

Motion carried.

Assembly Bill No. 931—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Read third time.

SELECT COMMITTEE AMENDMENT.

Mr. Cromwell moved that a select committee of one be appointed to amend Assembly Bill No. 931, as follows:

On page 1, Section 1, strike out all of subdivision one (1), and insert in lieu thereof the following: "The county clerk, five thousand nine hundred dollars per annum, *provided*, that he shall appoint one chief deputy, at a salary of twelve hundred dollars per annum, two court-room deputies, at a salary of nine hundred dollars per annum each, and one deputy at a salary of nine hundred dollars per annum. The salaries of said deputies shall be paid by said county clerk out of said five thousand nine hundred dollars compensation above named."

On page 3, subdivision 6, line 58, strike out the following, commencing with the word "two," on said line, down to and including the word "paid," on line 63, and insert in lieu thereof the following: "Three thousand dollars per annum, and such fees as are now or may be hereafter allowed him by law for the collection of all county licenses; *provided*, that the tax collector shall appoint as many deputies as may be necessary, all of which deputies' salaries shall be paid out of the compensation above named."

Amendment adopted.

Mr. Cromwell was appointed such select committee of one.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 931—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901—with instructions, does now report that the instructions of the Assembly have been carried out.

CROMWELL, Committee

Assembly Bill No. 931 ordered to reprint, reengrossment, and on file for passage.

VOTE ON ASSEMBLY BILL NO. 799 RECONSIDERED

Mr. Dorsey moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 799 was passed yesterday.

The question being, "Shall the Assembly reconsider the vote whereby Assembly Bill No. 799 was passed yesterday?"

The roll was called, and the vote was reconsidered by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Burge, Burke, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Espey, Gans, Gates, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, McCartney, McGowan, Meincke, Mindham, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Strobridge, Thompson, Transue, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—53

NOES—Messrs. Cleveland and Estudillo—2.

Assembly Bill No. 799—An Act authorizing and empowering boards of supervisors of the counties of this State to change the names of streets and avenues.

SELECT COMMITTEE AMENDMENT.

Mr. Dorsey moved that a select committee of one be appointed to amend Assembly Bill No. 799, as follows:

AMENDMENT No 1.

Amend title by inserting after the word "avenues" the words "outside of incorporated cities and towns."

Amendment adopted.

## AMENDMENT No. 2.

Insert after the word "counties" the following: "*Provided, however, that this Act shall not apply to incorporated cities and towns.*"

Amendment adopted.

Mr. Dorsey was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 799—An Act authorizing and empowering boards of supervisors of the counties of this State to change the names of streets and avenues—with instructions, does now report that the instructions of the Assembly have been carried out.

DORSEY, Committee.

The report of the select committee of one was adopted.

Assembly Bill No. 799 ordered to reprint, reengrossment, and on file for passage.

## RECESS.

Mr. Atkinson, at eleven o'clock and thirty-eight minutes A. M., moved that the Assembly take a recess until two o'clock P. M. of this day.

Motion carried, and recess declared.

The Speaker requested the members of the Assembly to retain their seats to await the arrival of the Governor, the Lieutenant-Governor, members of the Senate, and officers and members of the National Guard of California, to witness ceremonies attending the presentation of colors to the State.

## RECEPTION OF DISTINGUISHED GUESTS.

The Sergeant-at-Arms of the Assembly, at eleven o'clock and fifty-five minutes A. M., announced that Lieutenant-Governor Alden Anderson and the Senate of California were at the bar of the House.

The Speaker, Hon. Frank C. Prescott, welcomed the Senate, and invited the Lieutenant-Governor to a seat at the Speaker's desk, and Senators to seats with members of the Assembly from their respective districts.

At twelve o'clock noon, the Sergeant-at-Arms of the Assembly announced the presence of His Excellency Governor George C. Pardee, accompanied by the Adjutant-General, the Governor's staff, and other officers of the National Guard.

Speaker Prescott welcomed the Governor and military officers accompanying His Excellency, inviting the Governor to a seat at the right of the Speaker, and his staff to seats assigned them.

At twelve o'clock and five minutes P. M., the Sergeant-at-Arms announced that the officers of the First Regiment of the National Guard of California, preceded by the color guard bearing and escorting the colors of the regiment carried in the Spanish-American war, were at the bar of the House.

This announcement was greeted with applause.

Colonel George Filmer, commanding the regiment, was invited to a seat at the Speaker's desk, and the officers and color guard were assigned to seats immediately in front of the Clerk's desk.

On each side of the aisles were the officers and members of the Second Regiment and Troop B Cavalry of the National Guard of California, under command of Colonel H. I. Seymour.

Speaker Hon. Frank C. Prescott introduced Colonel George Filmer, commanding the First Regiment of the National Guard of California.

## PRESENTATION OF FLAGS TO THE STATE.

Colonel Filmer, in a few words, introduced the Rev. Joseph McQuaid, Chaplain of the First California United States Volunteers in the Spanish-American war.

In eloquent terms the Rev. Father McQuaid, on behalf of the First California Regiment, presented to His Excellency Governor George C. Pardee, as the representative of the State of California, the stand of colors which had been carried with honor from California to the Philippines, and brought back in tattered form to this State—to be placed in the State Capitol for safe-keeping and memento.

His Excellency Governor George C. Pardee, in fitting and happy words, on behalf of the State accepted the gift of the stand of colors so worthily carried by the First Regiment of the National Guard of California, and paid a compliment to the rank and file for their patriotism and gallantry in the service of their country.

To the presentation of arms by the officers and members of the National Guard, and the band playing the "Star-Spangled Banner," the audience rising, the color guard carried the stand of colors from the Assembly Chamber to the rooms of the Adjutant-General of California, and were there deposited. This closed the ceremonies of the occasion.

## REASSEMBLED.

The Assembly reconvened at two o'clock P. M.  
Speaker Hon. Frank C. Prescott in the chair.

## BILL CALLED UP FOR AMENDMENT.

Mr. Atkinson asked for and was granted unanimous consent to call up for the purpose of amendment Assembly Bill No. 601.

Assembly Bill No. 601—An Act to amend Sections 1830, 1831, 1832, 1835, 1836, 1837, and 1839 of the Political Code, relating to district school tax.

Read third time on a previous day.

Mr. Atkinson moved that a select committee of one be appointed by the Speaker, to amend the bill as follows:

## SELECT COMMITTEE AMENDMENTS.

To amend Assembly Bill No. 601, as follows:

1. Section 1, line 4, printed bill, amend by inserting after the word "city" the words and punctuation "or city,"
2. On line 7, Section 1 of the printed bill, amend by striking out after the word "of" the word "the," and insert in lieu thereof the word "such."
3. On line 7, Section 1 of the printed bill, amend by inserting after the word "district" the word and punctuation "city,"
4. On line 7, Section 1 of the printed bill, after the word "or," strike out the word "the."
5. On line 7, Section 1 of the printed bill, insert after the word "county" the punctuation mark (,)
6. Section 1, line 9 of the printed bill, strike out before the word "district" the word "the" and insert in lieu thereof the word "such."
7. Section 1, line 9 of the printed bill, insert after the word "district," the word and punctuation "city."
8. On line 9, Section 1 of the printed bill, strike out before the word "city" the word "the."
9. In Section 1, line 10 of the printed bill, insert after the word "district," the word and punctuation "city,"
10. Section 1, line 11, strike out after the word "houses" the punctuation (,), and insert in lieu thereof the word and punctuation "therein."
11. In Section 1, line 11 of the printed bill, strike out the word "two," after the word "any," and insert in lieu thereof the word "number."
12. In Section 2, line 5 of the printed bill, after the word "district," insert the word and punctuation "city,"

13. In Section 2, line 5 of the printed bill, preceding the word "city" strike out the word "the"

14. In Section 2, line 7 of the printed bill, preceding the word "or," insert the word and punctuation "city,"

15. In Section 2, line 7 of the printed bill, preceding the word "by," insert the punctuation mark (,)

16. In Section 2, line 9 of the printed bill, after the word "every," insert the words and punctuation "city, or"

17. In Section 2, line 11 of the printed bill, after the word "the," insert the words and punctuation "city, or"

18. In Section 2, line 12 of the printed bill, after the word "the," where the same first appears on said line, insert the words and punctuation "city, or"

19. In Section 6, line 5 of the printed bill, insert after the word and punctuation "district," the word and punctuation "city,"

20. In Section 6, line 9 of the printed bill, insert after the word and punctuation "district," the word and punctuation "city,"

21. In Section 6, line 9 of the printed bill, strike out after the word "or" the word "the,"

22. In Section 6, line 10 of the printed bill, preceding the word "or," insert the word and punctuation "city,"

23. In Section 6, line 17, after the word and punctuation "district," insert the word and punctuation "city,"

24. In Section 7, line 4 of the printed bill, strike out the word "district," and insert in lieu thereof the word and punctuation "county,"

25. In Section 7, line 4 of the printed bill, preceding the word "in," insert punctuation (,).

26. In Section 7, line 5 of the printed bill, after the word "for," insert the word "school."

Motion carried.

Mr. Atkinson was appointed such select committee.

#### REPORT OF SELECT COMMITTEE OF ONE

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 601, with instructions to amend, does now report that the instructions of the Assembly have been carried out.

ATKINSON, Committee.

Report of select committee adopted.

Ordered to reprint, reengrossment, with rush order, and on file for passage.

Mr. Burke asked for and was granted unanimous consent to call up Assembly Bill No. 910 for purpose of amendment.

#### CONSIDERATION OF ASSEMBLY BILL NO. 910.

Assembly Bill No. 910—An Act to amend Section 3881 of the Political Code of the State of California, relating to correcting of errors, omissions, defect in form of, or in description, erroneous or double assessments in any assessment roll.

Read third time.

#### SELECT COMMITTEE AMENDMENT.

Mr. Burke moved that a select committee of one be appointed by the Speaker to amend the bill, as follows:

##### AMENDMENT No. 1.

Amend by inserting after the word "statement," on line 5, page 1, printed bill, the following: "plat book, working roll, or record in the assessor's office."

##### AMENDMENT No. 2.

Amend by inserting after the word "statement," at the end of line 6, and beginning of line 7, page 1, printed bill, the following: "plat book, working roll, or record in assessor's office."

Motion carried.

Mr. Burke was appointed such select committee.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 910, with instructions to amend, does now report that the instructions of the Assembly have been carried out.

BURKE, Committee.

Report of select committee adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received (out of order) and read:

## ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 990—An Act to amend Section 359 of the Code of Civil Procedure, relating to the time of commencing actions.

Also: Assembly Bill No. 991—An Act to amend the Code of Civil Procedure, by adding thereto a new section, to be numbered 590, relating to the release of attachments.

Reports the same back with the recommendation that they do pass.

Also: Assembly Bill No. 882—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 646a, relating to the shipment of seamen and apprentices, and the fees that may be charged therefor.

Also: Assembly Bill No. 883—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 646b, relating to payment of fees for the shipment of seamen and apprentices.

Also: Assembly Bill No. 1024—An Act to amend Section 340 of the Penal Code, relating to and defining the rate of interest which may be charged by pawnbrokers.

Reports the same back, with amendments, with the recommendation that they do pass as amended.

Also: Assembly Bill No. 1025—An Act to amend Section 341 of the Penal Code of the State of California, relating to the selling of pledges by pawnbrokers before the time of redemption has expired, relating to the holding of pledges by pawnbrokers and the passage of title of said pledges—reports the same back with the recommendation that it do pass.

Also: Assembly Bill No. 856—An Act to amend Sections 338, 339, 340, and 341 of the Penal Code, and to add two new sections thereto, to be known and designated as Sections 345 and 345a, all relating to pawnbrokers.

Also: Assembly Bill No. 1036—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 654a, relating to the taking of fees by persons obtaining employment for others.

Reports the same back, with the recommendation that they do pass as amended.

Also: Assembly Bill No. 626—An Act entitled "An Act relating to trading-stamps, coupons, tickets, and other similar devices, to regulate the redemption of the same, to prevent deception and fraud in their use, and to provide a penalty for the violation thereof"—reports the same back without recommendation.

Also: Assembly Bill No. 654—An Act to regulate investment companies—reports the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 887—An Act to amend Section 776, 773, and 782 of the Political Code, and to repeal Sections 779, 780, and 781 of said Code, all relating to the presentation and publication of the opinions of the Supreme Court and of the District Courts of Appeal—reports the same back, with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 946—An Act to amend Section 1 of an Act entitled "An Act to authorize suits against the State and regulating the procedure therein," approved February 28, 1893.

Also: Assembly Bill No. 115—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 233 thereof, relating to the punishment for the crime of bigamy.

Reports the same back, with the recommendation that they do pass.

Also: Assembly Bill No. 33—An Act to amend an Act entitled "An Act to amend the Civil Code," approved March 30, 1874, by amending Section 194 of said Civil Code, relative to children born after entry and filing of interlocutory judgment in an action for divorce—reports the same back, with the recommendation that the author have permission to withdraw the same.

Also: Assembly Bill No. 427—An Act to amend Section 74 of the Civil Code, relating to the authentication of marriages—reports the same back, with the recommendation that it do not pass.

Also: Senate Bill No. 308—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution.

Also: Senate Bill No. 309—An Act to amend Section 3817 of the Political Code, in reference to redemption of property sold to the State for delinquent taxes.

Also: Assembly Bill No. 563—An Act relating to the sale of bonds, certificates, tontines, or debentures, and to the conduct of the business of the sale of such bonds, certificates, tontines, or debentures.

Reports the same back, with the recommendation that they do pass.

Also: Assembly Bill No. 732—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1586 of said Code, relative to conditions of sale of estates—reports the same back, with the recommendation that it do not pass.

Also: Assembly Bill No. 771—An Act to amend Section 1074 of the Code of Civil Procedure of the State of California, relative to the hearing of review under a writ of review—reports the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 772—An Act to amend Section 1068 of the Code of Civil Procedure of the State of California, relative to the issuance of writs of review—reports the same back with two amendments, and with the recommendation that it do pass as amended.

DURYEA, Chairman.

Assembly Bills Nos. 990, 991, 882, 883, 1024, 1025, 856, 1036, 626, 654, 887, 946, 115, 33, 427, 563, 732, 771, and 772 ordered on file for second reading.

Senate Bills Nos. 308 and 309 ordered on special Senate file for second reading.

#### ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1905.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 1019—An Act to regulate the use of artesian wells, and to prevent the waste of subterranean waters in this State—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

ESTUDILLO, Chairman.

Ordered on file for third reading.

#### PETITION—(OUT OF ORDER).

The following petition was presented by Mr. Coyle:

*To the Legislature of the State of California, Thirty-sixth Session:*

We, the undersigned, hereby respectfully request that your honorable body submit to the voters of the State, at the next election, an amendment to the State Constitution, giving to women equal political rights with men.

J. W. CHURCHILL, and 250 others.

#### UNFINISHED BUSINESS—(RESUMED).

Senate Bill No. 104—An Act to amend Sections 1 and 7 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Passed on file.

Senate Bill No. 8—An Act for the relief of purchasers of State lands, by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Passed on file.

Senate Bill No. 105—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State; for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

Passed on file.

Senate Bill No. 260—An Act to authorize the appointment of an interpreter of the Spanish language, in criminal proceedings, in counties, and cities and counties of one hundred thousand inhabitants and over.

Passed on file.

Senate Bill No. 306—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Passed on file.

Senate Bill No. 68—An Act to amend Section 10 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to holidays.

Passed on file.

Senate Bill No. 364—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.

Passed on file.

Senate Bill No. 226—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Passed on file.

Senate Bill No. 189—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Read second time, and ordered on file for third reading.

Senate Bill No. 405—An Act to amend Section 3650 of the Political Code of the State of California, relating to how the assessor must prepare an assessment book, and list therein all property within the county.

Passed on file.

Senate Bill No. 459—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbor master, defining their duties, and providing for their compensation.

Passed on file.

Senate Bill No. 269—An Act to authorize and provide for the transfer of the Veterans' Home of California, its property, management, control, and support to the Government of the United States, its officers and authorities, to be conducted as a National Home under such laws as now exist or which may hereafter be enacted by Congress; and for the conveying of property of said Home, both real and personal, belonging to the State of California, situate in Napa County, to the Government of the United States for such purpose.

Read second time, and ordered on file for third reading.

Senate Bill No. 406—An Act to amend Section 312 of the Civil Code of the State of California, relating to elections by stockholders in corporations.

Read second time, and ordered on file for third reading.

Senate Bill No. 64—An Act to appropriate the sum of \$1,276, to pay the amount of a judgment against the Board of Trustees of Whittier State School, and in favor of Lucy J. Harvey, and directing the State



Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Read second time.

MOTION.

Mr. Johnstone moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 64.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Senate Bill No. 64 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Prescott in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 64, and do now report the same back, and recommend that it do pass.

PRESCOTT, Chairman.

Report of Committee of the Whole adopted.

Bill ordered on file for third reading.

On motion of Mr. Johnstone, Assembly Bills Nos. 780 and 786 were taken up for purpose of amendment.

CONSIDERATION OF ASSEMBLY BILLS NOS 780 AND 786.

Assembly Bill No. 780—An Act making an appropriation of \$1,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing type and printing materials to be used in the printing office of said school.

Read third time.

SELECT COMMITTEE AMENDMENT.

Mr. Johnstone moved that a select committee of one be appointed by the Speaker to amend the bill, as follows:

AMENDMENT No. 1.

Amend by striking out of title the words "one thousand," and inserting in lieu thereof the words "five hundred."

AMENDMENT No. 2.

Amend by striking out of Section 1, line 1 of printed bill, the figures "\$1,000.00."

Motion carried.

Mr. Johnstone was appointed such select committee of one.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 780, with instructions to amend, does now report that the instructions of the Assembly have been carried out.

JOHNSTONE, Committee.

Report of select committee adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 786—An Act making an appropriation of \$650 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new sewing machines for use in said school.

Read third time.

SELECT COMMITTEE AMENDMENT.

Mr. Johnstone moved that a select committee of one be appointed by the Speaker to amend the bill, as follows:

Amend by striking out of title, line 1, of the printed bill, the word "six," and inserting in lieu thereof the word "two."

Also: Amend by striking out of Section 1, line 2, of printed bill, the figures "(\$650.00.)"

Motion carried.

Mr. Johnstone was appointed such select committee of one.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 786, with instructions to amend, does now report that the instructions of the Assembly have been carried out.

JOHNSTONE, Committee.

Report of select committee adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

SPECIAL FILE.

On motion, the Assembly proceeded to consider bills on the special file.

Assembly Bill No. 865—An Act to prohibit the sale of spirits, liquors, or wines without a State license, to provide for the issuance of such a license, and for the violation of the provisions of this Act, and prescribing the duties of certain officers in connection therewith.

Passed on file.

Assembly Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 61 of said Act, relating to county officers.

Passed on file.

Assembly Bill No. 619—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.

Passed on file.

Assembly Bill No. 783—An Act making an appropriation of \$500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the assembly hall of the the boys' department.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Beardslee, Bliss, Boyle, Burge, Burke, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Gans, Gates, Hawkins, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, McNamara, Olmsted, Pfaffle, Pryor, Pyle, Strobbridge, Strohl, Thompson, Tripp, Vogel, Whiting, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 779—An Act making an appropriation of \$900 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of refurnishing "B" cottage, at the girls' department.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Beardslee, Bliss, Boyle, Burge, Burke, Busick, Chandler, Coghlan, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Espey, Gans, Gates, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jury, King, Lynch, Manwell, McGowan, McNamara, Meincke, O'Brien, Olmsted, Pfæffle, Pryor, Pyle, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Mr. Drew moved a reconsideration of the vote whereby the motion to reconsider the vote by which Senate Bill No. 88—An Act forbidding the payment of municipal officers out of the funds of the county—made this day, was laid on the table.

On division, the motion carried.

The question being put, "Shall the vote whereby Senate Bill No. 88 was finally passed on yesterday be reconsidered?"

The roll was called, and the motion lost by the following vote:

AYES—Messrs Arnerich, Branstetter, Burge, Busick, Chandler, Cleveland, Covle, Cromwell, Devlin, Drew, Duryea, Espey, Gans, Gates, Hawkins, Held, Houser, John, Johnson, Johnstone, Lumley, Moore, Pryor, Rolley, Slaven, Stanton, Thompson, Tripp, and Weyand—29.

NOES—Messrs. Anthony, Bates, Beardslee, Bliss, Boyle, Burke, Coghlan, Creighton, Cullen, Jarvis, Jones of Tuolumne, Jury, King, McGowan, McNamara, Meincke, Mindham, Pfæffle, Pyle, Strobridge, Strohl, Transue, Treadwell, Vogel, Walsh, Whiting, Wickersham, and Mr. Speaker—28.

Senate Bill No. 88 ordered transmitted to the Senate.

Assembly Bill No. 525—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.

Passed on file.

Assembly Bill No. 440—An Act to amend Section 10 of an Act entitled "An Act creating a State commission on voting and balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or balloting machines for receiving or registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result of such elections, and providing for the punishment of all violations of the provisions of this Act relating to voting machines."

Passed on file.

Assembly Bill No. 527—An Act to add a new section, to be known as Section 42½, to an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893; extending the provisions of Sections 19 to 33, inclusive, and Sec-

tions 39 to 42, inclusive, of said Act, to primary elections, and so providing for punishment of offenses at primary elections.

Passed on file.

Assembly Bill No. 839—An Act to amend Section 12 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901.

Passed on file.

Assembly Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 183 thereof, relating to salaries and fees of county and township officers in counties of the twenty-sixth class.

Passed on file.

Assembly Bill No. 832—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 25 of said Act a new subdivision, to be known as Section 6½, and relating to cooperation by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services.

Passed on file.

Assembly Bill No. 618—An Act to authorize the appointment of an interpreter of the Spanish language in counties of the first and one half class.

Passed on file.

Assembly Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 12 of Article XIII, relating to revenue and taxation.

Passed on file.

Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 19, of Article V of said Constitution, relating to the compensation of State officers.

Passed on file.

Assembly Constitutional Amendment No. 13—A resolution proposing to the people of the State of California an amendment to Article XI of the Constitution of the State of California by adding a new section thereto, to be numbered Section 13½ of Article XI, relating to the making of public bonds payable at any place within the United States.

Passed on file.

Assembly Constitutional Amendment No. 14—A resolution proposing to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters.

Passed on file.

Assembly Bill No. 842—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the powers of boards of supervisors.

Passed on file.

Assembly Bill No. 15—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding cer-

tain sections thereto," approved March 23, 1901, by amending Section 22 thereof in relation to the fees, salaries and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 197—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 25, 1901.

Passed on file.

Assembly Bill No. 198—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto by amending Section 34 of said Act."

Passed on file.

Assembly Bill No. 221—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat, and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the superior court.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Barnes, Bates, Beardsloe, Bliss, Boyle, Branstetter, Burge, Chandler, Cleveland, Coyle, Creighton, Cromwell, Devlin, Drew, Gans, Gates, Hawkins, Held, Houser, John, Johnson, Johnstone, Jury, King, McGowan, Moore, Olmsted, Pfaefle, Pyle, Rolley, Slaven, Stanton, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Weyand, Whiting, and Mr. Speaker—42

NOES—Messrs. Arnerich, Jarvis, Jones of Tuolumne, Lumley, McNamara, Meincke, and Wickersham—7.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 908—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 25, 1901, and amended March 19, 1903, by amending Section 200 thereof, relating to the compensation of officers of the forty-third class.

Read second time.

#### COMMITTEE AMENDMENT

Amend by striking out of line 65, page three, printed bill, all after the word "seat" to the end of subdivision 15

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 932—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

Passed on file.

Assembly Bill No. 852—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903.

Passed on file

Assembly Bill No. 876—An Act to amend Section 20 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to county and township officers of counties of the sixteenth class, and providing for the compensation of such officers and their deputies.

Passed on file.

Assembly Bill No. 914—An Act to amend an Act establishing a uniform system of county and township governments, relating to salaries and fees of county officers in counties of the ninth class.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Busick, Chandler, Cleveland, Coyle, Creighton, Devlin, Drew, Espey, Gans, Goodrich, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, McGowan, McNamara, Meincke, Mindham, Moore, Olmsted, Pfaffle, Pryor, Pyle, Rolley, Slaven, Stanton, Strobl, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 900—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 186 thereof, relating to the compensation of officers of the counties of the twenty-ninth class.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Burge, Cleveland, Cooper, Coyle, Creighton, Cullen, Devlin, Drew, Gans, Goodrich, Hawkins, Held, Houser, Jarvis, John, Jury, Lumley, Lynch, McCartney, Meincke, Moore, Olmsted, Perkins, Pfaffle, Pryor, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### RECONSIDERATION OF VOTE.

Mr. Coghlan moved a reconsideration of the vote whereby Assembly Bill No. 297—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of Public Instruction—was, on yesterday, passed.

The question being put, "Shall the Assembly reconsider the vote whereby Assembly Bill No. 297 was passed?"

Previous to discussion of the merits of the bill, Mr. Waste moved that the time for discussion be limited to one hour, giving a half hour to each side of the question.

Motion carried, and such was the order.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Messrs. Anthony, Atkinson, Bates, Boyle, Cleveland, Coghlan, Cullen, Hartman, Jones of San Francisco, Jury, McCartney, McGowan, McNamara, Meincke, Mindham, Pfaffle, Strobridge, Strobl, Treadwell, Vogel, Walsh, and Wickersham—22.

NOES—Messrs. Amerige, Arnerich, Barnes, Beardslee, Bliss, Branstetter, Burge, Burke,

Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Gans, Gates, Goodrich, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, Maxwell, McKenney, O'Brien, Olmsted, Perkins, Pryor, Pyle, Rolley, Slaven, Stanton, Thompson, Transue, Tripp, Waste, Weyand, Whiting, and Mr. Speaker—51

Bill ordered transmitted to the Senate.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENGROSSMENT AND ENROLLMENT.

##### ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 586—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending Section 171 thereof, relating to the compensation of county officers in counties of the fourteenth class.

Assembly Bill No. 647—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 34 thereof, relating to counties of the thirtieth class.

Assembly Bill No. 209—An Act to amend Title V of Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by revising Sections 4455 and 4459 of said title, and adding three new sections thereto, to be numbered 4460, 4461, and 4462, relating to and regulating publications or notices authorized or required to be given or made by public officers, the officers of courts, or by law, providing that such publications or notices shall be given or made in newspapers of general circulation, providing the manner in which newspapers may be adjudged newspapers of general circulation, and providing a penalty for violation.

Assembly Bill No. 670—An Act to provide for the improvement of the public highways.

Assembly Bill No. 759—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties and providing for their compensation.

Assembly Bill No. 758—An Act to amend Section 1476 of the Penal Code, relating to writs of habeas corpus.

Assembly Bill No. 920—An Act to amend Section 344 of the Code of Civil Procedure of the State of California.

Assembly Bill No. 313—An Act to add a new section, to be known as Section 2163<sup>1</sup>, to the Civil Code of the State of California, relating to common carriers of oil.

Assembly Bill No. 1055—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as "The Commission for the Revision and Reform of the Law," and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 23, 1895," approved March 25, 1903, by amending Section 9 thereof, relating to the tenure of such commission.

Assembly Bill No. 614—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities, to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality, and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.

Assembly Bill No. 846—An Act to repeal Section 1143 of the Penal Code, relating to fees of jurors in criminal cases.

Assembly Bill No. 577—An Act to amend Sections 4 and 6 of an Act entitled "An Act to provide for the maintenance of public libraries within municipalities," approved March 23, 1901.

Assembly Bill No. 837—An Act requiring the payment of a tuition fee from all Japanese children attending the public schools.

Assembly Bill No. 899—An Act to amend Sections 3909, 3911, 3912, 3913, 3914, 3915, 3916, 3917, 3919, 3920, 3921, 3922, 3925, 3931, 3934, 3938, 3939, 3940, 3941, 3943, 3944, 3945, 3946, 3947, 3948, 3949, and to repeal Section 3910 of the Political Code, and to add eight new sections, thereto to be numbered 3959, 3960, 3961, 3962, 3963, 3964, 3965, and 3966, all relating to county boundaries.

Assembly Bill No. 955—An Act to amend Section 4 of an Act entitled "An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

Assembly Bill No. 933—An Act to amend Section 633 of the Political Code of the State of California, relating to life insurance agents.

Assembly Bill No. 965—An Act to amend Section 437 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, relating to mutual life, health, and accident insurance corporations.

Assembly Bill No. 923—An Act to create a fireman's relief, health, and life insurance and pension fund in the several counties, cities and counties, cities, and towns of the State.

Assembly Bill No. 957—An Act to amend the Civil Code by adding a new section thereto to be numbered 1154, to Title IV of Part IV, Chapter III, Article III, relating to gifts of personal property in expectation of death.

Assembly Bill No. 950—An Act to amend Section 1 of an Act entitled "An Act requiring the payment into the State Treasury of all the moneys belonging to the State, received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899.

Assembly Bill No. 949—An Act to amend the Political Code by adding a new section thereto, to be numbered 1033, relating to compensation of State officers.

Assembly Bill No. 368—An Act to regulate the practice of running or operating motor vehicles.

Assembly Bill No. 754—An Act to amend an Act entitled "An Act to establish a Penal Code," providing for the punishment and removal of officers who fail to do their duty.

Assembly Bill No. 31—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1672 of said Political Code, relating to sectarian books and teachings in public schools.

Assembly Bill No. 569—An Act to amend Section 1185 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to liens.

Assembly Bill No. 942—An Act to amend Section 791 of the Political Code, relating to the number of notaries public.

Assembly Bill No. 377—An Act to amend Section 1524, Penal Code of California, relating to search warrants.

Assembly Bill No. 375—An Act to amend Section 1536, Penal Code of California, relating to search warrants.

Assembly Bill No. 940—An Act to amend Sections 1323 and 1324 of the Code of Civil Procedure of the State of California.

Assembly Bill No. 720—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered "Section 1265," relating to proceedings to condemn property for a public use in the name of the people of the State of California, and providing procedure in such cases.

Assembly Bill No. 901—An Act to amend Section 111 of the Penal Code of the State of California, relating to the expenses of prosecuting escapes from, and crimes committed within State prisons, and the expenses of coroner's inquests of any deceased convict.

Assembly Bill No. 860—An Act providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof.

Assembly Bill No. 963—An Act to provide for the formation of boulevard districts and the construction, maintenance and use of boulevards, and defining the term boulevard.

Assembly Bill No. 1082—An Act to create a drainage district, to be called "Sacramento Drainage District," to promote drainage therein; to provide for the election and appointment of officers of said drainage district, defining the powers, duties and compensations of such officers, and providing for the creation, division and management of reclamation, swamp land, levee, drainage and protection districts, within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district.

Assembly Bill No. 924—An Act making an appropriation to pay the judgment against the State of California, recovered by Abe Darlington, in the Superior Court of El Dorado County, March 11, 1903, for and on account of claims for bounty on coyote scalps.

Assembly Bill No. 341—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 290½, relating to the names and powers of corporations, and the purposes for which certain corporations may be formed.

DEVLIN, Chairman.

Assembly Bills Nos. 586, 647, 209, 670, 759, 758, 920, 313, 1055, 614, 846, 577, 837, 899, 955, 933, 965, 928, 957, 950, 949, 368, 754, 31, 569, 942, 377, 375, 940, 720, 901, 860, 963, 1082, 924, and 341 ordered on file for third reading.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received (out of order) and read:



## ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1905.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 1145—An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GOODRICH, Chairman.

Ordered on file for second reading.

## ON COUNTY AND TOWNSHIP GOVERNMENTS

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1905.

MR. SPEAKER. Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1018—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 203 thereof, relating to the compensation of county and township officers in counties of the forty-sixth class—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

BURKE, Chairman.

Ordered on file for second reading.

## TIME OF SESSION EXTENDED.

At four o'clock and twenty-eight minutes P. M., on motion of Mr. Transue, the afternoon session was ordered continued until five o'clock P. M. this day.

## MESSAGE FROM THE SENATE.

The following Senate message was taken up and read, on motion of Mr. Atkinson:

SENATE CHAMBER, SACRAMENTO, February 21, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 555—An Act to amend Section 1 of an Act entitled "An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom," approved March 20, 1889. (Stats. 1889, p. 493.)

Also: Senate Bill No. 17—An Act permitting all ex-Union soldiers and sailors, honorably discharged from the military or marine service of the United States, the right to vend, hawk, and peddle goods, wares, fruits, or merchandise, not prohibited by law, in any county, town, village, incorporated city or municipality in the State of California, without paying a license

Also: Senate Bill No. 35—An Act making an appropriation for repairs and improvements on the buildings and grounds of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, for ex-army nurses and indigent widows, wives, mothers and dependent maiden daughters and sisters of Union veterans who served honorably in the War of the Rebellion.

Also: Assembly Bill No. 766—An Act to repeal Chapter I, of Title IV, of the Political Code, and to substitute therefor a new Chapter I, relating to the State militia.

Also: Senate Bill No. 26—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Also: Senate Bill No. 554—An Act to provide for the incorporation of associations for lending money on personal property, and regulating the same, and to forbid certain loans of money, property or credit.

Also: Senate Bill No. 646—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking by deposition of the testimony of witnesses in the State.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary

Senate Bill No. 555 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 17 read first time, and referred to Committee on Military Affairs.

Senate Bill No. 35 read first time, and, on motion of Mr. Arnerich, ordered on special Senate file for second reading.

Senate Bill No. 26 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 554 read first time, and referred to Committee on Judiciary.

Senate Bill No. 646 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 766 ordered to enrollment.

#### EX-MEMBERS EXTENDED PRIVILEGES.

On motions, Hon. John W. Mott, Hon. Henry C. Dibble, and Hon. B. F. Howard, ex-Assemblymen, were extended the privileges of the floor during the thirty-sixth session.

#### PETITION—(OUT OF ORDER).

Mr. Jury presented (out of order) the following petition from the San Mateo County Building and Loan Association:

HON. R. H. JURY, *Member of the Assembly, Fifty-third District.*

DEAR SIR: We notice in the press dispatches that it is proposed to incorporate in the Building and Loan Law a provision preventing the loaning of more than 50 per cent of the appraised value of the property loaned upon. We wish to call your attention to the fact that such action would put every "local" association out of business and stop a very large proportion of home building by the laboring classes. The "local mutual" will generally loan 70 or 75 per cent of the appraised value of the property, and this it can afford to do for the reason that the security committee is fully conversant with values in the local territory, a guarantee of intelligent and conservative appraisement; then the borrower at once begins to pay off the loan in monthly installments, increasing his equity and the value of the security. This is altogether different from a bank loan where the interest is paid semi-annually and nothing upon the principal until the whole is due; in this case the value of the security is lessened as the interest accrues.

Again, the local directors have personal knowledge of the habits and prospects of the borrower, which is very pertinent to the matter, while the investor in free shares will be cognizant of all business transacted by the board.

This association has loaned as high as 80 per cent in a few cases where the "moral hazard" was considered excellent, and in proof of our conservative and business-like methods we cite the fact that this association has loaned since its organization, in 1890, the sum of \$1,109,581.74, now has \$209,318.96 out on mortgage, and has not a single piece of real estate on its hands, and never met with a loss, nearly all of this amount having been loaned for home building to wage earners, at little more cost to them than monthly rental would have been for the same premises.

We also note a proposition to have all securities deposited at Sacramento, or with a trust company. This would entail much delay and annoyance to those desiring to repay loans, an almost daily occurrence with this association, and we deem it entirely unnecessary, from the fact that no securities have ever been, to our knowledge, wrongfully hypothecated by officers of a "local" association.

In view of the above we respectfully submit that the "local mutual associations" should not be embarrassed or hampered in the conduct of their business on account of the laches of the "nationals," and we would suggest that one law might be made to govern local associations doing business entirely within their home county and those counties immediately adjoining, and another for those doing business in territory beyond those limits.

Trusting that you will give the above sentiments consideration, we are,

Very respectfully,

SAN MATEO COUNTY BUILDING & LOAN ASSOCIATION

By GEO. W. LOVIE, Secretary.

Petition ordered printed in the Journal.

#### CONSIDERATION OF ASSEMBLY BILL No 622

On motion of Mr. Atkinson, the following bill was taken up (out of order) for consideration:

Assembly Bill No. 622—An Act requiring every employer doing business in this State to pay their employes, and each of them, at least once in each and every month, the wages earned by such employe; to prohibit

assignment of wages for the purposes of evading the provisions of this Act, or an agreement to accept wages at any longer periods than as herein provided, as a condition of employment.

Read third time.

The roll was called, and the bill passed by the following vote:

**Ayes**—Messrs. Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Chandler, Coyle, Cromwell, Cullen, Devlin, Drew, Ellis, Goodrich, Hartman, Hawkins, Held, Houser, John, Johnson, Jones of Tuolumne, Jury, King, Lucey, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Stanton, Strohl, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, and Mr. Speaker—43.

**Noes**—Messrs. Cleveland, Creighton, Johnstone, and Whiting—4.

Title read and approved.

Bill ordered transmitted to the Senate.

#### ADJOURNMENT.

At five o'clock P. M., the Speaker, Hon. Frank C. Prescott, declared the Assembly adjourned until Thursday, February 23, 1905, at nine o'clock and thirty minutes A. M.

#### WASHINGTON'S BIRTHDAY EXERCISES.

In the evening, exercises were held in the Assembly Chamber in honor of Washington's birthday by the Legislature of California.

The following was the order of exercises:

#### JOINT COMMITTEE OF ARRANGEMENTS.

Hon. W. C. Ralston, Hon. F. W. Leavitt, Hon. J. B. Sanford, Hon. Frank J. O'Brien, Hon. N. C. Coghlan, Hon. P. A. Johnson.

#### EXERCISES.

1. National Airs, - - - - - Ryan's Orchestra
2. Call to Order, - - - - - Hon. Frank C. Prescott, Speaker
3. Announcement of the arrival of Governor George C. Pardee, accompanied by the Senate.
4. "Keller's American Hymn," - - - - - Orpheus Quartette
5. Invocation, - - - - - Rev. George C. King, Chaplain of the Assembly
6. Remarks, - - - - - Lieut.-Gov. Alden Anderson, President of the Senate
7. Reading extracts from Washington's Address, - - - - - Hon. W. C. Ralston
8. "My Own United States," - - - - - Orpheus Quartette
9. "Our President," - - - - - Hon. Frank R. Devlin
10. "California," - - - - - Hon. H. Weinstock
11. Selection, - - - - - Orchestra
12. "Washington," - - - - - Hon. George A. McGowan
13. "Our Country," - - - - - Hon. C. M. Shortridge
14. "Our Flag," - - - - - Hon. M. Estudillo
15. "America," - - - - - Quartette, Audience, and Orchestra
16. Benediction, - - - - - "My Country, 'tis of Thee," etc.
17. "Auld Lang Syne," - - - - - Rev. W. S. Hoskinson, Chaplain of the Senate

## IN ASSEMBLY.

ASSEMBLY CHAMBER,

Thursday, February 23, 1905. }

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lynch, Manwell, McCartney, McKenney, McNamara, Meucke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobbridge, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—67.

Quorum present.

## LEAVES OF ABSENCE.

Leave of absence for the day was granted to Mr. Mitcheltree.

Messrs. Lucey, Beardslee, and Strohl were excused for one hour.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. King, its further reading was dispensed with.

## APPROVAL OF JOURNAL.

The Journal of Tuesday, February 21, 1905, was corrected, and, as corrected, approved.

## PETITIONS.

Mr. McCartney presented the following petitions:

(Relative to reading the Bible in the public schools.)

REDLANDS, CAL., February 20, 1905.

HON. H. S. G. MCCARTNEY, *Sacramento, Cal.*

DEAR SIR: We desire to express to you our hearty approval of the bill you have introduced to amend Section 1672 of the Political Code, so as to prevent any construction of that section that would not permit the use of the Bible in the public schools of our State, for any purpose not inconsistent with said section; and we further most respectfully request you to use your influence and your utmost endeavors in favor of the passage of said amendment.

We should oppose most strenuously any effort to introduce into our public schools any denominational or sectarian teaching whatever. On the other hand, to deny our teachers the privilege of reading in the schools from the Book containing the highest code of morals known to the world—that code which forms the basis of human character, and upon which the perpetuity of civilized government rests—tends directly to subvert one of the fundamental reasons for the existence of our public school system, viz: the culture of the truest and noblest citizenship.

Furthermore, to rule the Bible out of our public school libraries, as a book of reference, is to discriminate against what is admitted by educated men of every religious belief, and of no religious belief, to be a copy of the best literature ever produced, and for which there is no possible substitute.

For these two reasons, therefore, in the interest of good morals, both in private and public life, and in the interest of the highest culture, we wish to see no discrimination against the proper use of the Bible in the public schools of our State.

Hoping that you will agree with us as to the importance of this matter, we are,  
Respectfully,

J. A. MARGNIS, Pastor, and others.

This letter was presented to the congregation of the First Presbyterian Church of Redlands, California, Sunday morning, February 19, 1905, and unanimously adopted. The pastor and officers were directed to sign it on behalf of the church and forward it to you. The membership of the church is 400. The attendance at the service at which the above was adopted was about 500.

WALTER M. CAMPBELL, Clerk.

The petition was ordered printed in the Journal without the signatures.

Mr. McCartney presented the following petition from officials of Los Angeles County, which was ordered printed in the Journal without the signatures:

We, the undersigned employes of the County of Los Angeles, in the court-house thereof, respectfully petition your honorable body to enact a law closing the court-house every Saturday at 12 M., and providing that all offices in the court-house shall open at 9 A. M.

MARK G. JONES,  
County Treasurer, Los Angeles County, and others.

Mr. Houser presented a petition signed by seven thousand one hundred and fifty citizens of Los Angeles, which was ordered printed in the Journal without the signatures:

(Relative to woman suffrage.)

*To the Legislature of the State of California, Thirty-sixth Session.*

We, the undersigned, hereby respectfully request that your honorable body submit to the voters of the State, at the next election, an amendment to the State Constitution, giving to women equal rights with men.

Mr. Held presented a similar petition from citizens of Mendocino County, containing 56 signatures.

Mr. Estudillo presented a similar petition from citizens of Riverside County, containing 250 signatures.

Mr. Burge presented a similar petition from citizens of Stanislaus County, containing 268 names.

Mr. Branstetter presented a similar petition from citizens of Humboldt County, containing 520 signatures.

Mr. Slaven presented a similar petition from citizens of San Benito County, containing 298 signatures.

Mr. Cromwell presented a similar petition from citizens of Sonoma County, containing 304 signatures.

Mr. John presented a petition from citizens of San Luis Obispo, which was ordered printed in the Journal without the signatures:

(To prevent shipping of wild duck eggs into this State.)

EDNA, February 11, 1905.

HON. WARREN M. JOHN, *Member of Assembly, Sixty-third District, Sacramento*

DEAR SIR: It is understood by the undersigned that the Indians in Oregon are in the habit of robbing duck nests and shipping the eggs into California for the market. As you are well aware, this is a great drawback to the hunters in this locality, and a thing that should be discouraged. Without going into further details regarding the situation, we hereby petition you to look into the matter, and if it seems feasible to you we will appreciate all that is done to prevent the shipping of wild duck eggs into this State.

FRED S. THOMPSON, and others.

## REPORTS OF STANDING COMMITTEES.

Reports of standing committees were submitted, as follows:

## ON RULES AND REGULATIONS.

(To hold evening sessions)

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: Your Committee on Rules and Regulations recommend the adoption of the following temporary rule:

*Resolved*, That a session be held Thursday and Friday evenings of this week from seven o'clock and thirty minutes to eleven o'clock P. M., for the purpose of considering Assembly third-reading file in regular order, and that when a bill is passed by request of or in absence of its author that said bill be placed at foot of the third-reading file.

All members excused excepted from the operation of the above rule.

MCCARTNEY, Chairman.

Mr. McCartney moved the adoption of the resolution.

Motion carried, and the resolution declared adopted.

The Committee on Public Buildings and Grounds submitted the following report, which was read:

## ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 26—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and to provide for and connect the said Normal School building with the sewer system of the City of San Diego, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended. (Identical with Assembly Bill No. 235.)

BARNES, Chairman.

Senate Bill No. 26 ordered to second reading on special Senate file, without reference to a committee.

The Committee on Ways and Means submitted the following reports, which were read:

## ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 223—An Act to provide for the completion of certain buildings at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Senate Bill No. 261—An Act transferring the sum of \$80,000 from the General Fund to the Estate of Deceased Persons Fund

Also: Senate Bill No. 94—An Act to provide for the payment of the claim of John F. Forward, County Recorder, San Diego County, for recording tax deeds to the State of California, and making appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 229—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 323—An Act to pay the claim of Fred E. Borton, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with four amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 403—An Act making an appropriation of \$750 to pay the claim of W. W. Kaye—have had the same under consideration, and respectfully report the same back, with five amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 191—An Act to appropriate \$12,245 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled Charles Bickerdike vs. The State of California, numbered 9608 on the register of the Superior Court of the County of Sacramento—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 520—An Act to appropriate money to protect the banks of Eel River from erosion by means of rip-rap and jetty work along the banks thereof—have had the same under consideration, and respectfully report the same back, with nine amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 235—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with three amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 817—An Act making an appropriation to pay the claim of Dr. G. A. White for professional services rendered and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon Guards Cotter and Cochrane after the prison break at the said State prison at Represa on July 27, 1903.

Also: Assembly Bill No. 610—An Act making an appropriation to pay the claim of Dr. W. J. Hanna for professional services rendered and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon Guards Cotter and Cochrane, after the prison break at the said State prison at Represa on July 27, 1903, and for performing the autopsy on the body of Guard Cotter.

Have had the same under consideration, and respectfully report the same back, with four amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 396—An Act making an appropriation for the erection and construction of additional cells at the State Prison at Folsom, the erection of a wall around said prison, the purchase of necessary cement, derricks, and tools, and other expenses incidental and relating to the purposes in this Act mentioned.

Also: Assembly Bill No. 897—An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe-line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto.

Have had the same under consideration, and respectfully report the same back, with two amendments each, and recommend that the same do pass as amended.

Also: Assembly Bill No. 68—An Act making an appropriation of \$10,000 for the establishing at the Lick Observatory of a light and power plant, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 86—An Act to provide for the appointment of the California Cereal Improvement Commission, defining the purposes of said commission, and providing for an appropriation to pay the expenses thereof.

Also: Assembly Bill No. 228—An Act making an appropriation for the payment of Division and Brigade N. G. C. Headquarters allowances for the fifty-fifth and fifty-sixth fiscal years.

Also: Assembly Bill No. 1087—An Act making an appropriation of \$675 to pay for postage, expressage, and telegraphing, Secretary of State's office, for the balance of the fifty-sixth fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

STANTON, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1905.

MR. SPEAKER: The undersigned, Chairman of your Committee on Ways and Means, to whom was referred Assembly Bill No. 379—An Act appropriating the sum of \$10,000 for the relief of Lawrence J. Dunnigan.

Also: Assembly Bill No. 731—An Act to appropriate \$50,000 for the repair of the building of the State Normal School at Los Angeles, California, including the construction and installation of a steam heating plant and boiler house for heating said building, and authorizing the board of trustees of said school to make and construct said plant and boiler house.

Also: Assembly Bill No. 240—An Act to provide for the payment of the claims of John F. Forward, County Recorder, San Diego County, for recording tax deeds to the State of California, and making appropriations therefor.

Also: Assembly Bill No. 304—An Act to provide for the completion of certain buildings at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Assembly Bill No. 305—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that the various authors be requested to withdraw the same.

STANTON, Chairman.

Senate Bills Nos. 223, 261, 94, and 229 ordered to second reading on special Senate file.

Assembly Bills Nos. 322, 403, 191, 520, 235, 817, 610, 896, 897, 68, 86, 228, and 1087 ordered to second reading on special file.

The Committee on Banks and Banking submitted the following report, which was read:

ON BANKS AND BANKING.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 667—An Act to amend Section 580 of the Civil Code of the State of California, relating to banking corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PERKINS, Chairman.

Senate Bill No. 667 ordered to second reading on special Senate file.  
The Committee on Swamp and Overflowed Lands and Drainage submitted the following report, which was read:

ON SWAMP AND OVERFLOWED LANDS AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands and Drainage, to whom was referred Assembly Bill No. 969—An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining such districts—have had the same under consideration, and respectfully report the same back, with nine amendments, and recommend that it do pass as amended.

MOORE, Chairman.

Assembly Bill No. 969 ordered on second-reading file.

The Committee on Roads and Highways submitted the following report, which was read:

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 923—An Act to provide for the construction of permanent bridge work on Lake Tahoe wagon road, a State highway, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COYLE, Chairman.

Assembly Bill No. 923 referred to the Committee on Ways and Means, and ordered on second-reading file.

REQUEST FOR PERMISSION TO INTRODUCE BILL.

Mr. Treadwell requested permission to introduce a bill entitled "An Act to amend Section 2153a of the Political Code of the State of California, relating to the employment of women as physicians in the State hospitals for the care and treatment of the insane, and in the California Home for the Care and Training of Feeble-Minded Children at Eldridge, Sonoma County.

Referred to Committee on Introduction of Bills.

REQUEST TO INTRODUCE CONCURRENT RESOLUTION.

Mr. Olmsted requested permission to introduce an Assembly concurrent resolution entitled "Assembly Concurrent Resolution No. —, relative to the consent of the Legislature to absence from the State."

Referred to Committee on Introduction of Bills.

PRIVILEGES OF THE FLOOR.

Mr. Treadwell moved that the privileges of the floor be extended to Hon. Oscar Sutro, an ex-member of the Assembly.

Motion carried.



## REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

Mr. Stanton, on behalf of the Committee on Ways and Means, requested permission to introduce a bill entitled "An Act making an appropriation for the support of the government of the State of California for the fifty-seventh and fifty-eighth fiscal years."

Referred to Committee on Introduction of Bills.

Also: By Committee on Ways and Means—A bill entitled "An Act to amend an Act entitled 'An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a board of directors for the government thereof, appropriating the sum of \$65,000 for the support of said home,' approved March 17, 1887, relating to the Industrial Home of Mechanical Trades for the Adult Blind of the State of California, by amending Sections 15 and 20 of Article III thereof."

Referred to Committee on Introduction of Bills.

Mr. Olmsted requested permission to introduce an Assembly concurrent resolution, entitled "Assembly Concurrent Resolution No. —, relative to the consent of the Legislature to absence from the State."

Referred to Committee on Introduction of Bills.

The Committee on Introduction of Bills submitted the following report:

## ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR SPEAKER: Your Committee on Introduction of Bills, to whom were referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The numbers of said bills are as follows:

By Committee on Ways and Means: Assembly Bill No. 1157—An Act making an appropriation for the support of the government of the State of California for the fifty-seventh and fifty-eighth fiscal years.

By Committee on Introduction of Bills: Assembly Bill No. 1158 (Substitute for Assembly Bill No. 128)—An Act to amend an Act entitled "An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a board of directors for the government thereof, and appropriating the sum of \$65,000 for the support of said home," approved March 17, 1887, relating to the Industrial Home of Mechanical Trades for the Adult Blind of the State of California, by amending Sections 15 and 20 of Article III thereof.

By Committee on Ways and Means: Assembly Bill No. 1159—An Act appropriating \$15,000 to complete and equip the building known as the President's house, of the University of California, at Berkeley.

By Mr. Olmsted: Assembly Concurrent Resolution No 22—Relative to the consent of the Legislature to absence from the State

MCCARTNEY, Chairman.

## REPORT ON INTRODUCTION OF BILLS ADOPTED.

Mr. Stanton moved the adoption of the report of the Committee on Rules and Regulations in favor of the introduction of bills and concurrent resolutions referred to that committee.

The roll was called on the adoption of the report, and in favor of the introduction of bills and concurrent resolutions, as recommended by the Committee on Rules and Regulations, with the following result:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beckett, Bliss, Boyle, Burge, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Drew, Ellis, Espey, Gans, Goodrich, Hartman, Hawkins, Held, John, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Stanton, Strubridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogle, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—58.

NOES—None.

## INTRODUCTION AND REFERENCE OF BILLS.

Resolved, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied

with, and that Assemblyman Held be and is hereby permitted to introduce Assembly Bill No. 1158, and Committee on Ways and Means Assembly Bill No. 1157 and Assembly Bill No. 1159, and Assemblyman Olmsted Assembly Concurrent Resolution No. 22.

Bills were introduced and referred, as follows:

By Committee on Ways and Means: Assembly Bill No. 1157—An Act making an appropriation for the support of the government of the State of California for the fifty-seventh and fifty-eighth fiscal years.

Ordered placed on second reading of special file, with rush order to printer.

By Committee on Introduction of Bills: Assembly Bill No. 1158—An Act to amend an Act entitled "An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a board of directors for the government thereof, appropriating the sum of \$65,000 for the support of said home," approved March 17, 1887, relating to the Industrial Home of Mechanical Trades for the Adult Blind of the State of California, by amending Sections 15 and 20 of Article III thereof.

Read first time, and ordered to second reading on special file, and referred to Committee on Ways and Means.

By Committee on Ways and Means: Assembly Bill No. 1159—An Act appropriating \$15,000 to complete and equip the building known as the President's house of the University of California, at Berkeley.

Read first time, and ordered to second reading on special file.

Assembly Concurrent Resolution No. 22—Relative to the consent of the Legislature to absence from the State.

Ordered on file.

#### APPROPRIATION BILL MADE A SPECIAL ORDER.

Mr. McCartney moved that Assembly Bill No. 1157 be sent to the printer and made a special order for this (Thursday) evening at seven o'clock and thirty minutes.

Upon being put to vote, the motion was declared carried.

#### CONCURRENT RESOLUTION REFERRED FOR AMENDMENT.

Mr. Olmsted moved that Assembly Concurrent Resolution No. 22 be referred to a committee of two for the purpose of amendment.

Motion carried.

The Speaker appointed Messrs. Olmsted and Barnes as the special committee of two.

Bills on special orders file were considered, as follows:

#### SPECIAL ORDERS.

Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employés of the Senate and Assembly.

Passed on file.

#### SPECIAL FILE.

Assembly Bill No. 865—An Act to prohibit the sale of spirits, liquors, or wines without a State license, to provide for the issuance of such a

license, and for the violation of the provisions of this Act, and prescribing the duties of certain officers in connection therewith.

Passed on file.

Assembly Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 61 of said Act, relating to county officers.

Passed on file.

#### UNFINISHED BUSINESS.

Bills on the unfinished business file were called up and considered, as follows:

Assembly Bill No. 219—An Act to repeal Sections 3824 and 3825 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Passed on file.

Assembly Bill No. 24—An Act to add a new section to the Code of Civil Procedure, to be known as Section 637, relating to causes in the superior court in equity and at law, without a jury, in which testimony shall, at request of a party, be reduced to writing, and upon appeal be heard *de novo*.

Passed on file.

Assembly Bill No. 145—An Act to provide for the payment by the State, or counties, or cities and counties, of the premium or charge on official bonds.

Passed on file.

Assembly Bill No. 346—An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act.

The following Senate amendments to Assembly Bill No. 346 were read:

#### AMENDMENT No. 1.

On page 5, Section 7, line 4, strike out all after the word "shall," down to and including the word "then," in line 13.

#### AMENDMENT No. 2.

On page 5, Section 7, line 15, strike out the letters "ed" in "furnished"

Also: In line 16, Section 7, page 5, strike out the letter "s" in the word "deaths"

#### SENATE AMENDMENTS CONCURRED IN.

Mr. Gates moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 346?"

The roll was called, and the Senate amendments concurred in by the following vote:

Ayes—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beckett, Boyle, Burge, Chandler, Cleveland, Coghan, Cooper, Coyle, Creighton, Cromwell, Drew, Espey, Gans, Gates, Hawkins, Held, Houser, John, Johnson, Johnstone, King, Lynch, Maxwell, McGowan, McKenney, Meincke, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Rolley, Stanton, Stobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Weyand, Whiting, and Mr. Speaker—48.

Noes—None

Assembly Bill No. 346 was ordered to enrollment.

Assembly Bill No. 347—An Act to amend Sections 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, and 3083, and to repeal Section 3084 of the Political Code of the State of California, relating to the State Board of Health and the registration of births, marriages, and deaths, and providing for the compensation of a State Statistician and assistants.

## SENATE AMENDMENTS.

The following Senate committee amendments to Assembly Bill No. 347 were read :

## AMENDMENT No. 1.

On page 2, Section 2, line 6, after the word "Registrar," insert the following: "said statistician shall also be an assistant to the Secretary of the State Board of Health."

## AMENDMENT No. 2

On page 3, Section 4, line 13, after the word "Registrar," insert the following: "*Provided, however,* that in cities having a freeholders' charter the health officer shall act as local registrar, and perform all the duties thereof."

## AMENDMENT No. 3.

On page 3, Section 4, line 23, after the word "county" insert the following: "or health officer of cities having a freeholders' charter"

## AMENDMENT No. 4.

On page 3, Section 5, line 5, after the word "birth," insert the following. "*provided, however,* that in cities having a freeholders' charter the health officer shall act as local registrar for births, and shall receive, without fee or charge, each certificate of birth, and enter the same in the same manner as provided for the County Recorder."

## AMENDMENT No. 5.

On page 3, Section 4, line 10, before the word "must," insert the words "or health officer."

## AMENDMENT No. 6.

On page 4, Section 5, line 16, before the word "shall," insert the words "or health officer."

## AMENDMENT No. 7.

On page 4, Section 6, line 4, after the word "Recorder," insert the words "or health officer of cities having a freeholders' charter."

## AMENDMENT No. 8.

On page 4, Section 7, line 12, after the word "Recorder," insert the words "or health officer."

## AMENDMENT No. 9.

On page 4, Section 7, line 13, after the word "Recorder," insert the words "or health officer."

## AMENDMENT No. 10

On page 5, Section 8, line 5, after the word "Recorder," insert the words "or health officer."

## SENATE AMENDMENTS CONCURRED IN.

Mr. Gates moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 347?"

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Bates, Beckett, Bliss, Boyle, Burge, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Drew, Ells, Espey, Gans, Gates, Goodrich, Held, Houser, Johnson, Johnstone, Jury, King, Lynch, Manwell, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—53.

NOES—None.

Assembly Bill No. 347 ordered to enrollment.

## SPECIAL FILE—(RESUMED).

Assembly Bill No. 865—An Act to prohibit the sale of spirits, liquors, or wines, without a State license, to provide for the issuance of such a license, and for the violation of the provisions of this Act, and prescribing the duties of certain officers in connection therewith.

Passed on file.

Assembly Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 61 of said Act, relating to county officers.

The question being on the passage of the bill.

MR. McCARTNEY CALLED TO THE CHAIR

The Speaker, at eleven o'clock A. M., called Hon. H. S. G. McCartney to the chair.

## ORDERED TO UNFINISHED BUSINESS.

On motion of Mr. Cromwell, Assembly Bill No. 404 was ordered on the file of unfinished business for further consideration, to retain its place on file.

Assembly Bill No. 619—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.

Passed on file.

Assembly Bill No. 525—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.

Passed on file.

Assembly Bill No. 440—An Act to amend Section 10 of an Act entitled "An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or balloting machines for receiving or registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result of such elections, and providing for the punishment of all violations of the provisions of this Act relating to voting machines."

Passed on file.

Assembly Bill No. 527—An Act to add a new section, to be known as Section 424, to an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893; extending the provisions of Sections 19 to 33, inclusive, and Sections 39 to 42, inclusive, of said Act, to primary elections, and so providing for punishment of offenses at primary elections.

Passed on file.

Assembly Bill No. 839—An Act to amend Section 12 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901.

Passed on file.

Assembly Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 183 thereof, relating to salaries and fees of county and township officers in counties of the twenty-sixth class.

Passed on file.

Mr. Waste was granted leave to transpose Assembly Bill No. 471 (No. 47 on file) for Assembly Bill No. 332 (No. 28 on file).

Assembly Bill No. 471—An Act to establish and maintain a State hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health, providing for the appointment of a director thereof, and assistants, making an appropriation therefor, and prescribing the duties of the State Controller and Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Bliss, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Cromwell, Cullen, Devlin, Drew, Ellis, Gans, Hawkins, Houser, John, Johnson, Johnstone, Jury, King, McCartney, McGowan, McNamara, Meincke, Moore, Olmsted, Perkins, Pfaeftle, Pryor, Pyle, Severance, Thompson, Transue, Tripp, Vogel, Walsh, Waste, Whiting, and Wickersham—46.

NOES—Mr. Coyle—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 618—An Act to authorize the appointment of an interpreter of the Spanish language in counties of the first and one half class.

Passed on file.

Assembly Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 12 of Article XIII, relating to revenue and taxation.

Passed on file.

Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 19 of Article V of said Constitution, relating to the compensation of State officers.

Passed on file.

Assembly Constitutional Amendment No. 13—A resolution proposing to the people of the State of California an amendment to Article XI of the Constitution of the State of California by adding a new section thereto to be numbered Section 13½ of Article XI, relating to the making of public bonds payable at any place within the United States.

Assembly Constitutional Amendment No. 13 was read.

#### ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 13.

A resolution proposing to the people of the State of California an amendment to Article XI of the Constitution of the State of California, by adding a new section thereto, to be numbered Section 13½ of Article XI, relating to the making of public bonds payable at any place within the United States.

The Legislature of the State of California, at its regular session commencing on the second day of January, nineteen hundred and five, two thirds of all the members elected

to each of the two houses of said Legislature voting in favor thereof, hereby proposes that article eleven of the Constitution of the State of California be amended by adding a new section thereto, to be numbered section thirteen and one half of article eleven, to read as follows:

Section 13½. Nothing in this Constitution contained shall be construed as prohibiting the State or any county, city and county, city, town, municipality, or other public corporation, issuing bonds under the laws of the State, to make said bonds payable at any place within the United States designated in said bonds

The question being on the adoption of the resolution.

The roll was called, with the following result:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burke, Busick, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Drew, Ellis, Estudillo, Gans, Gates, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McNamara, Mencke, Mindham, Moore, Olmsted, Perkins, Pryor, Pyle, Rolley, Slaven, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—61.

NOES—None.

Assembly Constitutional Amendment No. 13 was declared adopted, and ordered transmitted to Senate.

Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the right of suffrage.

Assembly Constitutional Amendment No. 1 was read.

#### ASSEMBLY CONSTITUTIONAL AMENDMENT NO 1

A resolution to propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the right of suffrage.

*Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its regular session, commencing on the second day of January, Anno Domini one thousand nine hundred and five, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that section one of article two of the Constitution of the State of California be amended to read as follows:*

Section 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county in which he or she claims to vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, no native of China, no idiot, insane person, or person convicted of any infamous crime, and no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language, and write his or her name, shall ever exercise the privilege of an elector in this State, *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age and upward at the time this amendment shall take effect.

#### PREVIOUS QUESTION DEMANDED.

Mr. Dorsey, at twelve o'clock and twenty minutes P. M., moved the previous question.

The question, "Shall the main question be now put?" was put to vote and declared carried.

#### TIME FOR RECESS EXTENDED.

Mr. Houser, at twelve o'clock and twenty minutes P. M., moved that the hour of recess be extended for ten minutes.

Motion carried.

Pending discussion on the bill, Mr. Stanton, at twelve o'clock and thirty-five minutes P. M., moved that the hour of recess be extended fifteen minutes.

Motion carried.

## CALL OF THE HOUSE.

Pending the roll call, and the announcement of the result, Mr. Treadwell moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—74.

Mr. Beckett was excused.

The doors were ordered closed.

## PROCEEDINGS UNDER THE CALL DISPENSED WITH.

Mr. Treadwell, at twelve o'clock and forty-five minutes P. M., moved to dispense with further proceedings under the call of the House.

Motion lost.

Mr. Stanton, at twelve o'clock and forty-seven minutes P. M., moved that the further proceedings under the call be dispensed with.

Mr. Stanton, at twelve o'clock and fifty minutes P. M., moved that further proceedings under the call of the House be dispensed with.

Motion carried.

The doors were ordered reopened.

## RECESS.

The Speaker (Mr. McCartney in the chair) announced that the hour of recess had arrived, and declared the Assembly at recess until two o'clock P. M. this day.

## AFTERNOON SESSION.

The Assembly reconvened at two o'clock P. M.

The Speaker, Hon. Frank C. Prescott, in the chair.

## VOTE ON CONSTITUTIONAL AMENDMENT NO. 1.

The Speaker directed the Clerk to call the names of the absentees on the roll call on Assembly Constitutional Amendment No. 1, pending at the hour of recess.

The roll call was completed on Assembly Constitutional Amendment No. 1.

The result was declared, as follows:

AYES—Messrs. Arnerich, Atkinson, Barnes, Bates, Bliss, Branstetter, Burge, Busick, Cleveland, Coyle, Cromwell, Devlin, Drew, Estudillo, Gans, Gates, Held, Houser, Johnson, Jones of Tuolumne, Jury, King, Lumley, McGowan, McKenney, Meincke, Mitchellree, Perkins, Pyle, Rolley, Slaven, Strobridge, Thompson, Treadwell, Tripp, Waste, Whiting, and Mr. Speaker—38.

NOES—Messrs. Amerige, Anthony, Beardslee, Boyle, Burke, Chandler, Coghlan, Cooper, Creighton, Cullen, Dorsey, Duryea, Ells, Espey, Goodrich, Hartman, Hawkins, Jarvis, John, Jones of San Francisco, Lucey, Lynch, Manwell, McCartney, McNamara, Mindham, Moore, O'Brien, Olmsted, Pfaffle, Pryor, Severance, Stanton, Strohl, Transue, Vogel, Walsh, Weyand, and Wickersham—39.

Assembly Constitutional Amendment No. 1 was declared lost.



## SPECIAL SENATE FILE.

Bills on the special Senate file were considered, as follows :

Senate Bill No. 94—An Act to provide for the payment of the claim of John F. Forward, County Recorder of San Diego County, for recording tax deeds to the State of California, and making appropriation therefor.

Read second time.

## MOTION

Mr. Barnes moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 94.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Senate Bill No. 94 was considered in Committee of the Whole.

Mr. Barnes moved that the Committee of the Whole rise and report back Senate Bill No. 94 with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 94—An Act to provide for the payment of the claim of John F. Forward, County Recorder of San Diego County, for recording tax deeds to the State of California, and making appropriation therefor—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman

Report adopted.

Senate Bill No. 94 ordered to third reading on the special Senate file.

Senate Bill No. 104—An Act to amend Sections 1 and 7 of an Act entitled "An Act authorizing certain corporations to act as executor, and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Passed on file.

Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Read third time.

Mr. Dorsey moved that Senate Bill No. 8 be referred to a select committee, consisting of the Committee on Judiciary, for further consideration.

Motion carried.

Senate Bill No. 26—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Read second time.

## COMMITTEE AMENDMENTS.

The Committee on Public Buildings and Grounds submitted the following amendments:

## AMENDMENT No. 1

Amend by striking out the word "the" on second line of title on first page, printed bill, and inserting in lieu thereof the word "and."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the word "ten" on line 3, first page, printed bill, and inserting in lieu thereof the word "five."

Amendment adopted.

## MOTION.

Mr. Barnes moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 26.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Senate Bill No. 26 was considered in Committee of the Whole.

Mr. Barnes moved that the Committee of the Whole rise and report back Senate Bill No. 26, with a recommendation that it do pass as amended

## IN ASSEMBLY.

Speaker Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

GENTLEMEN. The Committee of the Whole have had under consideration Senate Bill No. 26—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor—and do now report the same back, with amendments, and recommend that the same do pass as amended.

PRESCOTT, Chairman

Report adopted.

Senate Bill No. 26 ordered to print with a rush order, and to third-reading on special Senate file.

Senate Bill No. 68—An Act to amend Section 10 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to holidays.

Read third time.

The question being on the final passage of the bill.

## CALL OF THE HOUSE.

Pending the roll call and the announcement of the result, Mr. Atkinson, at two o'clock and twenty-seven minutes P. M., moved a call of the House.

The roll was called, and the following answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Dorsey, Duryea, Ellis, Gans, Gates, Hartman, Held, Houser, Jarvis, Johnson, Johnstone, Jury, King, Lynch, McCartney, McGowan, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pyle, Severance, Slaven, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Whiting, and Mr Speaker—54.

Mr. Treadwell, at two o'clock and thirty-two minutes P. M., moved that further proceedings under the call of the House be dispensed with.

Motion carried.

The roll was called on the passage of Senate Bill No. 68, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Cleveland, Coghlan, Cooper, Cullen, Dorsey, Duryea, Gates, Hartman, Held, Jarvis, Johnson, Jury, King, McCartney, McGowan, Meincke, Mindham, Mitchel-

tree, Moore, O'Brien, Perkins, Pfaeffe, Pyle, Severance, Slaven, Strohl, Transue, Tripp, Vogel, Whiting, and Mr. Speaker—41.

Nones—Messrs. Amerige, Chandler, Coyle, Creighton, Ells, Gans, Houser, Lynch, Olmsted, Pryor, and Thompson—11.

Title read and approved.

Bill ordered transmitted to the Senate.

#### REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following report:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 641—An Act making an appropriation of \$5,000 to be used by the Governor, Attorney-General, and Secretary of State (comprising the Board of Examiners), in defense of the interest of the State and the political subdivisions thereof in suits involving the right to use oil upon the public highways.

Assembly Bill No. 15—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof, in relation to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices

DEVLIN, Chairman.

Assembly Bills Nos. 641 and 15 were ordered on third-reading file.

#### SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 105—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State; for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

Ayes—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Devlin, Duryea, Ells, Gans, Gates, Goodrich, Hawkins, Held, Jarvis, Johnson, Johnstone, Jury, Lucey, Lynch, Manwell, McCartney, McGowan, McNamara, Meincke, Mindham, Mitchell-tree, Moore, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Severance, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—62.

Nones—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 260 (identical with Assembly Bill No. 618)—An Act to authorize the appointment of an interpreter of the Spanish language, in criminal proceedings, in counties, and cities and counties of one hundred thousand inhabitants and over.

Passed on file.

Senate Bill No. 519—An Act to provide one additional judge of the Superior Court of the County of San Joaquin, State of California, for the manner of his appointment, and for his compensation.

Passed on file.

Senate Bill No. 306—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Passed on file.

Senate Bill No. 364 (identical with Assembly Bill No. 525)—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.

Passed on file.

Senate Bill No. 226—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Passed on file.

Senate Bill No. 189—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Passed on file.

Senate Bill No. 405—An Act to amend Section 3650 of the Political Code of the State of California, relating to how the assessor must prepare an assessment book and list therein all property within the county.

Passed on file.

Senate Bill No. 459—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties, and providing for their compensation.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Barnes, Bates, Beckett, Boyle, Branstetter, Burge, Cleveland, Cooper, Coyle, Cullen, Dorsey, Ellis, Gans, Hawkins, Held, Houser, Jarvis, Johnstone, Jury, King, Maxwell, McGowan, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Slaven, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Whiting, Wickersham, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### SPECIAL FILE—(RESUMED).

Assembly Bill No. 1145—An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission and to define its powers.

Read second time, and ordered to third reading on the special file.

#### PRIVILEGES OF THE FLOOR.

The Speaker announced the presence among the spectators of Hon. Grove L. Johnson, an ex-member of the Assembly, and, on behalf of

the Assembly, extended to the gentleman the privileges of the floor, and invited him to a seat at the Speaker's desk.

HON. GROVE L. JOHNSON INVITED TO ADDRESS THE ASSEMBLY.

Mr. Houser moved that the Hon. Grove L. Johnson be invited to address the Assembly.

Motion carried.

Mr. Johnson was introduced by the Speaker, returned his thanks for the manifestation of esteem extended to him, and complimented the Assembly on the good work it was doing.

SENATE BILL CALLED UP.

Mr. Bates was granted leave to call up Senate Bill No. 591—An Act to amend Sections 285, 290, 292, and 305 of the Civil Code, all relating to formation of corporations.

Read second time.

Senate Bill No. 591 ordered to third reading on special Senate file.

REPORT OF SPECIAL COMMITTEE ON LEAVES OF ABSENCE OF MEMBERS OF THE LEGISLATURE.

The special committee on leaves of absence from the State of members of the Legislature submitted the following report, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905

MR. SPEAKER: Your special committee, to whom was referred Assembly Concurrent Resolution No. 22—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

OLMSTED, Chairman.

ASSEMBLY CONCURRENT RESOLUTION No. 22.

Relative to the consent of the Legislature to absence from the State of certain members of the Assembly.

*Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California has consented, and does hereby consent, that Assemblyman F. W. Barnes, of the Seventy-ninth Assembly District; F. A. Cromwell, of the Thirteenth Assembly District, N. W. Thompson, of the Sixty-ninth Assembly District, David T. Perkins, of the Sixty-fifth Assembly District; J. B. R. Cooper, of the Fifty-ninth Assembly District; W. M. John, of the Sixty-third Assembly District; R. W. Jury, of the Fifty-third Assembly District; W. A. Johnstone, of the Sixty-eighth Assembly District, F. W. Houser, of the Seventy-fourth Assembly District; J. W. Moore, of the Twenty-fourth Assembly District, J. P. Transue, of the Seventy-third Assembly District; W. F. Chandler, of the Sixtieth Assembly District; George A. McGowan, of the Forty-second Assembly District; C. H. McKenney, of the Eleventh Assembly District; W. F. Gates, of the Seventh Assembly District; F. C. Prescott, of the Seventy-sixth Assembly District, H. S. G. McCartney, of the Seventy-second Assembly District, and John A. Goodrich, of the Sixty-seventh Assembly District, may, and each may, depart from the State of California at any time during the remainder of their, or his, official term as Assemblyman, and remain absent from the State of California for a period not to exceed six months from and immediately after the time of his departure.*

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Agriculture was granted leave to submit a report (out of order), which was read.

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 953—An Act to amend Section 1 of an Act entitled "An Act to promote the apicultural interests of the State of California, by providing county inspectors of apiaries, and defining their duties, and providing for their compensation and repealing the Act

entitled "An Act to authorize the board of supervisors of the several counties of this State to appoint inspectors of apiaries and provide for their compensation and defining their duties, and for the further protection of bee culture," approved March 13, 1883, said first named Act having been approved February 20, 1901—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

STROBRIDGE, Chairman.

Assembly Bill No. 953 ordered on second-reading file.

SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 269—An Act to authorize and provide for the transfer of the Veterans' Home of California, its property, management, control, and support to the Government of the United States, its officers, and authorities, to be conducted as a national home under such laws as now exist or which may hereafter be enacted by Congress; and for the conveying of the property of said home, both real and personal, belonging to the State of California, situate in Napa County, to the Government of the United States for such purpose.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 406—An Act to amend Section 312 of the Civil Code of the State of California, relating to elections by stockholders in corporations.

Passed on file.

Senate Bill No. 64—An Act to appropriate the sum of \$1,276 to pay the amount of a judgment against the Board of Trustees of Whittier State School, and in favor of Lucy J. Harvey, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Read third time.

The question being on the final passage of the bill.

The roll was called, and Senate Bill No. 64 finally passed by the following vote:

AYES—Messrs. Amerige, Barnes, Bates, Beardslee, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Devlin, Dorsey, Drew, Duryea, Ellis, Gans, Held, Jarvis, John, Johnson, Johnstone, Jury, King, Lucey, Lynch, McCartney, McGowan, McNamara, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Walsh, Waste, Weyand, and Whiting—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Mr. Barnes was granted leave to call up Senate Bill No. 620.

Senate Bill No. 620—An Act providing for authority to use the tide waters of the entrance to False Bay, in San Diego County, and certain lands adjacent thereto, to propel machinery, and to permit the erection and maintenance of structures for the installation, maintenance, and operation of such machinery, and fixing the charge therefor.

Read second time, and ordered to third reading on special Senate file.

Mr. Arnerich was granted leave to call up Senate Bill No. 35.

Senate Bill No. 35—An Act making an appropriation for repairs and improvements on the buildings and grounds of the Woman's Relief Corps Home (located at Evergreen, Santa Clara County), for ex-army nurses and indigent widows, wives, mothers, and dependent maiden daughters and sisters of Union veterans who served honorably in the War of the Rebellion.

Read second time.

## MOTION.

Mr. Arnerich moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 35.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Senate Bill No. 35 was considered in Committee of the Whole.

Mr. Arnerich moved that the Committee of the Whole rise and report back Senate Bill No. 35, with a recommendation that it do pass.

So ordered.

## IN ASSEMBLY.

Speaker Prescott in the chair.

## REPORT OF THE COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 35—An Act making an appropriation for repairs and improvements on the buildings and grounds of the Woman's Relief Corps Home (located at Evergreen, Santa Clara County), for ex-army nurses and indigent widows, wives, mothers, and dependent maiden daughters and sisters of Union veterans who served honorably in the War of the Rebellion—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 35 was ordered to third reading on special Senate file.

## SPECIAL ORDER.

Mr. McGowan was granted leave to call up Senate Bill No. 150, which was set as a special order for this day.

Senate Bill No. 150 (identical with Assembly Bill No. 406)—An Act to amend Section 2 of an Act entitled "An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California located on the water-front at San Francisco, California," approved March 25, 1901.

## SELECT COMMITTEE AMENDMENT.

Mr. McGowan moved that a select committee of one be appointed to amend Senate Bill No. 150, as follows:

Amend by striking out from pages 1 and 2 of the printed bill all of Section 2, as follows: "This insurance is to be effected and distributed at the discretion and under the direction of the Board of State Harbor Commissioners. The amount of such fire insurance placed shall in no instance exceed three-fourths ( $\frac{3}{4}$ ) of the estimated value of each wharf, dock, pier, slip, bulkhead, or structure contained thereon, or other building or improvement insured. The cost of the insurance authorized by this Act shall not exceed two (2) per cent of the amount of insurance placed for a three years' term and shall be defrayed and paid out of the San Francisco Harbor Improvement Fund," and insert in lieu thereof the following:

"This insurance is to be effected and distributed at the discretion and under the direction of the Board of State Harbor Commissioners, the aggregate amount of such fire insurance placed not to exceed the sum of seven hundred thousand dollars, and the cost of same not to exceed the amount of fourteen thousand dollars in premiums for policies to be written for a year's term. Said cost to be defrayed and paid out of the San Francisco Harbor Improvement Fund."

Motion carried, and amendment adopted.

Mr. McGowan was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 150—An Act to amend Section 2 of an Act entitled "An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California, located on the water-front at San Francisco, California," approved March 25, 1901—with instructions, does now report that the instructions of the Assembly have been carried out.

MCGOWAN, Committee

Senate Bill No. 150 was ordered to print and on special Senate file for final passage.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Ways and Means was granted leave to submit the following report (out of order), which was read:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 10—An Act to provide for the appointment of the California Cereal Improvement Commission, defining the purpose of said commission, and providing for an appropriation to pay the expenses thereof—have had the same under consideration, and respectfully report the same back, and recommend that it to pass.

STANTON, Chairman.

Senate Bill No. 10 ordered to second reading on special Senate file.

## RESOLUTION—(OUT OF ORDER).

Mr. Stanton was granted leave to offer the following resolution (out of order), which was read:

(To pay architect for services rendered.)

*Resolved*, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Assembly in favor of R. A. Herold for the sum of \$250, the same being for services rendered as architect under the provisions of a concurrent resolution adopted by the Assembly January 13, 1905.

## RESOLUTION ADOPTED.

Mr. Stanton moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Boyle, Branstetter, Burke, Chandler, Cleveland, Cooper, Coyle, Cullen, Devlin, Dorsey, Duryea, Ellis, Gang, Gates, Hartman, Hawkins, Houser, John, Johnson, Johnstone, Jury, Lumley, Lynch, McCartney, McGowan, McNamara, Mindham, Moore, O'Brien, Olmsted, Perkins, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—49.

NOES—Messrs. Amerige, Jarvis, Lucey, Meincke, Mitcheltree, Pfaeffe, Pryor, and Severance—8.

## BILL WITHDRAWN.

Mr. Johnstone was granted leave to withdraw Assembly Bill No. 126 (No. 185 on file).

## SPECIAL FILE—(RESUMED).

The consideration of bills on the special file was resumed, and bills considered as follows:

Assembly Constitutional Amendment No. 14—A resolution proposing to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters.

Assembly Constitutional Amendment No 14 was read.

## ASSEMBLY CONSTITUTIONAL AMENDMENT No. 14.

A resolution proposing to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters.

The Legislature of the State of California, at its regular session, commencing on the second day of January, nineteen hundred and five, two thirds of all the members



elected to each of the two houses of said Legislature voting in favor thereof, hereby propose to the qualified electors of the State of California the following amendment to section eight, article eleven, of the Constitution.

Section eight of article eleven of the Constitution is hereby amended so as to read as follows:

Section 8. Any city containing a population of more than 3,500 inhabitants may frame a charter for its own government, consistent with and subject to the Constitution (or, having framed such a charter, may frame a new one), by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy to the mayor thereof, or other chief executive officer of such city, and the other to the recorder of the county. Such proposed charter shall then be published in two daily newspapers of general circulation in such city, for at least twenty days, and the first publication shall be made within twenty days after the completion of the charter; *provided*, that in cities containing a population of not more than 10,000 inhabitants, such proposed charter shall be published in one daily newspaper, and within thirty days after such publication it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, it shall become the charter of such city, or, if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter (whether framed under the provisions of this section of the Constitution or not), and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the mayor or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall after the approval of such charter by the Legislature, be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in said recorder's office shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter. The charter, so ratified, may be amended at intervals of not less than two years by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof at a general or a special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by a majority of the electors voting thereon, and approved by the Legislature as herein provided for the approval of the charter. Whenever fifteen per cent. of the qualified voters of the city shall petition the legislative authority thereof to submit any proposed amendment or amendments to said charter to the qualified voters thereof for approval, the legislative authority thereof must submit the same. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

The question being on the adoption of the resolution.

The roll was called on the adoption of the resolution, with the following result:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Gans, Gates, Goodrich, Hartman, Held, Houser, Jarvis, Johnson, Johnstone, Jury, Manwell, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Severance, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—57.

NOES—None.

Assembly Constitutional Amendment No. 14 declared adopted.

RESOLUTION—(OUT OF ORDER).

Mr. Vogel was granted leave to introduce the following resolution (out of order), which was read.

(To permit the Committee on Commissions and Public Expenditures to visit San Pedro.)

WHEREAS, A bill has been referred to the Committee on Commissions and Public Expenditures asking for the creation of a Board of Harbor Commissioners for the Port of San Pedro;

Resolved, That the Committee on Commissions and Public Expenditures be and they are hereby authorized to visit San Pedro, California, for the purpose of enabling them

to act intelligently on said bill; and that the members of said committee are hereby granted leave of absence for that purpose.

Mr. Treadwell moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was ordered called.

#### CALL OF THE HOUSE.

Pending the roll call, and the announcement of the result, Mr. Treadwell, at three o'clock and twenty-five minutes P. M., moved a call of the House.

Motion carried.

The roll was ordered called, and during the roll call, at three o'clock and thirty minutes P. M., Mr. Atkinson moved that further proceedings under the call of the House be dispensed with.

Motion carried.

The roll was called, and the resolution declared adopted by the following vote:

Ayes—Messrs. Atkinson, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cullen, Dorsey, Duryea, Ellis, Espey, Gans, Gates, Goodrich, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lumley, Manwell, McCartney, McGowan, McKenney, Meincke, Mindham, Mitchell, Moore, Olmsted, Perkins, Pryor, Rolley, Severance, Strohl, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—55.

Noes—Messrs. Chandler, Devlin, Houser, King, Lucey, Lynch, McNamara, Pfaffle, and Thompson—9

#### NOTICE OF RECONSIDERATION.

Mr. Wickersham gave notice that on the next legislative day he would move to reconsider the vote whereby the resolution was adopted giving the Committee on Commissions and Public Expenditures authority to visit San Pedro.

#### SENATE BILL CALLED UP.

Mr. Barnes was granted leave to call up Senate Bill No. 438—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals, relating to the acquisition and disposal of property, real and personal."

Read second time, and ordered to third reading on the special Senate file.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Judiciary was granted leave to submit the following report (out of order), which was read:

#### ON JUDICIARY.

#### ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 853—An Act to prevent bulls, studs, jacks, bucks, or boars from running at large, and to prescribe the duties, fees, and charges of the person who impounds or takes up any of said animals in connection therewith—reports the same back with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 863—An Act to form impounding districts outside of incorporated cities, to prevent animals from running at large, and prescribing the duties, fees, and charges of the poundkeeper in connection therewith—reports the same back, with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 869—An Act to prohibit unauthorized performances and representations of certain dramatical or musical compositions—reports the same back, with two amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 252—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two new sections, to be num-

bered 1872 and 1873, relating to the rights of employes—reports the same back, without recommendation.

Also: Assembly Bill No. 253—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employes—reports the same back, without recommendation.

Also: Senate Bill No. 232—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeal—reports the same back with one amendment, and with the recommendation that it do pass.

Also: Senate Bill No. 285—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries—reports the same back with two amendments, and with the recommendation that it do pass.

Also: Assembly Bill No. 944—An Act concerning the payment of the expenses and costs of trials prosecuted under Sections 81, 82, 83, 84, 85, 86, 87, and 89 of the Penal Code of the State of California, or either of said sections—reports the same back, with the recommendation that it do pass, by a majority vote.

DURYEA, Chairman.

Assembly Bills Nos. 853, 863, 869, 252, 253, and 944 ordered on second-reading file.

Senate Bills Nos. 282 and 285 ordered on special Senate file.

#### THIRD-READING FILE.

Mr. Atkinson was granted leave to call up Assembly Bill No. 821 (No. 138 on file).

Assembly Bill No. 821—An Act amending an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalty therefor," approved February 12, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Cullen, Devlin, Eills, Espey, Gans, Gates, Goodrich, Hartman, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, Maxwell, McGowan, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Strobridge, Strohl, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Assembly Bill No. 821 ordered transmitted to the Senate.

#### SPECIAL FILE—(RESUMED).

Assembly Bill No. 842—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the powers of boards of supervisors.

Passed on file.

Assembly Bill No. 647—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto.

Read third time.

MR. ROLLEY CALLED TO THE CHAIR.

The Speaker, Hon. Frank C. Prescott, at three o'clock and forty-seven minutes P. M., called the Hon. George T. Rolley to the chair.

## SPECIAL FILE—(CONTINUED).

The question being on the passage of Assembly Bill No. 647.  
The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Bliss, Boyle, Branstetter, Burke, Busick, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Duryea, Ells, Espey, Gans, Goodrich, Hartman, Held, Houser, Jarvis, Johnson, Johnstone, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Strobbridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, and Whiting—57.  
**NOES**—None.

Title read and approved.  
Bill ordered transmitted to the Senate.

## SPECIAL FILE—(RESUMED).

Mr. Arnerich was granted leave to call up Assembly Bill No. 68.

Assembly Bill No. 68—An Act making an appropriation of \$10,000 for the establishing at the Lick Observatory of a light and power plant, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read second time.

## MOTION.

Mr. Arnerich moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 68.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Assembly Bill No. 68 was considered in Committee of the Whole.

Mr. Arnerich moved that the Committee of the Whole rise and report back Assembly Bill No. 68, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

**MR. SPEAKER:** Your Committee of the Whole have had under consideration Assembly Bill No. 68—An Act making an appropriation of \$10,000 for the establishing at the Lick Observatory of a light and power plant, and prescribing the duties of the Controller and Treasurer in relation thereto—and do now report the same back, and recommend that the same do pass.

ROLLEY, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 68 was ordered engrossed and to third reading.

Assembly Bill No. 586—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to the compensation of county officers in counties of the fourteenth class.

Read third time.

## SELECT COMMITTEE AMENDMENT.

Mr. Held moved that a select committee of one be appointed to amend Assembly Bill No. 586, as follows:

## AMENDMENT No. 1.

On page 2, line 41, of the printed bill, after the word "thousand," strike out the words "six hundred."

Amendment adopted.

## AMENDMENT No. 2.

On page 2, line 44, after the word "annum," insert the following: "and his traveling, office, and other expenses in criminal matters and cases, and in civil actions, proceedings, and all other matters in which the county is interested, incurred by him in the performance of his duties; and all the expenses incurred by him in the detection of crime and prosecution of criminal cases, and in civil actions and proceedings, and all other matters in which the county is interested."

Amendment adopted.

## AMENDMENT No. 3.

On page 3, line 80, printed bill, strike out the following: "16," and insert in lieu thereof "Sec. 2."

Amendment adopted.

Mr. Held was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 586—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to the compensation of county officers in counties of the fourteenth class—with instructions, does now report that the instructions of the Assembly have been carried out.

HELD, Committee.

The report of the select committee of one was adopted.

Assembly Bill No. 586 ordered to reprint, reëngrossment, and on third-reading file.

Mr. Waste (with the consent of Mr. Lumley, author of Assembly Bill No. 15) moved that Mr. Jury be allowed to call up Assembly Bill No. 209 (209 on file).

Motion carried.

Assembly Bill No. 209—An Act to amend Title V of Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by revising Sections 4458 and 4459 of said title and adding two new sections thereto, to be numbered 4460 and 4461, relating to and regulating publications or notices authorized or required to be given or made by public officers, or by law, providing that such publications or notices shall be given or made in newspapers of general circulation, defining what is a newspaper of general circulation and providing a penalty for violation.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Burge, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Ellis, Estudillo, Gans, Gates, Goodrich, Hartman, Houser, Jarvis, John, Johnson, Jury, King, Lucey, Lumley, Lynch, McGowan, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Slaven, Stobridge, Strobl, Thompson, Treadwell, Vogel, Waste, Weyand, and Wickersham—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

## SPECIAL FILE—(RESUMED).

Assembly Bill No. 197—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 25, 1901.

Passed on file.

Assembly Bill No. 198—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, by amending Section 34 of said Act."

Passed on file.

Assembly Bill No. 247—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 25, 1901.

Read second time, ordered to engrossment and on file for third reading.

Assembly Bill No. 932—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

Passed on file.

Assembly Bill No. 876—An Act to amend Section 20 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to county and township officers of counties of the sixteenth class, and providing for the compensation of such officers and their deputies.

Read second time.

The following amendments were read:

## AMENDMENT No. 1.

In line 37, page 2, printed bill, strike out the word "sixteen" and insert in lieu thereof the word "eighteen."

Amendment adopted.

## AMENDMENT No. 2.

In line 37, page 2, printed bill, strike out the words "and fifty," and the word "dollars" in line 38.

Amendment adopted.

## AMENDMENT No. 3.

In line 98, page 4, printed bill, after the word "traveled," insert the following: "not to exceed two hundred dollars per annum."

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

## SPECIAL ORDER SET.

Mr. Dorsey moved that Assembly Bill No. 313 (No. 235 on file) be made a special order for Monday, February 27th, at three o'clock and thirty minutes P. M.

Motion carried, and such was the order.

Assembly Bill No. 748—An Act to add a new section to the Political Code, to be numbered 1366a, relating to primary elections, and requesting each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

Read third time.

Mr. Devlin moved that a select committee of one be appointed to amend Assembly Bill No. 748, as follows:

On page 2 of the printed bill, strike out all of Section 2 of said bill, and insert in lieu thereof the following:

"Section 2. This Act shall take effect and be in force from and after the first day of January, 1906."

Motion carried.

Mr. Devlin was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 748—An Act to add a new section to the Political Code, to be numbered 1366a, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering—with instructions, does now report that the instructions of the Assembly have been carried out.

DEVLIN, Committee.

Report adopted.

Bill ordered to reprint, recrossment, and on file for passage.

Assembly Bill No. 915—An Act to add a new section to the Political Code of the State of California, to be known as Section 1264a, relating to canvassing and returning the vote, and the delivery and custody of the roster of voters after elections and primary elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Bliss, Boyle, Branstetter, Burge, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Drew, Duryea, Ellis, Gans, Goodrich, Hawkins, Held, Houser, John, Johnson, Jones of Tolumne, Jury, King, Lucey, Lumley, Lynch, Maxwell, McGowan, McNamara, Meincke, Mindham, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, and Whiting—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received (out of order) and read:

#### ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 1081—An Act making an appropriation to pay the claim of Dr. George T. Hesser, for professional services rendered and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon Guards Cotter, Cochrane, and Chalmers, after the prison break at the said State prison at Represa on July 27, 1903.

Also: Senate Bill No. 325—An Act making an appropriation of \$668 85 to pay the claim of Edward W. Lehner against the State of California.

Also: Senate Bill No. 605—An Act for the relief of E. D. McCabè against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SEVERANCE, Chairman.

Assembly Bill No. 1081 ordered on file for second reading.

Senate Bills Nos. 325 and 605 ordered on special Senate file for second reading.

## ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 927—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered on file for second reading.

## SPECIAL FILE—(RESUMED).

Assembly Bill No. 852—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903.

Read third time.

Mr. Busick moved that a select committee of one be appointed to amend Assembly Bill No 852, as follows:

## AMENDMENT No. 1.

Amend by striking out the word "eight," on end of line 37, page 2, of printed bill, and insert in lieu thereof the word "five."

## AMENDMENT No. 2.

Add after the words "per annum," on end of line 78, page 3 of printed bill, the words "in the aggregate."

## AMENDMENT No. 3.

Strike out the words "four thousand," in line 81, page 3 of printed bill, and insert in lieu thereof the words "two thousand six hundred"

## AMENDMENT No. 4.

Add a new section after Section 17, page 7, as follows:

"18. For attending as a juror in the superior court for each day's attendance, per day, three dollars. For each mile actually traveled in attending court as a juror, in going only, per mile, twenty-five cents."

Motion carried.

Mr Busick was appointed such select committee.

## REPORT OF SELECT COMMITTEE OF ONE

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 852—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903—with instructions, does now report that the instructions of the Assembly have been carried out.

BUSICK, Committee.

Report adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

## SPEAKER RESUMES THE CHAIR.

The Speaker, Hon. Frank C. Prescott, at four o'clock and twenty-six minutes P. M., resumed the chair.

Assembly Bill No. 917—An Act to amend Section 1204 of the Political Code of the State of California, relating to election tickets and ballots, and the manner of voting.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Boyle, Branstetter, Burge, Busick, Chandler, Cooper, Coyle, Creighton, Cullen, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John,



Johnson, Jury, King, Lynch, Manwell, McGowan, McKenney, McNamara, Meincke, Moore, Olmsted, Pfaffle, Pryor, Pyle, Rolley, Strohl, Transue, Treadwell, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

TIME FOR RECESS EXTENDED.

At four o'clock and twenty-five minutes P. M., Mr. Atkinson moved that the time for taking a recess be extended one half hour.

Motion carried.

Assembly Bill No. 916—An Act to add a new section to the Political Code of the State of California, to be known as Section 1367a, relating to primary elections and the manner of voting thereat.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Boyle, Branstetter, Busick, Chandler, Cooper, Coyle, Creighton, Cullen, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Goodrich, Hartman, Hawkins, Held, Houser, John, Johnson, Jury, King, Lucey, Lumley, Lynch, McGowan, McNamara, Meincke, Mindham, Moore, Pfaffle, Pyle, Rolley, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Weyand, Weyand, Whiting, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

On motion of Mr. McGowan, Assembly Constitutional Amendment No. 19 was taken up for the purpose of amendment.

Assembly Constitutional Amendment No. 19—Proposed amendment to Article XII of the Constitution, relative to the extension of the franchise or charter of any corporation now or hereafter existing under the laws of this State for a period not exceeding fifty years.

Constitutional amendment read.

Mr. McGowan moved to amend as follows:

AMENDMENT No. 1.

Strike out the words "franchise or charter" from line 8 of printed bill, and insert in lieu thereof the words "corporate existence."

Amendment adopted.

AMENDMENT No. 2.

Insert in line 11 of the printed bill, after the word "years," the words "from the date of such extension."

Amendment adopted.

AMENDMENT No. 3.

Insert in line 19, after the word "state," the words "who shall issue a certified copy thereof, which must be filed with the county clerk of the county where the original certificate is on file."

Amendment adopted.

AMENDMENT No. 4.

Strike out the word "corporation" from line 19 of the printed bill, and insert in lieu thereof the words "corporate existence."

Amendment adopted.

Constitutional amendment ordered engrossed and to reprint.

## SENATE MESSAGES.

Mr. Drew moved that Senate messages be now taken up for consideration.

Motion carried.

SENATE CHAMBER, SACRAMENTO, February 22, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 316—An Act to amend an Act to amend the Political Code, by repealing Sections 1357 to Section 1389 thereof, both inclusive, and by adding certain new sections to said Code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, concerning primary elections.

Also: Senate Bill No. 311—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered 2370, relating to the duties of factors.

Also: Senate Bill No. 445—An Act to amend Sections 4 and 6 of an Act entitled "An Act to provide for the maintenance of public libraries within municipalities," approved March 23, 1901.

Also: Senate Bill No. 233—An Act to amend Sections 270 and 271 of the Penal Code of the State of California, relating to the abandonment and neglect of children.

Also: Senate Bill No. 369—An Act to amend Section 948 of the Code of Civil Procedure of the State of California.

Also: Assembly Bill No. 268—An Act directing the Commissioner of the Bureau of Labor Statistics to collect certain statistics, and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this Act.

Also: Assembly Bill No. 105—An Act to appropriate the sum of \$150 to pay the claim of I. E. Cohn against the State of California.

Also: Denied second reading to Assembly Bill No. 415—An Act to repeal Section 2652, entitled "An Act to establish a Political Code," relating to road poll tax.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Constitutional Amendment No. 9—An Act relative to exemption from taxation of all of the buildings used solely and exclusively for the accommodation, support, and maintenance of minor orphans, or half orphans, or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use, and occupation thereof.

Also passed: Assembly Bill No. 978—An Act to provide for an investigation of the nature of the diseases known as pear blight and walnut blight, and to prevent, eradicate, and procure a cure for the same, and to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also passed: Assembly Bill No. 248—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley and the land embracing the Mariposa Big Tree Grove.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed Assembly Bill No. 357—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby.

Also: Assembly Bill No. 9—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 4080, relating to the planting and preservation of shade and ornamental trees.

Also passed: Assembly Bill No. 287—An Act providing for the payment of the claim of A. G. Knight for conveying the election returns of Presidential Electors to Sacramento, and making an appropriation therefor.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary

Senate Bill No. 316 read first time, and referred to Committee on Election Laws.

Senate Bill No. 311 read first time, and referred to Committee on Judiciary.

Senate Bill No. 445 read first time, and referred to Committee on State Library.

Senate Bill No. 238 read first time, and referred to Committee on Judiciary.

Senate Bill No. 369 read first time, and referred to Committee on Judiciary.

Senate Constitutional Amendment No. 9 referred to Committee on Revenue and Taxation.

Assembly Bills Nos. 268, 105, 978, 248, 357, 9, and 287 ordered to enrollment.

SPECIAL FILE—(RESUMED).

Assembly Constitutional Amendment No. 20—A resolution proposing to the people of the State of California amendments to the Constitution of the State, to wit: A new Article XIII, relating to revenue and taxation, and repealing the present Article XIII of the Constitution of the State, relative to the same subject.

Passed on file.

Assembly Concurrent Resolution No. 8—A resolution expressing the need that, in the judgment of the Legislature, exists for a revision of the State Constitution by a convention to be called for that purpose and recommending to the electors of the State that the subject be voted upon by them at the next ensuing general election.

Assembly Concurrent Resolution No. 8 was read.

Mr. McGowan moved that the further consideration of Assembly Concurrent Resolution No. 8 be made a special order for Friday, February 24, 1905, at ten o'clock and thirty minutes A. M.

Motion carried.

RESOLUTION—(OUT OF ORDER).

Mr. Rolley was granted leave to introduce the following resolution (out of order), which was read.

(For Committee on Commerce and Navigation to visit Eureka.)

*Resolved*, That the Committee on Commerce and Navigation be empowered to visit the harbor of Eureka for the purpose of inquiring and investigating into the necessity for improvements of the same; also as to the necessity of improvements in the banks of the Eel River adjacent to its mouth for the purpose of confining the said river to its natural channel; that measures affecting both these interests and carrying appropriations for the same are now before the Assembly, and in order that the said committee can act intelligently, be it further

*Resolved*, That the said committee is hereby granted a leave of absence for five days, commencing Saturday, February 25.

RESOLUTION TABLED.

Mr. Houser moved to lay the resolution on the table.

On a division, the motion to lay the resolution on the table was declared carried by a vote of 31 ayes to 25 noes.

REPORTS OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following reports, which were read:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reengrossed:

Assembly Bill No. 299—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class.

Assembly Bill No. 850—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery, and wagons, buggies, vehicles, and other articles, providing for the collection thereof, and making the violation of this Act a misdemeanor.

Assembly Bill No. 325—An Act to amend Sections 2, 3, 5, 7, 10, 11, 12, and 13, and to repeal Section 14 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Assembly Bill No. 463—An Act to amend Section 626m of the Penal Code of the State of California, relating to hunting at night-time

Assembly Bill No. 697—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: Your Committee on Engrössment and Enrollment beg leave to report that the following Assembly bills have been correctly engrössed.

Assembly Bill No. 1145—An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers.

Assembly Bill No. 802—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 19, 1903, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Assembly Bill No. 776—An Act to amend Section 2 of that certain Act of the Legislature of the State of California entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officers to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law, March 18, 1899.

Assembly Bill No. 997—An Act to amend an Act entitled "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks and employes of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employes," approved March 18, 1903; to provide for the appointment and compensation of certain additional assistants, stenographers, and clerks for county officers, in counties of the second class.

DEVLIN, Chairman.

Assembly Bills Nos. 1145, 802, 776, and 997 ordered on third-reading file.

BILL ORDERED ON SPECIAL SENATE FILE.

Mr. Cooper moved that Senate Bill No. 262 be recalled from the Committee on Ways and Means and placed on the special Senate file.  
Motion carried.

SUBSTITUTION ON VISITING COMMITTEE.

The Speaker announced that Mr. Beckett is substituted for Mr. Drew as a member of the Committee on Commissions and Public Expenditures to visit San Pedro.

RECESS.

The Speaker, at four o'clock and fifty-five minutes P. M., on motion of Mr. Barnes, declared a recess until seven o'clock and thirty minutes this evening.

REASSEMBLED.

The Assembly reconvened at seven o'clock and thirty minutes P. M.  
Speaker Hon. Frank C. Prescott in the chair.

## SPECIAL ORDER.

Assembly Bill No. 1157—An Act making appropriations for the support of the government of the State of California for the fifty-seventh and fifty-eighth fiscal years.

The following resolution was offered:

By Mr. Stanton:

*Resolved*, That Assembly Bill No. 1157 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read.

Mr. Stanton moved the adoption of resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Chandler, Cleveland, Coyle, Cullen, Devlin, Dorsey, Ells, Espey, Estudillo, Gans, Goodrich, Held, Houser, Jarvis, John, Johnson, Jones of San Francisco, Jury, King, Lucey, Lumley, Manwell, McCartney, McNamara, Meincke, Mindham, Mitchelltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Welch, Waste, Whiting, Wickersham, and Mr. Speaker—57.

NOES—Mr. Duryea—1.

Assembly Bill No. 1157—An Act making appropriations for the support of the government of the State of California for the fifty-seventh and fifty-eighth fiscal years.

## AMENDMENT.

During the second reading of bill the following amendment was offered:

By Mr. Walsh:

Amend by striking out of Section 1, line 80, page 3 of printed bill, the word "ten," and inserting in lieu thereof the word "five."

Amendment read and lost.

Bill read second time.

## MOTION.

Mr. Stanton moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 1157.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 1157 was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1157—An Act making appropriations for the support of the government of the State of California for the fifty-seventh and fifty-eighth fiscal years—and do now report the same back, and recommend that it do pass.

PRESCOTT, Chairman.

Assembly Bill No. 1157 read third time.

The roll was called, and the bill passed by following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Burke, Busick, Chandler, Cleveland, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Held, Houser, John, Johnson,

Jones of San Francisco, Jury, King, Lucey, McGowan, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—59.  
 Nays—None.

Title read and approved.

Bill ordered transmitted to Senate immediately.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

##### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly re-engrossed:

Assembly Bill No. 601—An Act to amend Sections 1830, 1831, 1832, 1835, 1836, 1837, and 1839 of the Political Code, relating to district school tax.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 68—An Act making an appropriation of \$10,000 for the establishing at the Lick Observatory of a light and power plant, and prescribing the duties of the Controller and Treasurer in relation thereto.

Assembly Bill No. 247—An Act to Amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, respecting certain other sections, and adding certain sections thereto," approved March 23, 1901.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined and found the following correctly enrolled:

Assembly Bill No. 44—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 94 of said Civil Code, relating to extreme cruelty as a cause of action for divorce.

Assembly Bill No. 71—An Act to amend Chapter IX of Title XI of Part III of the Code of Civil Procedure of the State of California, relating to the conveyance of real estate and personal property by executors and administrators in certain cases.

Assembly Bill No. 435—An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children.

Assembly Bill No. 69—An Act to amend Sections 199 and 200 of the Code of Civil Procedure, relating to the qualifications and exemptions of jurors.

Assembly Bill No. 131—An Act to add a new section to the Code of Civil Procedure, to be known as Section 1927, relating to the admission in evidence of certain statements of fact contained in patents for mineral lands issued or granted by the United States of America.

Assembly Bill No. 345—An Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Assembly Bill No. 58—An Act to amend Section 611 of the Civil Code, relating to the issuance of bonds by cemetery corporations.

Assembly Bill No. 64—An Act for the relief of Patrick Creighton.

Assembly Bill No. 192—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Assembly Bill No. 87—An Act making an appropriation of \$5,075 to repay the Regents of the University of California for moneys appropriated by them to repair, maintain, and erect necessary buildings for a forestry station at Santa Monica, and prescribing the duties of the Controller and Treasurer in relation thereto.

Assembly Bill No. 217—An Act to amend Section 1669 of the Code of Civil Procedure of the State of California, relating to payment of taxes and decrees of distribution of estates.

Assembly Bill No. 300—An Act to amend Article I of Chapter II, Title VII of Part III of the Political Code of the State of California, by adding a new section thereto, to be numbered Section 2984, for the enforcement of the rules, orders, and regulations of the State Board of Health, within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities and towns in relation to the State Board of Health.

Assembly Bill No. 365—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a State reform school for juvenile offenders and to make

an appropriation therefor,' approved March 11, 1889, by amending the title to said Act and by amending Sections 1, 4, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by adding three new sections thereto, to be numbered, respectively, Sections 16a, 16b, and 16c, relating to a change in the name of the institution, and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State school located and established under the aforesaid Act and now maintained by the State of California at Whittier, in the County of Los Angeles therein," approved March 23, 1893, and adding certain sections thereto.

And presented the same to the Governor on this day at five o'clock and twenty minutes P. M.

DEVLIN, Chairman.

Assembly Bill No. 601 ordered on file for passage.

Assembly Bills Nos. 68 and 247 ordered on file for third reading.

#### SUBSTITUTION OF BILL ON FILE.

On motion of Mr. Burke, Assembly Bill No. 909 was substituted on file for Assembly Bill No. 56 (the first on third-reading file).

Assembly Bill No. 909—An Act to amend Section 2197 of the Political Code, relating to actions which may be brought by the State Commission in Lunacy.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Coyle, Creighton, Cullen, Devlin, Dorsey, Drew, Duryea, Eells, Espey, Estudillo, Gans, Goodrich, Held, Houser, John, Johnson, Johnstone, Jones of San Francisco, Jury, King, Lucey, Lynch, Manwell, McGowan, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfieffe, Pryor, Pyle, Rolley, Severance, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Weyand, Whiting, and Mr. Speaker—60.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

#### SUBSTITUTION OF BILL ON FILE.

On motion of Mr. Cromwell, Assembly Bill No. 775 was substituted for Assembly Bill No. 301 (No. 2 on third-reading file).

Assembly Bill No. 775—An Act to amend Section 1771 of the Political Code, relating to powers of county boards of education.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Anthony, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Burke, Busick, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Eells, Espey, Estudillo, Gans, Goodrich, Held, Houser, John, Johnson, Jury, King, Lucey, Lynch, McGowan, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfieffe, Pryor, Pyle, Rolley, Slaven, Stanton, Strobbridge, Thompson, Transue, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 364—An Act giving to superior judges the right to impose indeterminate sentences, and prescribing the method of imposing the same.

#### SUBSTITUTION OF BILL ON FILE.

On motion of Mr. Amerige, Assembly Bill No. 352 was substituted on file for Assembly Bill No. 176 (No. 3 on third-reading file).

Assembly Bill No. 352—An Act to amend Section 1185 of the Code of Civil Procedure, relating to mechanics' liens.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Burke, Busick, Chandler, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, Houser, Johnson, Johnstone, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Rolley, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—62.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### SUBSTITUTION OF BILL ON FILE.

On motion of Mr. Houser, Assembly Bill No. 955 was substituted on file for Assembly Bill No. 443.

Assembly Bill No. 955—An Act to amend Section 4 of an Act entitled "An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Houser, Johnson, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Slaven, Stanton, Strobridge, Thompson, Transue, Tripp, Waste, Whiting, Wickersham, and Mr. Speaker—55.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 439—An Act to provide for the disposition of the funds which may hereafter be collected by the State of California from the United States in payment of the claims arising out of the War of the Rebellion.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Espey, Estudillo, Gans, Gates, Goodrich, Held, Houser, Johnson, Johnstone, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, and Mr. Speaker—69.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 353—An Act to amend Section 6 of an Act entitled "An Act to provide for compiling, electrotyping, printing, binding, copy-righting, and distributing a State series of school text-books, and appropriating money therefor," approved March 15, 1887.

Passed on file.

Assembly Bill No. 172—An Act to amend Section 1634 of the Political Code, relating to school census.

Read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Amerige, Beardslee, Cleveland, Ellis, and Moore—5.

NOES—Messrs. Anthony, Arnerich, Atkinson, Bates, Bliss, Boyle, Branstetter, Chandler, Coyle, Cromwell, Cullen, Devlin, Drew, Espey, Estudillo, Gans, Goodrich, Held,



Houser, Johnson, Johnstone, Jury, King, Lucey, Lumley, McCartney, McGowan, McNamara, Meincke, Mindham, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Stanton, Strobridge, Thompson, Treadwell, Tripp, Vogel, Waste, Whiting, and Mr. Speaker—45.

SPEAKER PRO TEM. ATKINSON IN THE CHAIR.

At nine o'clock and forty-five minutes P. M., Speaker pro tem. Hon. Thomas E. Atkinson, of San Francisco, in the chair.

Assembly Bill No. 249—An Act to amend Section 1621 of the Political Code, relating to boards of school trustees and city boards of education.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Busick, Cleveland, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Duryea, Espey, Gans, Goodrich, Held, John, Johnson, Jury, Lumley, Lynch, Maxwell, McCartney, McGowan, McKenney, Mindham, Olmsted, Pryor, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Tripp, Vogel, Waste, Whiting, and Wickersham—45

NOES—Messrs. Anthony, Chandler, Drew, Estudillo, Johnstone, King, Perkins, Pfaeffe, Pyle, and Treadwell—10.

Title read and approved.

Bill ordered transmitted to the Senate.

BILL WITHDRAWN AND SUBSTITUTION MADE.

Assembly Bill No. 453—An Act to appropriate \$20,000 for the improvement of Big Basin Park (No. 83 on file).

Bill withdrawn by author, and Assembly Bill No. 963 substituted therefor on file.

Assembly Bill No. 963—An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term "boulevard."

Read third time.

The roll was called, and the bill passed by the following vote.

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Bliss, Boyle, Branstetter, Chandler, Cleveland, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gates, Goodrich, Held, John, Johnstone, Jury, King, Lucey, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strohl, Thompson, Treadwell, Tripp, Vogel, Waste, and Whiting—51

NOES—Mr. Houser—1

Title read and approved.

Bill ordered transmitted to the Senate.

SUBSTITUTION OF BILL ON FILE.

On motion of Mr. Stanton, Assembly Bill No. 776 was ordered substituted on file for Assembly Bill No. 532.

Assembly Bill No. 776—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor."

Read third time

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Bliss, Boyle, Branstetter, Cleveland, Coyle, Cullen, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Held, Houser, Johnson, Johnstone, Jury, King, Lumley, Lynch, Man-

well, McCartney, McGowan, McNamara, Meincke, Mindham, Olmsted, Perkins, Pryor, Pyle, Rolley, Stanton, Strobbridge, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, and Wickersham—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### WITHDRAWAL OF NOTICE OF MOTION TO RECONSIDER.

Mr. Busick, by consent, withdrew his notice of motion to reconsider the vote whereby Assembly Bill No. 209 was this day passed.

#### SPECIAL ORDERS SET.

On motion of Mr. Arnerich, the further consideration of Assembly Bill No. 819—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628*a*, 628*b*, 628*c*, 628*d*, and 632*a*, all relating to the protection and preservation of fish.

Also: Assembly Bill No. 820—An Act to amend Sections 626, 626*c*, 626*d*, 626*f*, 626*g*, 626*i*, 626*k*, 627*a*, 627*b*, 631, and 631*a* of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631*c*, all relating to the protection and preservation of game—was set as a special order for Friday, February 24, 1905, at eleven o'clock A. M.

On motion of Mr. Espey, the further consideration of Assembly Bill No. 260—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 337½, to prohibit betting or wagering by pool or otherwise upon the result of any trotting, pacing, or running race between horses, and providing the punishment therefor—was set as a special order for Friday, February 24, 1905, at two o'clock P. M.

#### SUBSTITUTION OF BILL ON FILE.

On motion of Mr. Thompson, Assembly Bill No. 670 was ordered substituted on file for Assembly Bill No. 590.

Assembly Bill No. 670—An Act to provide for the improvement of public highways, and to make an appropriation therefor.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Goodrich, Houser, John, Johnstone, Jury, King, Lynch, McCartney, McKenney, Olmsted, Perkins, Pyle, Rolley, Slaven, Stanton, Thompson, Tripp, Vogel, Waste, Whiting, and Wickersham—41.

NOES—Messrs. Cullen, Held, Lucey, McGowan, McNamara, Meincke, Pfaffle, Pryor, and Strohl—9.

Title read and approved.

Bill ordered transmitted to the Senate.

#### SUBSTITUTION OF BILL ON FILE.

On motion of Mr. Dorsey, Assembly Bill No. 758 was ordered substituted on file for Assembly Bill No. 79.

Assembly Bill No. 758—An Act to amend Section 1476 of the Penal Code, relating to writs of habeas corpus.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Held, Houser, John, Johnstone, Jury, King, Lucey, Lynch, McGowan, McNamara, Meincke, Perkins, Pfaffle, Pryor, Pyle, Stanton, Thompson, Treadwell, Vogel, Whiting, and Wickersham—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 291—An Act making an appropriation to pay the claim of John Burr.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Creighton, Devlin, Dorsey, Drew, Espey, Estudillo, Gans, Gates, Goodrich, Held, Houser, John, Johnstone, Jury, King, Lucey, Lynch, McCartney, McKenney, McNamara, Meincke, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Slayen, Stanton, Strobridge, Strobl, Transue, Treadwell, Vogel, and Whiting—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 317—An Act to amend Section 813 of "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof.

Read third time.

Mr. Dorsey moved that a select committee of one be appointed to amend Assembly Bill No. 317, as follows:

Strike out Section 2.

Motion carried.

Mr. Dorsey was appointed such select committee.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 317, with instructions to amend, does now report that the instructions of the Assembly have been carried out.

DORSEY, Committee.

Report of select committee adopted.

Bill ordered to reprint, reengrossment and on file for passage.

Assembly Bill No. 318—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof

Read third time.

Mr. Dorsey moved that a select committee of one be appointed to amend Assembly Bill No. 318, as follows:

Strike out Section 2

Motion carried.

Mr. Dorsey was appointed as such select committee.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 318, with instructions to amend, does now report that the instructions of the Assembly have been carried out.

DORSEY, Committee.

Report of select committee adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

## WITHDRAWAL OF NOTICE OF MOTION.

Mr. Wickersham withdrew his notice of motion to reconsider the vote whereby the resolution offered by Mr. Vogel this day was adopted.

## NOTICE OF MOTION TO RECONSIDER.

Mr. Johnstone gave notice that on to-morrow he would move a reconsideration of the vote whereby the resolution offered by Mr. Vogel this day was adopted.

## MOTION.

Mr. Anthony moved that when the Assembly adjourn this day it be until ten o'clock and thirty minutes A. M. to-morrow.

## SPECIAL ORDER SET.

On motion of Mr. Drew, Assembly Bill No. 1055—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of the Law," and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending Section 9 thereof, relating to the tenure of such commission—was made a special order for consideration immediately after the reading of the Journal on to-morrow.

## SECOND-READING FILE.

On motion of Mr. McGowan, bills on the second-reading file were taken up for consideration.

Assembly Bill No. 696—An Act to amend an Act entitled "An Act to provide for the marking, branding, or labeling the boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions," approved March 20, 1903, by amending Sections 1 and 2 thereof.

Read second time.

The following amendments were read:

## AMENDMENT No 1.

Amend by striking out after the word "grown," in Section 1, line 14, page 2, printed bill, the following words: "also designating whether the same was put up, prepared or packed by Japanese, Chinese, or white labor, as the case may be."

Amendment adopted.

## AMENDMENT No 2.

Amend by striking out the semicolon after the word "grown" on line 14, page 2 Section 1, printed bill, and inserting in lieu thereof a period.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 911—An Act to amend "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered 629a, and providing for the appointment of a clerk and stenographer, and fixing the compensation of such clerk and stenographer.

Read second time.

## AMENDMENTS.

The following amendments were read:

## AMENDMENT No. 1.

Amend by striking out all after the words "An Act," line 1 of the title, and insert in lieu thereof the following: "To add a new section to the Political Code of the State of California, to be numbered 629a, providing for the appointment of a clerk and stenographer to the Insurance Commissioner, and fixing the compensation thereof."

Amendment adopted.

## AMENDMENT No. 2.

Amend by inserting immediately after the enacting clause the following: "A new section is hereby added to the Political Code of California, to be numbered Section 629a, to read as follows:"

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 632—An Act to classify the roads in the State of California, and to define each class.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 257—An Act to provide for the levying a tax for promotion purposes in certain counties of the State.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 992—An Act to amend an Act entitled "An Act to confer certain powers upon the directors of the Deaf, Dumb, and Blind Asylum," approved April 1, 1876, by changing the name of such asylum.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 993—An Act to add a new section to the Political Code, to be known and numbered as Section 2236, and to amend Section 2237 of the Political Code, all relating to the Deaf, Dumb, and Blind Asylum at Berkeley.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 867—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of curable cases of tuberculosis, and making an appropriation therefor.

Read second time

## MOTION.

Mr. Treadwell moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem., Hon. T. E. Atkinson, in the chair, for the purpose of considering Assembly Bill No. 867.

Motion carried.

## IN COMMITTEE OF THE WHOLE

Speaker pro tem. Hon. T. E. Atkinson in the chair.

Assembly Bill No. 867 was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 867, and do now report the same back, and recommend that it do not pass.

ATKINSON, Chairman.

Report adopted.

Bill ordered engrossed, and on file for third reading.

Assembly Bill No 290—An Act making an appropriation to pay a deficiency in the appropriation for support of the Industrial Home of Mechanical Trades for the Adult Blind for the fifty-fifth and fifty-sixth fiscal years.

Read second time.

MOTION.

Mr. Treadwell moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem., Hon. T. E. Atkinson, in the chair, for the purpose of considering Assembly Bill No. 290.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. in the chair.

Assembly Bill No. 290 was considered in Committee of the Whole

IN ASSEMBLY.

Speaker pro tem. in the chair.

REPORT OF COMMITTEE OF THE WHOLE

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 290, and do now report the same back, and recommend that it do pass.

ATKINSON, Chairman

Report adopted.

Bill ordered engrossed, and on file for third reading.

Assembly Bill No. 773—An Act to amend Section 3916 of the Political Code of the State of California, relating to the boundary line of the County of Colusa.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 774—An Act to establish a new section of the Political Code of the State of California, relating to the boundary line of the County of Glenn, State of California, said new section to be known and numbered as Section 3959 of the Political Code.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 861—An Act to permit of the compensation of prisoners in any of the State prisons or of the Preston School of Industry.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 975—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code, to be numbered 1588, making it unlawful for the State Board of Prison Directors, or the State prison authorities at Folsom, or any other State penal institution in the State of California, to engage or employ any person confined or employed in any penal institution of the said State, in the manufacturing, cutting, or dressing any curbing or crosswalk material for street or sidewalk purposes, monuments, headstones, coping, posts, or steps suitable for use, or to be used in cemetery work, cut granite for building purposes, and dimension stone for cemetery or building work, except such cut or dimension stone as may be used in State prison buildings and walls, cut stone for arches in bridges and culverts, for use on State highways, county, or district roads," became a law under constitutional provision, without the Governor's approval March 12, 1901.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 974—An Act to amend an Act entitled "An Act to add a new section to the Penal Code, to be known and numbered as 679a, regulating and limiting the sale of convict-made articles, and providing a penalty for the violation of the same," became a law under constitutional provision, without the Governor's approval, March 16, 1901.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 367—An Act directing the use of the Bertillon signaletic system for the identification of criminals in the State prisons, Preston School of Industry, county jails of the State of California; providing for the keeping of a record of the same, and for the exchanging of such records with other States and Territories of the United States and foreign countries.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 823—An Act to provide that no person will be eligible to the office of justice of the peace in any incorporated city or town of California, having a population of more than ten thousand persons, excepting a regularly admitted attorney at law, and providing a special means of determining, for the purposes of this Act, the population of incorporated cities and towns.

Read second time.

The following committee amendments were read:

#### AMENDMENT No 1

Amend by striking out of the title all after the words "An Act," and insert in lieu thereof the following: "to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices."

Amendment adopted.

#### AMENDMENT No. 2.

Amend by striking out all of Section 1 after the figure "1," in line 1, and insert in lieu thereof the following: "Section 103 of the Code of Civil Procedure is hereby amended to read as follows."

Amendment adopted.

#### AMENDMENT No 3

Amend by striking out all of Sections 2 and 3 and insert in lieu thereof the following: "103. There shall be at least one justices' court in each of the townships of the State, for which one justice of the peace must be elected by the qualified electors of the township, at the general State election next preceding the expiration of the term of office of his predecessor. In any county where, in the opinion of the board of supervisors, the public convenience requires it, the said board may, by order, provide that two justices' courts may be established in any township, designating the same in such order, and in such case one justice of the peace must be elected in the manner herein provided for each of said courts. In every city or town of the third and the fourth class there must be one justice of the peace, and in every city or town of the first and one half and the second class there must be two justices of the peace, to be elected in like manner by the electors of such cities or towns, respectively; and such justices of the peace of cities or towns, and justices' courts of cities or towns, shall have the same jurisdiction, civil and criminal, as justices of the peace of townships, and township justices' courts. Said justices of the peace of cities, and justices' courts of cities, shall also have jurisdiction of all proceedings for the violation of any ordinance of any city in which courts are established, both civil and criminal, and of all actions for the collection of any license required by any ordinance of any such city or town, and generally exercise all powers, duties and jurisdiction, civil and criminal, of police judges, judges of the police court, recorder's court, or mayor's court within such city. No person is eligible to the office of justice of the peace in any city or town of the first, first and one half, second, third or fourth class who has not been admitted to practice law in a court of record; and no justice of the peace is permitted to practice law before another justice of the peace in the city, town or county in which he resides, or to have a partner engaged in the practice of law in any justices' court in such city, town or county. Every city justice of the peace in any city or town of the fourth class shall receive a salary of fifteen hundred dollars per annum; and every city justice of the peace in any city or

town of the second or third class shall receive a salary of two thousand dollars per annum; and every city justice of the peace in any city or town of the first and one half class shall receive a salary of twenty-four hundred dollars per annum; and each city justice of the peace shall be provided by the city or town authorities with a suitable office in which to hold his court. Where the compensation of the justice of the peace of any city or town is by salary, it shall be paid by warrants drawn each month upon the salary fund, or, if there be no salary fund, then upon the general fund, of such city or town, such warrants to be audited and paid as salaries of other city officials. All fees which are chargeable by law for services rendered by such city justices of the peace in the cities or towns aforesaid shall be by them, respectively, collected, and on the first Monday of each month every such city or town justice of the peace shall make a report, under oath, to the city or town treasurer of the amount of fees so by him collected, and pay the amount so collected into the city or town treasury to the credit of the general fund thereof. Said salary shall be the sole compensation of said city justices; *provided*, that the provisions of this section as to the establishment of justices' courts and city justices of the peace in cities or towns, shall not apply to cities or towns in which recorders' courts or city or town recorders are now or may hereafter be established, and city justices' courts now existing in such cities or towns are hereby abolished."

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 822—An Act to amend an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State," approved March 28, 1895, by amending the provisions thereof relative to jurors' fees.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 939—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered and designated Section 616a, relating to the granting of licenses to persons to act as agents to procure, in certain cases, policies of insurance from persons not authorized to transact insurance business in this State, regulating the proceedings for procuring the same, fixing fees and percentage upon premiums, and providing penalties for the violation thereof.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 895—An Act to add a new section to the Code of Civil Procedure, the said section to be designated 1166a, relating to actions for obtaining possession of real property upon default in payment of rent, to the manner in which tenants may be ejected, and providing a summary proceeding therefor.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 324—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relative to the same, and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 18, 1885," approved March 25, 1901, by amending Section 12, and repealing Section 13 thereof.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 971—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relative to the same, and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 12 and 13.

Read second time, ordered to engrossment, and on file for third reading.



Assembly Bill No. 970—An Act to compel corporations having their stocks and bonds listed to file statements with the Secretary of State.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 935—An Act to add a new section to the Penal Code, to be numbered Section 499b, relating to the unauthorized taking for temporary use for operation of automobiles, bicycles, motor-cycles, and other vehicles.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 372—An Act to amend Section 382 of the Penal Code, relating to adulteration of foods and liquids.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 528—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California; providing penalties for the violation hereof.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 244—An Act to provide for the formation and government of mosquito-extminating districts, and for the levy, collection, custody, and disbursement of taxes therein.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 7—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes, the acquisition of property thereby, the calling and conducting of elections in such districts, the assessment, levy, collection, custody, and disbursement of taxes therein, the issuance and disposal of the bonds thereof and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds," approved March 31, 1901.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 370—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered 403.

Read second time.

#### AMENDMENTS.

The following amendments were read:

##### AMENDMENT No. 1.

On line 3 of the title strike out the words "four hundred and three," and insert the words "three hundred and eighty-one b."

Amendment adopted.

##### AMENDMENT No. 2.

Amend by inserting after the enacting clause the following: "Section 1. A new section is hereby added to the Penal Code, to be known as section three hundred and eighty one b."

Amendment adopted.

##### AMENDMENT No. 3.

Amend by inserting before the word "every," on line one of the printed bill, the figures "381b."

Amendment adopted.

##### AMENDMENT No. 4.

Amend by inserting a period after the word "long" on line 6.

Amendment adopted.

## AMENDMENT No. 5.

Amend by striking out lines 7, 8, and 9 to the period after the word "type."

Amendment adopted.

## AMENDMENT No. 6.

Strike out "this Act shall take effect immediately."

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 884—An Act to amend an Act to encourage and provide for a general vaccination in the State of California, relating to vaccination of school children.

Read second time

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

On first page strike out the words "exclusion of children from schools unless vaccinated."

Amendment adopted.

## AMENDMENT No. 2.

Also: On second page, the words "notice by school trustees."

Amendment adopted.

## AMENDMENT No. 3.

On page 2 strike out "list of children not vaccinated."

Amendment adopted.

## AMENDMENT No. 4.

Also: On same page "expenses for, how paid."

Amendment adopted.

## AMENDMENT No. 5.

Also: On third page the words "annual report of trustees."

Amendment adopted.

## AMENDMENT No. 6.

And all of section six of third page.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 573—An Act regulating the furnishing to shippers of crude and fuel petroleum tank cars for the carriage of such shipments.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 736—An Act to amend Section 347 of the Penal Code, relating to the willfully poisoning of food, medicine, or drink.

Read second time.

## AMENDMENT.

The following amendment was read:

## COMMITTEE AMENDMENT

Insert after the word water on line 11, "is guilty of a felony and."

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 952—An Act to amend Section 374 of the Penal Code of the State of California, relating to public health.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 369—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered 404.

Read second time.

#### AMENDMENTS.

The following amendments were read :

##### COMMITTEE AMENDMENT No. 1.

Amend by changing third line of title to read "402a," also in first line of bill to read "402a," instead of "404."

Amendment adopted.

##### COMMITTEE AMENDMENT No. 2.

Strike out word after the word "prescribe" and insert "and "

Amendment adopted.

##### COMMITTEE AMENDMENT No. 3.

Strike out the comma after "for ' in the same line, also, strike out the word "or" before the word "furnishes," and insert "and."

Amendment adopted.

##### COMMITTEE AMENDMENT No. 4.

Strike out "this Act shall take effect immediately "

Amendment adopted.

##### COMMITTEE AMENDMENT No. 5.

After the word "misdemeanor" insert the following: "*provided, however,* this Act shall not apply to drugs or medicine sold in original or sealed packages or to case of emergency."

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 181—An Act to create and regulate public warehouses.

Read second time.

#### AMENDMENTS.

The following committee amendments were read:

##### AMENDMENT No. 1.

Amend by striking out on page 1, Section 2, line 10, printed bill, the words "one hundred thousand dollars" and the figures "100,000," and insert in lieu thereof the words "fifty thousand dollars" and the figures "50,000."

Amendment adopted.

##### AMENDMENT No. 2.

In line 11, page 1, amend by striking out the words "fifty thousand dollars" and the figures "\$50,000" in printed bill, and insert in lieu thereof the words "twenty-five thousand dollars" and the figures "\$25,000"

Amendment adopted.

##### AMENDMENT No. 3.

Amend by striking out in lines 13 and 14 of printed bill, on page 2, the words "twenty-five thousand dollars" and the figures "25,000," and insert in lieu thereof the words "ten thousand dollars" and the figures "10,000."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out of page 2, Section 2, printed bill, all of line 36 up to and including the word "days."

Amendment adopted.

## AMENDMENT No. 5.

Amend by inserting in line 37, page 2, printed bill, after the word "assignment," the following: "shall have been published for thirty days in a daily paper of general circulation published in the city, city and county, or county in which said warehouse or storage business is carried on."

Amendment adopted.

## AMENDMENT No. 6.

Amend by striking out of line 37, page 2, printed bill, the word "said" after the word "if," and insert in lieu thereof the word "any."

Amendment adopted.

## AMENDMENT No. 7.

Amend by striking out of page 3, Section 4, printed bill, all after the word "that," down to and including the word "and" before the word "notice," in line 5 of Section 4, page 3 of the printed bill.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

## CONSIDERATION OF CONSTITUTIONAL AMENDMENT.

On motion of Mr. Houser, Assembly Constitutional Amendment No. 25 was taken up for the purpose of amendment.

Assembly Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 23 of Article IV of said Constitution, limiting the expense of the Legislature and regulating the salary of the members thereof.

Constitutional amendment read.

## COMMITTEE AMENDMENT.

The following amendment was read:

Amend by striking out the word "five," on line 11, page 1, printed bill, and inserting in lieu thereof the word "ten"

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for adoption.

Assembly Bill No. 655—An Act to amend an Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom.

Read second time.

## AMENDMENT.

The following amendment was read:

## COMMITTEE AMENDMENT.

Amend by striking out title of bill and substituting the following: "An Act to amend an Act entitled 'An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory,' approved March 19, 1889, relating to the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities."

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 795—An Act to amend Section 220 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 6, 1897, relating to the time of payment of salaries of officers.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 796—An Act to add a new section to the Political Code of the State of California, to be known as Section 4088, providing for a contingent expense fund for the use of district attorneys.

Read second time, ordered to engrossment, and on file for third reading.

Assembly Bill No. 794—An Act providing for payment by the State of certain fees, costs, and expenses.

Read second time.

#### AMENDMENT.

The following amendment was read:

Amend by striking out all of Section 3, of page 1, printed bill.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 1030—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 654a, relating to the taking of fees by persons obtaining employment for others.

Read second time.

#### AMENDMENTS.

The following amendments were read:

##### AMENDMENT No. 1.

Amend by striking out the words "relating to persons receiving fees for securing employment for others," on lines 2, and 3, in Section 1, printed bill, and inserting in lieu thereof the words "to read as follows."

Amendment adopted.

##### AMENDMENT No. 2

Amend by striking out the word "Section" on line 4.

Amendment adopted.

Bill ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 191—An Act to appropriate the sum of \$12,245 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled Charles Bickerdike vs. The State of California, numbered 9608 on the register of the Superior Court of the County of Sacramento.

Read second time.

#### AMENDMENTS.

The following amendments were read:

##### AMENDMENT No. 1.

Amend by striking out all of Section 3 in printed bill

Amendment adopted.

##### AMENDMENT No. 2

Amend by adding at end of printed bill the following: "This Act shall take effect January 1, 1906."

Amendment adopted.

## MOTION.

Mr. Dorsey moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. T. E. Atkinson in the chair, for the purpose of considering Assembly Bill No. 191.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. T. E. Atkinson in the chair.

Assembly Bill No. 191 was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker pro tem. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

GENTLEMEN: Your Committee of the Whole have had under consideration Assembly Bill No. 191, and do now report the same back, and recommend that the same do pass as amended

ATKINSON, Chairman.

Report adopted.

Ordered to reprint, engrossment, and on file for third reading.

## ADJOURNMENT.

At eleven o'clock and fifteen minutes P. M., Speaker pro tem. Hon. T. E. Atkinson declared the Assembly adjourned until Friday, February 24, 1905, at ten o'clock and thirty minutes A. M.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,

Friday, February 24, 1905. }

The Assembly met at ten o'clock and thirty minutes A. M., pursuant to adjournment.

Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Busick, Chandler, Cleveland, Coghlan, Cooper, Creighton, Cronwell, Cullen, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Maxwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—73.

Quorum present.

## LEAVES OF ABSENCE.

Leave of absence for the day was granted to Messrs. Duryea and Slaven.

Mr. Strobridge was excused for the morning session.

Mr. Severance was excused for this afternoon and Saturday.

Mr. Bliss moved that Mr. Ells be excused for Saturday.

Motion carried.

Mr. Bates moved that Mr. Bliss be excused for this afternoon and Saturday.

Motion carried.

#### PRAYER.

Prayer by the Chaplain, Rev. George C. King.

#### READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Weyand, its further reading was dispensed with.

#### APPROVAL OF JOURNAL.

The Journal of Wednesday, February 22, 1905, was corrected, and, as corrected, approved.

#### SENATE MESSAGES TAKEN UP.

Mr. Barnes moved to take up Senate messages.

Motion carried.

The following message from the Senate was read:

#### SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 248—An Act adding a new section to the Political Code, to be known as Section 3769½, providing for giving notice of tax sales in certain cases.

Also: Senate Bill No. 373—An Act to appropriate money to protect the banks of Eel River from erosion by means of rip-rap and jetty work along the banks thereof.

Also: Senate Bill No. 237—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 211 thereof, relating to the compensation of officers of counties of the fifty-fourth class.

Also: Senate Bill No. 215—An Act to appropriate the sum of \$25,000 for the erection of a workshop on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind, in Alameda County, by the Board of Directors thereof, and provide for the payment thereof and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Senate Bill No. 645—An Act to amend Section 8 and to repeal Section 13 of an Act entitled "An Act to provide for the planting, maintenance, and care of shade trees upon streets, lanes, alleys, courts, and places within municipalities, and of hedges upon the lines thereof; also for the eradication of certain weeds within city limits," approved March 11, 1898.

Also: Senate Bill No. 498—An Act making an appropriation for the erection and construction of buildings, and equipping the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society, for exposition and State fair purposes, and for the payment of other expenses incidental and relating thereto, and providing that certain moneys now in the State Treasury may be used in connection with this appropriation for such purposes.

Also: Senate Bill No. 48—An Act to pay the claim of E. A. Dulip as administrator of the estate of John P. Dulip, deceased, against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 297—An Act to provide for the appointment of a board of trustees to be known as the Trustees of Fort Humboldt, for the acquisition of the Fort Humboldt property, and to provide for an appropriation for the purchase thereof by the State, and for the preservation, protection, and improvement of said property.

Also: Senate Bill No. 626—An Act to amend Sections 3335, 3337, 3338, and 3339 of the Political Code, relating to fires and firemen.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

#### REFERENCE OF SENATE BILLS.

Senate Bill No. 248 read first time, and referred to Committee on Judiciary.

Senate Bill No. 373 read first time.

Mr. Branstetter moved that Senate Bill No. 373 be substituted for Assembly Bill No. 520, which is identical, and placed on special Senate file.

So ordered.

Senate Bill No. 215 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 645 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 498 read first time, and, on motion of Mr. Busick, ordered placed on special Senate file, being identical with Assembly Bill No. 608.

Senate Bill No. 48 read first time, and referred to Committee on Claims.

Senate Bill No. 297 read first time, and referred to Committee on Claims.

Senate Bill No. 626 read first time, and referred to Committee on Municipal Corporations.

#### SENATE MESSAGE.

The following message from the Senate was read :

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 781—An Act amending an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens of mechanics and others.

Also: Senate Bill No. 284—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Also: Senate Bill No. 174—An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of franchises by legislative or other governing bodies, and repealing other conflicting Acts.

Also: Senate Bill No. 673—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628a, 628b, 628c, 628d, and 632a, all relating to the protection and preservation of fish.

Also: Assembly Bill No. 540—An Act to add a new section to the Political Code, to be numbered 753, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

#### REFERENCE OF BILLS.

Senate Bill No. 781 read first time, and referred to Committee on Judiciary.

Senate Bill No. 264 read first time, and, on motion of Mr. Creighton, ordered on special Senate file.

Senate Bill No. 174 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 673 read first time, and referred to Committee on Fish and Game.

#### SPECIAL ORDERS.

Special orders set for this day were called up and considered, as follows:

Assembly Bill No. 1055—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of the Law," and



to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending Section 9 thereof, relating to the tenure of such commission.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Devlin, Drew, Ellis, Estudillo, Gates, Held, Houser, John, Johnson, Jones of Tuolumne, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Meincke, Mindham, Mitcheltree, Moore, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Whiting, Wickersham, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employes of the Senate and Assembly.

Passed on file.

Assembly Concurrent Resolution No. 8—A resolution expressing the need that, in the judgment of the Legislature, exists for a revision of the State Constitution by a convention to be called for that purpose, and recommending to the electors of the State that the subject be voted upon by them at the next ensuing general election.

Passed on file.

Assembly Bill No. 819 (Committee Substitute for Assembly Bills Nos. 231, 455, 570)—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628a, 628b, 628c, 628d, and 632a, all relating to the protection and preservation of fish.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Cullen, Devlin, Drew, Ellis, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Jones of Tuolumne, Jury, King, Lumley, Lynch, McCartney, McGowan, McKenney, Meincke, Mindham, Moore, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Whiting, Wickersham, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 820 (Committee Substitute for Assembly Bills Nos. 14, 425, and 568)—An Act to amend Sections 626, 626c, 626d, 626f, 626g, 626i, 626k, 627a, 627b, 631, and 631a of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631c, all relating to the protection and preservation of game.

Read third time.

## PROPOSED SELECT COMMITTEE AMENDMENT.

Mr. Creighton moved that a select committee of one be appointed to amend Assembly Bill No. 820, as follows:

Strike out of lines 8 and 9, page 1 of printed bill, the words "or any kind of wild duck."

Also: Strike out the comma after the word "hen," in line 18, on page 2 of printed bill, and insert in lieu thereof a semicolon, and the following: "every person who between the fifteenth day of February and the fifteenth day of October, hunts, pursues, takes, kills, or destroys or has in his possession any wild duck, whether taken or killed in the State of California or shipped in from any other state or territory or foreign country."

## AMENDMENT LOST.

The amendment was put to vote.

On division being called for, the Speaker declared the vote to be 21 ayes to 31 noes, and declared the amendment lost.

## PREVIOUS QUESTION.

Mr. Atkinson moved the previous question.

The question, "Shall the main question be now put?" was put to vote and declared carried.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Coyle, Creighton, Cullen, Devlin, Drew, Ellis, Estudillo, Houser, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, Lumley, McCarney, McGowan, McNamara, Meincke, Mindham, O'Brien, Placette, Rolley, Severance, Thompson, Transue, Treadwell, Tripp, Vogel, Wickersham, and Mr. Speaker—44.

NOES—Messrs. Cooper, Dorsey, Gates, Held, John, King, Manwell, McKenney, Olmsted, Perkins, Pryor, Pyle, Strohl, Walsh, and Whiting—15.

Title read and approved.

## PETITION.

Mr. McCarney presented the following petition, which was read:

(Relative to reading the Bible in the public schools).

REDLANDS, CAL., February 20, 1905.

HON. H. S. G. MCCARTNEY, *Sacramento, Cal.*

DEAR SIR: We desire to express to you our hearty approval of the bill you have introduced, to amend Section 1672 of the Political Code, so as to prevent any construction of that section that would not permit the use of the Bible in the public schools of our State, for any purpose not inconsistent with said section; and we further most respectfully request you to use your influence and your utmost endeavors in favor of the passage of said amendment.

We should oppose most strenuously any effort to introduce into our public schools any denominational or sectarian teaching whatever. On the other hand, to deny our teachers the privilege of reading in the schools from the book containing the highest code of morals known to the world—that code which forms the basis of human character, and upon which the perpetuity of civilized government rests—tends directly to subvert one of the fundamental reasons for the existence of our public school system, viz: the culture of the truest and noblest citizenship.

Furthermore, to rule the Bible out of our public school libraries, as a book of reference, is to discriminate against what is admitted by educated men of every religious belief, and of no religious belief, to be a body of the best literature ever produced, and for which there is no possible substitute.

For these two reasons, therefore, in the interest of good morals, both in private and public life, and in the interest of the highest culture, we wish to see no discrimination against the proper use of the Bible in the public schools of our State.

Hoping that you will agree with us as to the importance of this matter, we are,

Respectfully,

FIRST EVANGELICAL LUTHERAN CHURCH,  
Redlands, Cal.

By GEORGE H. HILLERMAN, Pastor and President.

CHARLES H. WILSON, Secretary.

Approved and indorsed by standing vote of the congregation in Redlands, Cal., February 19, 1905.

The petition was ordered printed in the Journal.

Mr. Prescott presented a similar petition, and similarly signed.

#### REPORTS OF STANDING COMMITTEES.

Reports from standing committees were presented, as follows:

##### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 996—An Act to amend an Act entitled "An Act for the regulation of the practices of medicine and surgery in the State of California," which became a law under constitutional provision February 27, 1901—reports the same back, with a substitute, and with the recommendation that the substitute be adopted and do pass.

Also: Assembly Bill No. 890—An Act to authorize actions against any board or commission of the State in certain cases, and regulating procedure therein—reports the same back, with five amendments, and with the recommendation that it do pass as amended.

Also: Senate Bill No. 385—An Act to amend Section 1723 of the Code of Civil Procedure of the State of California, relating to the disposition of life estates or homesteads or community property in certain cases—reports the same back, with the recommendation that it do pass.

Also: Senate Bill No. 40—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatements of private and public nuisances—reports the same back, with the recommendation that it do pass.

Also: Senate Bill No. 648—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking by deposition of the testimony of witnesses in the State—reports the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 1078—An Act providing for the selection and sale by the State of California of lands in lieu of the vacant sixteenth and thirty-sixth school sections embraced in confirmed or proposed Government forest reserves—reports the same back with three amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 1079—An Act forfeiting to the State of California all payments for State lands where a fraudulent title was sought to be obtained thereto—reports the same back, with the recommendation that it do pass.

Also: Senate Bill No. 192—An Act to amend Section 855 of the Code of Civil Procedure, relating to the defendant's pleadings in justices' courts—reports the same back, with two amendments, and with the recommendation that it do pass as amended.

Also: Senate Bill No. 208—An Act to amend Section 853 of the Code of Civil Procedure, relating to plaintiff's pleadings in justices' courts—reports the same back, with one amendment, and with the recommendation that it do pass as amended.

DURYEA, Chairman.

Senate Bills Nos. 385, 40, 646, 192, and 208 ordered to second reading on special Senate file.

Assembly Bills Nos. 996, 890, 1078, and 1079 ordered on second-reading file.

The Committee on Elections and Election Laws submitted the following report, which was read:

##### ON ELECTIONS AND ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 526—An Act to repeal Section 64 of the Penal Code of the State of California, relating to witnesses in election cases

Also: Assembly Bill No. 630—An Act to amend Section 1115 of the Political Code, relating to the registration of electors.

Also: Assembly Bill No. 984—An Act to add a new section to the Political Code of California, to be known as Section 1374a, establishing a tribunal for settling contested primary elections, prescribing its powers, and providing punishment for contempts thereof, and for false testimony before it, and for violation of the provisions hereof.

Also: Assembly Bill No. 994—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavits of registration

Also: Senate Bill No. 316—An Act to amend an Act to amend the Political Code by repealing Sections 1357 to Section 1390 thereof, both inclusive, and by adding certain new sections to said Code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, concerning primary elections

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ROLLEY, Chairman.

Assembly Bills Nos. 526, 630, 984, and 994 ordered on second-reading file.

Senate Bill No. 316 ordered to second reading on special Senate file.

The Committee on Commissions and Public Expenditures submitted the following report, which was read:

#### ON COMMISSIONS AND PUBLIC EXPENDITURES

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Assembly Bill No. 972—An Act to add a new section to the Political Code, to be numbered 2525a, relating to the powers of the Board of State Harbor Commissioners—

Also: Senate Bill No. 188—An Act to amend Section 1 of an Act entitled "An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribing his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885 Chapter LXXXVI of the Laws of 1889, and Chapter CXIV of the Laws of 1891," approved March 26, 1903.

Also: Assembly Concurrent Resolution No. 15—Relative to the appointment of a committee of the Senate and Assembly to examine into educational matters, etc.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

VOGEL, Chairman.

Senate Bill No. 188 ordered to second reading on special Senate file.

Assembly Concurrent Resolution No. 15 ordered on file.

The Committee on Education submitted the following report, which was read:

#### ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 1032—An Act to provide for physical education in high schools—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Senate Bill No. 245—An Act appropriating the sum of \$12,000 for the purchase and installment of a heating plant for the use of the State Normal School at Chico and for the new roofing and repairing of said school—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that the same do pass as amended.

Also: Senate Bill No. 178—An Act confirming the organization of school districts—have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

SLAVEN, Chairman.

Assembly Bill No. 1032 ordered on second-reading file.

Senate Bills Nos. 245 and 178 ordered to second reading on special Senate file.

The Committee on Roads and Highways submitted the following report, which was read:

#### ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 934—An Act to provide a uniform system of administration for public roads and highways and to provide for building, repairing, and maintaining the same and to provide revenue for said purposes—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Assembly Bill No. 961—An Act to provide for the survey, location, plans, and estimate of cost of a highway from San Francisco to the southern boundary of San Diego County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 62—An Act to appropriate the sum of \$20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon the Sonora and Mono road, a State highway—have had the same under consideration, and respectfully report the same back with the suggestion that the same be referred to the Committee on Ways and Means.

COYLE, Chairman.

Assembly Bills Nos. 934 and 961 ordered on second-reading file.

Senate Bill No. 62 ordered to second reading on special Senate file and referred to the Committee on Ways and Means.

The Committee on County and Township Governments submitted the following report, which was read:

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905

MR. SPEAKER. Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 964—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 21 thereof, relating to counties of the seventeenth class.

Also: Assembly Bill No. 1123—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 199 thereof, relating to the fees and salaries of county and township officers in counties of the forty-second class.

Also: Assembly Bill No. 328—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, and repealing certain other sections," approved March 23, 1901, by amending Section 191.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BURKE, Chairman.

Assembly Bills Nos. 964, 1123, and 328 ordered on the second-reading file.

REQUEST FOR LEAVE TO INTRODUCE BILL.

Mr. Anthony requested permission to introduce a bill entitled "An Act to amend the Political Code by adding thereto a new section, to be numbered 422, relating to outside watchmen employed at State hospitals, and providing for their appointment and salaries."

Referred to Committee on Introduction of Bills.

REQUEST TO INTRODUCE A CONCURRENT RESOLUTION.

Mr. McCartney requested permission to introduce an Assembly concurrent resolution, entitled "Assembly Concurrent Resolution No. —, relative to special Joint Rule No. 1, providing for consideration of Assembly Bills in Senate, and Senate Bills in Assembly."

Referred to Committee on Introduction of Bills.

RESOLUTION ORDERED WITHDRAWN FROM COMMITTEE.

Mr. Atkinson moved that the Ways and Means Committee report back forthwith Assembly Concurrent Resolution No. 16—Relative to the adjournment of the Legislature—and that the same be placed on file.

Motion carried.

BILL CALLED UP FOR AMENDMENT.

Mr. Barnes was granted leave to call up for the purpose of amendment Assembly Bill No. 1145.

Assembly Bill No. 1145—An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof, to provide for the creation of said commission, and to define its powers.

Read third time.

## SELECT COMMITTEE AMENDMENT.

Mr. Barnes moved that a select committee of one be appointed to amend Assembly Bill No. 1145, as follows:

At page 2, Section 3, line 1 of the printed bill, strike out the figures "\$300.00," and insert in lieu thereof the following: "fixed by the said commission in an amount not to exceed two hundred and fifty dollars"

Amendment adopted.

Mr. Barnes was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1145—An Act authorizing the Governor to appoint an expert in taxation and public finance to sit as a member of a commission composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof, to provide for the creation of said commission, and to define its powers—with instructions, does now report that the instructions of the Assembly have been carried out.

BARNES, Committee.

The report of select committee of one was adopted.

Assembly Bill No. 1145 ordered to print, with a rush order, to reëngrossment, and on file for passage.

## RESOLUTION.

Mr. Busick offered the following resolution, which was read:

(To draw warrant to pay expenses for Washington's Birthday exercises.)

Resolved, That the Controller of State be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of fifty (\$50) dollars in favor of Frank J. O'Brien, the same being one half the expense incurred in conducting exercises commemorative of the birth of Washington, in pursuance of resolution adopted February 2, 1905.

## RESOLUTION ADOPTED.

Mr. Busick moved the adoption of the resolution.

The roll was called, and the resolution declared adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Coghlan, Coyle, Cullen, Ellis, Estudillo, Held, Houser, Johnson, Johnstone, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, Meincke, Mindham, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Whiting, Wickerham, and Mr. Speaker—48.

NOES—None

## MOTION.

Mr. Amerige moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker, Hon. Frank C. Prescott, in the chair, for the purpose of considering Assembly Bill No. 641.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 641 was considered in Committee of the Whole.

Mr. Amerige moved that the Committee of the Whole do rise and report back Assembly Bill No. 641, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 641—An Act making an appropriation of \$5,000 to be used by the Governor, Attorney-General, and Secretary of State (comprising the Board of Examiners) in defense of the interest of the State, and political subdivisions thereof, in suits involving the right to use oil upon the public highways—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

Mr. Amerige moved that Assembly Bill No. 641 be referred to Committee on Ways and Means, the bill to retain its place on file.

Motion carried.

## SPECIAL ORDER POSTPONED.

Mr. McGowan moved that Senate Bill No. 150, set as a special order for this day, be continued and set as a special order for Monday, February 27, 1905, at twelve o'clock noon.

Motion carried.

## BILLS MADE SPECIAL ORDERS.

Mr. Transue moved that Assembly Bills Nos. 1158 and 1159 be set as special orders for to-morrow (Saturday) under the head of special orders.

Motion carried.

## UNFINISHED BUSINESS.

Bills on the unfinished business file were considered, as follows:

Assembly Bill No. 468—An Act to amend Section 626m of the Penal Code of the State of California, relating to hunting at night-time.

Passed on file.

Assembly Bill No. 219—An Act to repeal Sections 3824 and 3825 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Passed on file.

Assembly Bill No. 24—An Act to add a new section to the Code of Civil Procedure, to be known as Section 637, relating to causes in the superior court in equity and at law, without a jury, in which testimony shall at request of a party be reduced to writing, and upon appeal be heard *de novo*.

Passed on file.

Assembly Bill No. 145—An Act to provide for the payment by the State, or counties, or cities and counties, of the premium or charge on official bonds.

Passed on file.

Assembly Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 61 of said Act, relating to county officers.

Passed on file.

Assembly Bill No. 357—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of costs and expenses thereof upon the property benefited thereby.

Passed on file.

Assembly Bill No. 9—An Act to amend an Act to establish a Political Code, approved March 12, 1872, by amending Section 4080, relating to the planting and preservation of shade and ornamental trees.

The following Senate amendment was read:

On page 1, Section 1, line 8, strike out all after the word "county," and insert in lieu thereof the following: "and the cost of such purchase, planting, cultivation, care, and preservation shall be charged to the same fund which was used in the acquisition and construction of the road along which the trees are planted."

Also. On line 5, strike out the word "must," and insert in lieu thereof the word "may"

Also: On line 6, strike out the word "hundred," and insert in lieu thereof the word "hundred."

SENATE AMENDMENT CONCURRED IN.

Mr. Barnes moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 9?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Burke, Chandler, Coyle, Devlin, Duryea, Ells, Estudillo, Gans, Held, Johnson, Johnstone, King, Lucey, Lynch, Manwell, McCartney, McGowan, McNamara, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Whiting, Wickersham, and Mr. Speaker—43.

NOES—None.

#### SPECIAL FILE.

Bills on the special file were considered, as follows:

Assembly Bill No. 865—An Act to prohibit the sale of spirits, liquors, or wines without a State license; to provide for the issuance of such a license, and for the violation of the provisions of this Act, and prescribing the duties of certain officers in connection therewith.

Passed on file.

Assembly Bill No. 299—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class.

Passed on file.

Assembly Bill No. 619—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.

Read third time.

Assembly Bill No. 780—An Act making an appropriation of \$1,000 to be used by the Board of Trustees of the Whittier State School at Whittier, California, for the purpose of purchasing type and printing materials to be used in the printing office of said school.

#### SELECT COMMITTEE AMENDMENT.

Mr. Amerige moved that a select committee of one be appointed to amend Assembly Bill No. 619, as follows:

Amend by striking out of Section 1, line 14 of printed bill, the words "thirty-two hundred and fifty," and inserting in lieu thereof the words "fifteen hundred."

Also: Amend by striking out of Section 1, line 15 of printed bill, the period ( ) after "annum," and inserting in lieu thereof the following: comma (,) "and four and one half cents per folio for every instrument of any character transcribed by him or his deputies, which said amount shall be paid out of the county treasury, and which payment shall be in full for all services, including indexing"



Also: Amend by striking out of Section 1, line 19 of the printed bill, the words "—, —, and inserting after the word "thousand" the words "five hundred"

Also: Amend by striking out of Section 1, line 12 of printed bill, the word "two," and inserting in lieu thereof the word "four."

Also: Amend by striking out of Section 1 of printed bill all of lines 89 and 90

Motion carried.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 619—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class—with instructions, does now report that the instructions of the Assembly have been carried out.

AMERIGE, Committee

The report of the select committee of one was adopted.

Assembly Bill No. 619 ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 525—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.

Passed on file.

Assembly Bill No. 440—An Act to amend Section 10 of an Act entitled "An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or balloting machines for receiving or registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result of such elections, and providing for the punishment of all violations of the provisions of this Act relating to voting machines.

Passed on file.

Assembly Bill No. 527—An Act to add a new section, to be known as Section 42½, to an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893; extending the provisions of Sections 19 to 33, inclusive, and Sections 39 to 42, inclusive, of said Act, to primary elections, and so providing for punishment of offenses at primary elections.

Passed on file.

RECESS.

The Speaker, at twelve o'clock and twenty minutes P. M., on motion of Mr. McCartney, declared a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.

The Speaker, Hon. Frank C. Prescott, in the chair.

SPECIAL ORDER POSTPONED.

Mr. Espey moved that Assembly Bill No. 260, set as a special order for two o'clock P. M. this day, be continued and made a special order

for Wednesday, March 1, 1905, at three o'clock and thirty minutes P. M.

Motion carried.

PERMISSION TO INTRODUCE BILL.

Mr. Transue, on behalf of the Committee on Building and Loan Associations, requested permission to introduce a bill.

By Committee on Building and Loan Associations: Substitute for Assembly Bills Nos. 75, 549, and 868—An Act entitled "An Act to repeal Title XVI of Part IV of Division I of the Civil Code of the State of California, and each and every part and section of said title, and to enact and substitute a new Title XVI to take the place thereof in said Code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.

Objection being made, Mr. Treadwell moved that the rules be suspended, and that Mr. Transue be granted permission to present the bill for reference to the Committee on Introduction of Bills.

Motion carried.

Bill referred to Committee on Introduction of Bills.

SPECIAL SENATE FILE.

Bills on the special Senate file were called up and considered, as follows:

Senate Bill No. 94—An Act to provide for the payment of the claim of John F. Forward, County Recorder of San Diego County, for recording tax deeds to the State of California, and making appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Cooper, Coyle, Cromwell, Cullen, Dorsey, Drew, Ellis, Espey, Gans, Goodrich, Held, Jarvis, Johnson, Johnstone, Jury, King, Lynch, Manwell, McCartney, McGowan, Moore, Olmsted, Perkins, Pryor, Pyle, Stanton, Strobridge, Strohl, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—46.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 104—An Act to amend Sections 1 and 7 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Passed on file.

Senate Bill No. 8 (identical with Assembly Bill No. 155)—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Passed on file.

Senate Bill No. 182—An Act to amend Section 259 of the Code of Civil Procedure, relating to the duties and powers of court commissioners of superior courts.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Cooper, Coyle, Cromwell, Dorsey, Drew, Ellis, Gans, Goodrich, Hartman, Held, Jarvis, Johnson, Jury, King, Lynch, McCartney, McGowan,

Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Stanton, Strohl, Transue, Treadwell, Vogel, Weyand, Whiting, Wickersham, and Mr. Speaker—45.  
NOES—Mr. Waste—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 260—An Act to authorize the appointment of an interpreter of the Spanish language, in criminal proceedings, in counties, and cities and counties of one hundred thousand inhabitants and over.

Read third time.

#### SELECT COMMITTEE AMENDMENT.

Mr. Treadwell moved that a select committee of one be appointed to amend Senate Bill No. 260, as follows:

Strike out of the title all after the word "counties," in line 3, and insert in lieu thereof the words "of the second class."

Also: Strike out of lines 1 and 2, Section 1, the words "and cities and counties of one hundred and seventy thousand inhabitants and over," and insert in lieu thereof the words "of the second class."

Motion carried and amendment adopted.

Mr. Treadwell was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 260—An Act to authorize the appointment of an interpreter of the Spanish language, in criminal proceedings, in counties, and cities and counties of one hundred thousand inhabitants and over—with instructions, does now report that the instructions of the Assembly have been carried out.

TREADWELL, Committee.

The report of the select committee of one was adopted.

Senate Bill No. 260 ordered to reprint, and on file for final passage.

Senate Bill No. 306—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Cooper, Coyle, Cromwell, Cullen, Drew, Ells, Gans, Goodrich, Hartman, Held, Jarvis, Johnson, Johnstone, Jury, Lucey, Lynch, McCartney, McGowan, Moore, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Strohl, Thompson, Transue, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—45.

NOES—Mr. Treadwell—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 691 (identical with Assembly Bill No. 889)—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Veterans' Home, located at Yountville, Napa County.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Cooper, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Ells, Estudillo, Gans, Hartman, Held, Jarvis, Johnson, Johnstone, Jury, Lucey, Lumley, Lynch, McCartney, McGowan, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Strobridge, Strohl, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Introduction of Bills submitted the following report, which was read:

## ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bills, herewith return the same, with the recommendation that the authors be permitted to introduce them. The numbers of said bills are as follows:

Assembly Concurrent Resolution No. 23—Relative to Special Joint Rule No. 1, providing for consideration of Assembly bills in Senate and Senate bills in Assembly

Assembly Bill No. —, entitled "An Act to amend Section 2153a of the Political Code of the State of California."

Assembly Bill No. —, entitled "An Act to amend the Political Code by adding thereto a new section, to be numbered 422, relative to outside watchmen employed at State hospitals, and providing for their appointment and salaries."

An Act to repeal Title XVI of Part IV of Division I of the Civil Code of the State of California, and each and every part and section of said title, and to enact and substitute a new Title XVI to take the place thereof in said Code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.

McCARTNEY, Chairman.

Report adopted.

Mr. McCartney moved the adoption of the report of the committee, and that the authors of the bills reported on by the committee be permitted to introduce the bills.

The roll was called on Mr. McCartney's motion, and the motion declared carried by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Eells, Gans, Goodrich, Hartman, Held, Jarvis, Johnstone, Jury, Lucey, Lumley, Lynch, McCartney, McGowan, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—56

NOES—Mr. Estudillo—1.

## INTRODUCTION OF BILLS.

Bills were introduced and read, as follows:

Assembly Concurrent Resolution No. 23—Relative to Special Joint Rule No. 1, providing for consideration of Assembly bills in Senate and Senate bills in Assembly.

The resolution was read.

## ASSEMBLY CONCURRENT RESOLUTION NO. 23.

*Resolved by the Assembly, the Senate concurring.* That the following Special Joint Rule be adopted:

Special Joint Rule No. 1—That the Assembly shall consider the special file of Senate bills and the Senate shall consider the special file of Assembly bills during the remainder of the session, from two o'clock to four o'clock and thirty minutes P. M. of each day, beginning Monday, February 27, 1905.

## CONCURRENT RESOLUTION AS TO CONSIDERATION OF BILLS.

Mr. McCartney moved the adoption of Assembly Concurrent Resolution No. 23.

Upon being put to vote the motion was carried, and Assembly Concurrent Resolution No. 23 was declared adopted.

On motion of Mr. McCartney, the resolution was ordered transmitted immediately to the Senate.

*Resolved,* That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereto, be complied with, and that Assemblyman Treadwell be and is hereby permitted to introduce Assembly Bill No. 1160, and Assemblyman Transue Assembly Bill No. 1162, and Assemblyman Anthony Assembly Bill No. 1161, and Assemblyman McCartney Assembly Concurrent Resolution No. 23.

## INTRODUCTION OF BILLS—(RESUMED).

Bills were introduced, as follows:

By Mr. Treadwell: Assembly Bill No. 1160—An Act to amend Section 2153a of the Political Code of the State of California, relating to the employment of women as physicians in State hospitals for the care and treatment of the insane, and in the California Home for the Care and Training of Feeble-Minded Children at Eldridge, Sonoma County.

Read first time.

Mr. Treadwell moved that Assembly Bill No. 1160 be placed on the second-reading file without reference to a committee, as this bill covered typographical defect in a similar bill which had been passed by the present Legislature.

Motion carried.

By Mr. Anthony: Assembly Bill No. 1161—An Act to amend the Political Code by adding thereto a new section, to be numbered 422, relating to outside watchmen employed at State hospitals, and providing for their appointment and salaries.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Committee on Building and Loan Associations: Assembly Bill No. 1162 (Substitute for Assembly Bills Nos. 75, 549, and 868)—An Act to repeal Title XVI of Part IV of Division I of the Civil Code of the State of California, and each and every part and section of said title, and to enact and substitute a new Title XVI to take the place thereof in said Code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.

Read first time.

Mr. Transue moved that Assembly Bill No. 1162 be sent to the printer, with a rush order, and placed on the second-reading file.

So ordered.

## SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 364—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in certain cases.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Burge, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Drew, Ells, Gans, Gates, Hartman, Held, Johnson, Johnstone, Jury, King, Lucey, Lumley, Lynch, McGowan, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

## EXCUSED FOR THE DAY.

On motion of Mr. Drew, Mr. Hawkins was excused for the day, on account of illness.

## PRIVILEGES OF THE FLOOR EXTENDED.

On motion of Mr. Dorsey, the privileges of the floor were extended to Hon. G. R. Stewart, an ex-member of the Assembly.

Senate Bill No. 223—An Act to provide for the completion of certain buildings at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor:

Read second time.

## MOTION.

Mr. Cromwell moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 223.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Senate Bill No. 223 was considered in Committee of the Whole.

Mr. Cromwell moved that the Committee of the Whole rise and report back Senate Bill No. 223, with a recommendation that it do pass.

So ordered.

## IN ASSEMBLY.

Speaker Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 223—An Act to provide for the completion of certain buildings at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor—and do now report the same back, and recommend that the same do pass

PRESCOTT, Chairman.

Report adopted.

Senate Bill No. 223 ordered to third reading on special Senate file.

Senate Bill No. 226—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Passed on file.

Senate Bill No. 229—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out the number "6500," on line 1, Section 1, first page printed bill, and insert in lieu thereof the figures "5000."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the numbers "2500," on line 1, Section 3, first page printed bill, and inserting in lieu thereof the figures "1000."

Amendment adopted.

## MOTION.

Mr. Cromwell moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 229.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Senate Bill No. 229 was considered in Committee of the Whole.

Mr. Cromwell moved that the committee rise and report back Senate Bill No. 229, with a recommendation that it do pass as amended.

So ordered.

## IN ASSEMBLY.

Speaker Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 229—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor—and do now report the same back, with amendments, and recommend that the same do pass as amended.

PRESCOTT, Chairman.

Report adopted.

Senate Bill No. 229 ordered to print and on file for final passage.

Senate Bill No. 189—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Passed on file.

Senate Bill No. 402—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation thereof.

Read third time.

## SELECT COMMITTEE AMENDMENT.

Mr. McGowan moved that a select committee of one be appointed to amend Senate Bill No. 402, as follows:

Amend by striking out of line 24, Section 10, on page 4 of the printed bill, the words "completed the course in a high school," and insert in the place and stead thereof the words "substantially completed the course in a grammar school."

Motion carried and amendment adopted.

Mr. McGowan was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 402—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation thereof—with instructions, does now report that the instructions of the Assembly have been carried out.

McGOWAN, Committee.

The report of the select committee of one was adopted.

Senate Bill No. 402 ordered to reprint, and on file for final passage.

Senate Bill No. 519—An Act to provide one additional judge of the Superior Court of the County of San Joaquin, State of California, for the manner of his appointment, and for his compensation.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Burge, Burke, Busick, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, Johnson, Jones of San Francisco, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Stanton, Strohbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—58.

NOES—Messrs. Chandler and Drew—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 26—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Drew, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, Johnson, Jury, Lumley, McCartney, McGowan, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Weyand, Whiting, Wickersham, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 405—An Act to amend Section 3650 of the Political Code of the State of California, relating to how the assessor must prepare an assessment book, and list therein all property within the county.

Passed on file.

Senate Bill No. 415—An Act to add a new section to the Civil Code of the State of California, to be numbered 328, relating to lost or destroyed certificates of stock or of shares in a corporation.

Passed on file.

#### SENATE MESSAGES TAKEN UP.

Mr. Atkinson moved to take up Senate messages.

Motion carried.

The following message from the Senate was read:

SENATE CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Also: Assembly Bill No. 302—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 377a, making it a misdemeanor to violate, or refuse, or neglect to conform to the rules, orders, and regulations of the State Board of Health respecting the quarantine, disinfection, or isolation of persons, animals, things, or places, or the prevention or abatement of contagious or infectious diseases.

Also: Assembly Bill No. 187—An Act to amend an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by amending the second section thereof.

Also: Assembly Bill No. 602—An Act to amend Sections 1817, 1818, and 1820 of the Political Code, all relating to county, and city and county school tax.



Also: Assembly Bill No. 189—An Act to re-establish and further perpetuate United States Government section corners where formerly established by a Government surveyor, perpetuating the same, and providing for the expense thereof.

Also: Assembly Bill No. 339—An Act to amend Sections 2978, 2979, and 2982 and to repeal Section 2983 of the Political Code of the State of California, relating to the State Board of Health.

Also: Assembly Bill No. 360—An Act regulating the grading of prisoners in the State Prison at San Quentin, in the State Prison at Folsom, and the Preston School of Industry at Lone.

Also: Assembly Bill No. 93—An Act making an appropriation to pay the judgment of J. R. Hanify against the State of California for damage sustained by the breakage of Fremont street wharf in the City and County of San Francisco.

Also: Assembly Bill No. 542—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeal.

And respectfully ask your concurrence in same.

LEWIS A. HILBORN, Secretary of Senate.

#### ASSEMBLY BILL No. 472 MADE SPECIAL ORDER

Mr. Walsh moved to take up Assembly Bill No. 472 for the purpose of concurring in the Senate amendments.

Mr. Cromwell moved to defer action until the printed bill as amended in the Senate was on the desk of members.

Mr. King offered a substitute that the consideration of the Senate amendments be made a special order for Tuesday, February 28, 1905, at three o'clock and thirty minutes P. M.

Mr. Walsh moved as an amendment that the consideration of the Senate amendments be made a special order for this evening at eight o'clock P. M.

The amendment to the motion, on being put to vote, was declared carried.

Mr. Espey moved that the amendments be printed in the Journal, and that consideration of the same be made a special order for Tuesday, February 28, 1905, at three o'clock and thirty minutes P. M.

Mr. Walsh moved as a substitute for all the motions and amendments proposed, that the consideration of the Senate amendments be made a special order for Monday, February 27, 1905, at three o'clock and thirty minutes P. M., and that the amendments be printed in the Journal.

Motion carried.

#### SENATE AMENDMENTS TO ASSEMBLY BILL No. 472.

##### AMENDMENT No. 1.

Amend as follows: By striking out of Section 1, page 2, the words contained in lines 27 to 44, both inclusive, and inserting in lieu thereof the following: "No railroad main-track crossing, outside the limits of any incorporated town, city, or city and county, shall be at grade, unless the party proposing such crossing at grade shall, at its own sole cost and expense, protect such crossing by the construction, operation and maintenance of an interlocking plant, with suitable signals and derails; but either party to such crossing may insist upon a separation of grades, in which case the cost of constructing such crossing with separate grades shall be equally divided between the railroad companies concerned; and provided further, that where any crossing has been constructed at grade, either company may, at any time thereafter, require a separation of the grades at such crossing, each company paying one half of the expense of such separation; and provided further, that the foregoing provisions shall not be construed as requiring a separation of grades where such separation is physically impracticable, and in case of any dispute or controversy as to the physical practicability of any under-grade or overhead crossing, the same shall be determined by the superior court of the county in which such crossing is situated, in an action or proceeding brought by either party for that purpose."

##### AMENDMENT No. 2.

Amend as follows: By inserting in Section 1, line 36, after the word "any," the word "such."

Assembly Bill No. 602—An Act to amend Sections 1817, 1818, and 1820 of the Political Code, relating to county and city and county school tax.

The following Senate amendments were read:

On page 2, Section 1, line 25, strike out the word "eight," preceding the word dollars, and insert in lieu thereof the word "seven."

Also: On same page and section, in line 27 of the printed bill, strike out the word "eight," preceding the word dollars, and insert in lieu thereof the word "seven."

Also: On same page, Section 2, lines 5 and 6, after the word "taxes," strike out the words and punctuation "and in addition thereto."

#### SENATE AMENDMENTS CONCURRED IN.

Mr. Atkinson moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 602?"

The roll was called, and the Senate amendments concurred in by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Boyle, Branstetter, Burge, Busick, Chandler, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Held, Houser, Johnson, Jury, Lucey, Lumley, Lynch, McCartney, McGowan, McKenney, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Rolley, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Weyand, Whiting, Wickersham, and Mr. Speaker—55.

**NOES**—None.

Assembly Bill No. 602 ordered to enrollment.

Assembly Bill No. 189—An Act to further perpetuate the markings of the Government survey.

#### SENATE AMENDMENTS.

The following Senate amendments were read:

Strike out the title and insert in lieu thereof the following: "An Act to further perpetuate the markings of government survey."

Also: Strike out Section 1, and insert in lieu thereof the following:

"Section 1. When in the performance of his official duties any county surveyor shall find a government corner which has been marked by any government surveyor by placing charcoal in the ground, or by a wooden stake, earth mound or other perishable monument, it shall be his duty to remark said corner by placing therein a monument of heavily galvanized iron pipe, or galvanized iron stake not less than two inches in diameter, and not less than two feet long, and other monument not less in size and equally imperishable."

Strike out Section 2, and insert in lieu thereof the following:

"Section 2. All such monuments located in public highways shall be placed with the top not less than twelve inches below the surface of the ground, but when not located in public highways, they shall be placed with the top six inches above the surface of the ground. If the top of the monument is placed above the ground, it shall be not less than four feet long if of metal."

Strike out Section 3, and insert in lieu thereof the following:

"Section 3. The surveyor shall note witness objects that are within a reasonable distance of any corner, and stake distance and course from said corner, and record the same in a properly indexed record book kept in the county surveyor's office, which shall be a public record."

Strike out Section 4, and insert in lieu thereof the following:

"Section 4. All boards of supervisors are required to furnish all necessary pipes or stakes for monuments for their respective counties without cost, on demand."

#### SENATE AMENDMENTS CONCURRED IN.

Mr. Chandler moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 189?"

The roll was called, and the Senate amendments concurred in by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Boyle, Branstetter, Chandler, Coghlan, Cooper, Creighton, Cromwell, Cullen, Dorsey,

Drew, Ells, Espey, Estudillo, Gates, Goodrich, Hartman, Held, Houser, Jury, Lucey, Lumley, Lynch, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Stanton, Strobbridge, Thompson, Transue, Treadwell, Vogel, Weyand, Whiting, and Mr. Speaker—47.  
 NAYS—None.

Assembly Bill No. 189 was ordered to enrollment.

Assembly Bill No. 360—An Act regulating the grading of prisoners in the State Prison at San Quentin, in the State Prison at Folsom, and the Preston School of Industry at Ione.

#### SENATE AMENDMENT.

The following Senate amendment was read:

In the enacting clause strike out after the word "in" the word "the."

#### SENATE AMENDMENT CONCURRED IN.

Mr. McKenney moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 360?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Chandler, Coyle, Creighton, Cromwell, Cullen, Ells, Gans, Gates, Goodrich, Hartman, Held, Houser, Jones of San Francisco, Jury, Lucey, Lumley, Lynch, McCartney, McGowan, McKenney, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Weyand, Whiting, and Mr. Speaker—46.  
 NAYS—None.

Assembly Bill No. 360 ordered to enrollment.

Assembly Bill No. 93—An Act making an appropriation to pay the judgment of J. R. Hanify against the State of California for damage sustained by the breakage of Fremont street wharf in the City and County of San Francisco.

#### SENATE AMENDMENTS.

The following Senate amendments were read:

##### AMENDMENT No. 1.

On page 1, Section 1, line 2, strike out the word "one."

##### AMENDMENT No. 2.

On page 1, Section 1, line 2, strike out the figures "260.71," and insert in lieu thereof the figures "260.70."

##### AMENDMENT No. 3.

On page 1, Section 2, line 3, strike out the word "one."

##### AMENDMENT No. 4.

On page 2, Section 2, line 4, strike out the figures "260.71" and insert in lieu thereof the figures "260.70."

#### SENATE AMENDMENTS CONCURRED IN.

Mr. Treadwell moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 93?"

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burke, Chandler, Coghlan, Coyle, Creighton, Cromwell,

Cullen, Drew, Ells, Espey, Gans, Gates, Goodrich, Hartman, Held, Houser, Johnson, Johnstone, Jury, King, Lucey, Lynch, McCartney, McGowan, McKenney, Moore, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Whiting, Wickersham, and Mr. Speaker—52.

NOES—None.

Assembly Bill No. 93 ordered to enrollment.

Assembly Bills Nos. 302, 187, and 339 ordered to unfinished business for consideration of Senate amendments.

#### SENATE MESSAGE.

The following message from the Senate was read:

SENATE CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 111—An Act to provide for the registration of bonds issued by common school, high school, or union high school districts.

Also: Assembly Bill No. 412—An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by county boards of education.

Also: Assembly Bill No. 282—An Act making an appropriation to pay the salary of the secretary of the State Text-Book Committee.

Also: Assembly Bill No. 638—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Also: Assembly Bill No. 741—An Act to amend Section 593 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how corporations for purposes other than profit are formed.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 111, 412, 282, 638, and 741 ordered to enrollment.

#### REPORT OF STANDING COMMITTEE.

The Committee on Engrossment and Enrollment submitted the following report, which was read:

#### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 773—An Act to amend Section 3916 of the Political Code of the State of California, relating to the boundary line of the County of Colusa.

Assembly Bill No. 774—An Act to establish a new section to the Political Code of the State of California, relating to the boundary line of the County of Glenn, State of California, said new section to be known and numbered as Section 3959 of the Political Code.

Assembly Bill No. 861—An Act to permit of the compensation of prisoners in any of the State prisons or of the Preston School of Industry.

Assembly Bill No. 975—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code, to be numbered 1588, making it unlawful for the State Board of Prison Directors or the State prison authorities at Folsom, or any other State penal institution in the State of California, to engage or employ any person confined or employed in any penal institution in said State, in the manufacturing, cutting, or dressing any curbing or crosswalk material for street or sidewalk purposes, monuments, headstones, coping, posts, or steps suitable for use, or to be used in cemetery work, cut granite for building purposes, and dimension stone for cemetery or building work, except such cut and dimension stone as may be used in State prison buildings and walls, cut stone for arches in bridges and culverts, for use on State highways, county or district roads," which became a law under constitutional provision without the Governor's approval, March 12, 1901.

Assembly Bill No. 974—An Act to amend an Act entitled "An Act to add a new section to the Penal Code, to be known and numbered as 679a, regulating and limiting the sale of convict-made articles and providing a penalty for the violation of the same," which became a law under constitutional provision without the Governor's approval March 16, 1901.

Assembly Bill No. 367—An Act directing the use of the Bertillon signalistic system for the identification of criminals in the State prisons, Preston School of Industry, county jails of the State of California, providing for the keeping of a record of the same and for the exchanging of such records with other States and Territories of the United States and foreign countries.

Assembly Bill No. 322—An Act to amend an Act entitled "An Act to establish the

fees of county, township, and other officers, and of jurors and witnesses, in this State," approved March 28, 1895, by amending the provisions thereof relative to jurors' fees.

Assembly Bill No 939—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered and designated Section 616a, relating to the granting of licenses to persons to act as agents to procure, in certain cases, policies of insurance from persons not authorized to transact insurance business in this State, regulating the proceedings for procuring the same, fixing fees and percentages upon premiums and providing penalties for the violation thereof.

Assembly Bill No 895—An Act to add a new section to the Code of Civil Procedure, the said section to be designated 1166a, relating to actions for obtaining possession of real property upon default in payment of rent, to the manner in which tenants may be ejected, and providing a summary proceeding therefor.

Assembly Bill No. 324—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Section 12 and repealing Section 13 thereof.

Assembly Bill No. 971—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 12 and 13.

Assembly Bill No 970—An Act to compel corporations having their stocks and bonds listed to file statements with the Secretary of State.

Assembly Bill No. 935—An Act to add a new section to the Penal Code, to be numbered Section 499b, relating to the unauthorized taking for temporary use or operation of automobiles, bicycles, motorcycles, and other vehicles.

Assembly Bill No. 372—An Act to amend Section 382 of the Penal Code, relative to adulteration of foods and liquids.

Assembly Bill No 528—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, providing penalties for the violation hereof.

Assembly Bill No 244—An Act to provide for the formation and government of mosquito-extermimating districts, and for the levy, collection, custody, and disbursement of taxes therein.

Assembly Bill No. 632—An Act to classify the roads in the State of California, and to define each class.

Assembly Bill No. 257—An Act to provide for the levying of a tax for promotion purposes in certain counties of the State.

Assembly Bill No 992—An Act to amend an Act entitled "An Act to confer certain powers upon the directors of the Deaf, Dumb, and Blind Asylum," approved April 1, 1876, by changing the name of such asylum.

Assembly Bill No. 998—An Act to add a new section to the Political Code, to be known and numbered as Section 2238, and to amend Section 2237 of the Political Code, all relating to the Deaf, Dumb, and Blind Asylum at Berkeley.

Assembly Bill No 290—An Act making an appropriation to pay a deficiency in the appropriation for support of the Industrial Home of Mechanical Trades for the Adult Blind for the fifty-fifth and fifty-sixth fiscal years.

Assembly Bill No 796—An Act to add a new section to the Political Code of the State of California, to be known as Section 4088, providing for a contingent expense fund for the use of district attorneys.

Assembly Bill No 795—An Act to amend Section 220 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the time of payment of the salaries of officers.

Assembly Bill No 952—An Act to amend Section 374 of the Penal Code of the State of California, relating to public health.

Assembly Bill No. 573—An Act regulating the furnishing to shippers of crude and fuel petroleum tank cars for the carriage of such shipments.

Assembly Bill No. 7—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

DEVLIN, Chairman.

Assembly Bills Nos. 773, 774, 861, 975, 974, 367, 822, 939, 895, 324, 971, 970, 915, 372, 528, 244, 632, 257, 992, 993, 290, 796, 795, 952, 573, and 7 ordered on third-reading file.

## SENATE MESSAGE.

The following message from the Senate was read:

SENATE CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Constitutional Amendment No. 38—To propose to the people of the State of California an amendment to Article XI of the Constitution, to be numbered Section 16½, providing for the deposit of State, county, and municipal funds in National and State banks.

Also: Passed Senate Bill No. 600—An Act to regulate the operation of motor vehicles on public highways

Also: Senate Bill No. 59—An Act to amend an Act entitled "An Act to authorize the appointment of an interpreter of the Italian language and dialects, in criminal proceedings in cities, and cities and counties, of one hundred thousand inhabitants," and to make said Act applicable to the counties of the second class of this State.

Also: Assembly Bill No. 361—An Act regulating the commitment of criminals to the State Prison at San Quentin and the State Prison at Folsom.

Also: Assembly Bill No. 285—An Act making an appropriation to pay a deficiency in the appropriation for postage, expressage, telegraphing and contingent expenses of the Attorney-General's office for the fifty-fifth fiscal year.

Also: Assembly Bill No. 284—An Act making an appropriation to pay a deficiency in the appropriation for the preservation, protection, and improvement of the Monterey Custom House property.

Also: Assembly Bill No. 531—An Act to amend an Act entitled "An Act to provide for the compilation, printing, binding, publishing and distributing of a Legislative Manual and State Blue Book, or Roster, and repealing conflicting Acts," approved February 13, 1903.

Also: Assembly Bill No. 243—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend Section 6 of an Act entitled "An Act concerning the water-front of the City and County of San Francisco," approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880," approved March 19, 1889, conferring further powers upon the said board,' approved March 26, 1895," approved March 23, 1901

Also: Assembly Bill No. 296—An Act to authorize and empower the Board of State Harbor Commissioners to pay for advertising the San Francisco Seawall Act.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Constitutional Amendment No. 38 ordered on special Senate file.

Senate Bill No. 600 read first time, and ordered on special Senate file.

Senate Bill No. 59 read first time, and ordered on special Senate file.

Assembly Bills Nos. 361, 285, 284, 531, 243, and 296 ordered to enrollment.

## UNFINISHED BUSINESS.

Mr. Stanton moved to take up on the unfinished business file Assembly Bill No. 357 (No. 561 on file) for consideration of Senate amendments.

So ordered.

Assembly Bill No. 357—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof, upon the property benefited thereby.

## SENATE AMENDMENTS.

The following Senate amendments were read:

## AMENDMENT No. 1.

Strike out in the title the word "municipalities" and insert in lieu thereof the words "municipal corporations of the first and one half class"

## AMENDMENT No. 2.

On page 1, Section 1, line 2, strike out the word "municipality," and insert in lieu thereof the words "municipal corporations of the first and one half class."

## AMENDMENT No. 3.

On page 9, Section 18, lines 6 and 7, strike out the words "incorporated city, city and county, or other corporation organized for municipal purposes," and insert in lieu thereof the words "municipal corporation of the first and one half class."

## AMENDMENT No. 4.

On page 9, Section 18, line 10, strike out the word "any" and insert in lieu thereof the word "the"

## SENATE AMENDMENTS NOT CONCURRED IN.

Mr. Stanton moved that the House do not concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 357?"

The roll was called, and the Assembly refused to concur in the Senate amendments by the following vote:

**AYES**—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burke, Chandler, Cooper, Coyle, Creighton, Cullen, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Houser, Johnson, Jury, King, Lynch, McCartney, McGowan, Moore, Olmsted, Perkins, Pfäeffle, Pryor, Pyle, Rolley, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—45

**NOES**—Mr. Busick—1

## SENATE REQUESTED TO RECEDE.

Mr. Stanton moved that Assembly Bill No. 357 be returned to the Senate, with a request that the Senate recede from its amendments to the bill.

Motion carried.

## CONFERENCE COMMITTEE.

The Speaker appointed Messrs. Stanton, Atkinson, and Transue as the conference committee from the Assembly on Assembly Bill No. 357, to act with a Senate committee in the event of the Senate refusing to recede from its amendments.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

Reports from standing committees were submitted (out of order), as follows, and read:

## ON IRRIGATION.

## ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: The undersigned, a majority of your Committee on Irrigation, to whom was referred Assembly Bill No. 685—An Act to establish a California State Irrigation School and Experiment Farm, and appropriating money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ESTUDILLO, Chairman  
JOHNSON  
BURGE  
TREADWELL

Also:

## ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1905.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 278—An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than any city, city or county, therein, etc.—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do not pass as amended.

ESTUDILLO, Chairman

Assembly Bills Nos. 685 and 278 ordered on second-reading file.

## ON CLAIMS.

## ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 48—An Act to pay the claim of E. A. Dulip as administrator of the estate of John P. Dulip, deceased, against the State of California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

SEVERANCE, Chairman.

Senate Bill No. 48 ordered to second reading on the special Senate file.

## ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1134—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities."

Also: Senate Bill No. 555—An Act to amend Section 1 of an Act entitled "An Act to provide for changing the boundaries of cities and municipal corporations, to exclude territory therefrom," approved March 20, 1889. (Stats. 1889, page 433.)

Also: Senate Bill No. 174 (By majority vote)—An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing other conflicting Acts

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

BEARDSLEE, Chairman

Assembly Bill No. 1134 ordered on second-reading file.

Senate Bills Nos. 555 and 174 ordered to second reading on special Senate file.

## ON STATE LIBRARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: Your Committee on State Library, to whom was referred Senate Bill No. 445—An Act to amend Sections 4 and 6 of an Act entitled "An Act to provide for the maintenance of public libraries within municipalities," approved March 23, 1901—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

LYNCH, Chairman.

Senate Bill No. 445 ordered to second reading on special Senate file.

## ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 898—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the several Acts amendatory thereof and supplemental thereto.

Also: Assembly Bill No. 929—An Act to amend an Act entitled "An Act to amend Section 36 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901, relating to counties of the thirty-second class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the county surveyor," approved March 19, 1903, and in this Act relating to the compensation of the county recorder, auditor, treasurer, county surveyor, county clerk, district attorney, and members of the board of supervisors

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

BURKE, Chairman.

Assembly Bills Nos. 898 and 929 ordered on second-reading file.

## ON BUILDING AND LOAN ASSOCIATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: Your Committee on Building and Loan Associations, to whom was referred Assembly Bill No. 75—An Act to amend Title XVI of Part IV of Division I of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI, to take the place thereof in said Code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.

Also: Assembly Bill No. 549—An Act requiring building and loan associations, companies, or corporations, to annually distribute among their stockholders printed copies of their annual reports

Also: Assembly Bill No. 868—An Act to add a new section to the Civil Code, to be numbered 636a, relating to voluntary withdrawals of stockholders, members, or investors from land or building corporations, also called building and loan associations.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass, a committee substitute having been introduced.

TRANSUE, Chairman

Assembly Bills Nos. 75, 549, and 868 ordered on second-reading file.



## CONCURRENT RESOLUTION MADE SPECIAL ORDER.

Mr. Goodrich moved that Assembly Concurrent Resolution No. 8 be made a special order for to-morrow, Saturday, after the reading of the Journal.

Motion carried.

## BILL WITHDRAWN.

Mr. Atkinson requested, and was granted, leave to withdraw Assembly Bill No. 971.

## THIRD-READING FILE.

Mr. McCartney was granted leave to call up Assembly Bill No. 404 (No. 560 on third-reading file), for the purpose of amendment.

Assembly Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 61 of said Act, relating to county officers.

## SELECT COMMITTEE AMENDMENTS.

Mr. McCartney moved that a select committee of one be appointed to amend Assembly Bill No. 404, as follows:

## AMENDMENT No. 1

In line 5 of the printed bill, after the word "officers" insert as follows: "except the coroner and public administrator."

## AMENDMENT No. 2.

In line 6 of the printed bill after the word "house," insert the following: "or in such other building or place as may be provided for such purpose by the board of supervisors."

## AMENDMENT No. 3.

In line 13, after the word "state," strike out the period (.) and insert a comma (,) and insert the following: "provided, however, that when an officer is absent from his office in the transaction of official business, it shall not be deemed an absence from his office."

Motion carried.

Amendments adopted.

Mr. McCartney was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

## ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 61 of said Act, relating to county officers—with instructions, does now report that the instructions of the Assembly have been carried out

McCartney, Committee.

Report adopted.

Assembly Bill No. 404 ordered to reprint, reengrossment, and on file for passage.

## SPECIAL FILE—(RESUMED).

Assembly Bill No. 697—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.

Passed on file.

Assembly Bill No. 618—An Act to authorize the appointment of an interpreter of the Spanish language in counties of the first and one half class.

Passed on file.

Assembly Bill No. 842—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the powers of boards of supervisors.  
Passed on file.

BILL TAKEN UP OUT OF ORDER.

Mr. Pryor, on motion of Mr. Treadwell, was granted leave to call up Assembly Bill No. 161 (No. 170 on file)—An Act to appropriate \$2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burke, Busick, Chandler, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Ells, Gans, Gates, Goodrich, Hartman, Held, Houser, John, Johnson, Johnstone, Jury, King, Lynch, McCartney, McGowan, McKenney, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—55.

NOES—Mr. Estudillo—1.

Title read and approved.

Bill ordered transmitted to the Senate.

TIME FOR RECESS EXTENDED.

At four o'clock and twenty-five minutes P. M., on motion of Mr. Waste, the time for recess was extended until five o'clock P. M.

SPECIAL FILE—(RESUMED).

Assembly Bill No. 68—An Act making an appropriation of ten thousand (\$10,000) dollars for the establishing at the Lick Observatory of a light and power plant, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burke, Busick, Chandler, Coghlan, Cooper, Coyle, Cromwell, Cullen, Dorsey, Drew, Ells, Estudillo, Gans, Gates, Goodrich, Hartman, Held, John, Johnson, Johnstone, Jury, King, Lumley, Lynch, McCartney, McGowan, McKenney, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strobbridge, Strohl, Thompson, Transue, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—53.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 197—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 25, 1901.

Passed on file.

On motion of Mr. Dorsey, Assembly Bill No. 320 ordered on the special file.

Assembly Bill No. 320—An Act to amend Section 3821 of the Political Code of the State of California, relating to the collection of taxes.

Assembly Bill No. 247—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 25, 1901.

Passed on file.

Assembly Bill No. 198—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto by amending Section 34 of said Act."

Passed on file.

Assembly Bill No. 932—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

Read third time.

#### SELECT COMMITTEE AMENDMENT.

Mr. McKenney moved that a select committee of one be appointed to amend Assembly Bill No. 932, as follows:

On line 54, page 3 of printed bill, amend by striking out the word "five" and changing figures ("65") to "60."

Also: On line 109, page 4 of printed bill, amend by inserting the words "one way" after the word "traveled"

Motion carried.

Amendment adopted.

Mr. McKenney was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 932—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class—with instructions, does now report that the instructions of the Assembly have been carried out.

McKENNEY, Committee.

Report adopted.

Assembly Bill No. 932 ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 832—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 25 of said Act a new subdivision, to be known as Section 6½, and relating to cooperation by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services.

Passed on file.

Assembly Bill No. 997—An Act to amend an Act entitled "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers,

their assistants, deputies, clerks, and employés," approved March 18, 1903; to provide for the appointment and compensation of certain additional assistants, stenographers, and clerks for county officers, in counties of the second class.

Passed on file.

Assembly Constitutional Amendment No. 16—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 14 of Article I, relating to taking or damaging private property for a public use.

Passed on file.

Assembly Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 12 of Article XIII, relating to revenue and taxation.

Passed on file.

Assembly Constitutional Amendment No. 15—A resolution to propose to the people of the State of California a constitutional amendment, relating to recall by electors of elective officials, by adding a new section, to be known as Section 18½ of Article IV to the Constitution of the State of California.

Passed on file.

Assembly Constitutional Amendment No. 6—To propose to the people of the State of California an amendment to the Constitution of the State amending Section 1 of Article IV, providing for the enactment of certain laws by popular vote in State legislation.

Passed on file.

Assembly Constitutional Amendment No. 20—A resolution proposing to the people of the State of California amendments to the Constitution of the State, to wit: a new Article XIII, relating to revenue and taxation, and repealing the present Article XIII of the Constitution of the State, relative to the same subject.

Passed on file.

Assembly Bill No. 716—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, by amending Section 194 thereof, relating to the compensations of officers of counties of the thirty-seventh class.

Read second time.

The following committee amendment was read:

#### COMMITTEE AMENDMENT.

Amend by striking out everything after the enacting clause in printed bill, and insert in lieu thereof the following:

"Section 1. Section one hundred and ninety-four of an Act entitled 'An Act to establish a uniform system of county and township government,' approved April first, eighteen hundred and ninety-seven, and amended March twenty-third, nineteen hundred and one, is hereby amended to read as follows:

"Section 194. In counties of the thirty-seventh class the county officers shall receive as compensation for their services required of them by law, or by virtue of their office, the following salaries, to wit:

"1. The county clerk, twenty-five hundred dollars per annum.

"2. The sheriff, four thousand dollars per annum, and one jailer at a salary of nine hundred dollars per annum.

"3. The recorder, eighteen hundred dollars per annum.

"4. The auditor, fifteen hundred dollars per annum.

"5. The treasurer, fifteen hundred dollars per annum.

"6. The tax collector, two thousand dollars per annum, which shall be in full for all services as tax collector and license collector.

"7. The assessor, fifteen hundred dollars per annum.

"8. The district attorney, eighteen hundred dollars per annum.

"9. The coroner, such fees as are now or may hereafter be provided by law.

"10. The public administrator, such fees as are now or may hereafter be provided by law.

"11. The superintendent of schools, fifteen hundred dollars per annum.

"12. The surveyor, such fees as are now or may hereafter be provided by law.

"13. Each supervisor shall receive for compensation five dollars per day for all services performed as supervisor and member of the board of equalization, not to exceed the sum of four hundred dollars per annum; also, three dollars per day for each day actually engaged in performing the duties of road commissioner, not to exceed three hundred dollars per annum. The supervisors of counties of this class shall be elected from their respective supervisorial districts at the next general election, as follows, to wit: The term of office of the supervisor elected from the first and third supervisorial districts shall expire in two years from such general election, and the term of office of the supervisors elected from the second, fourth, and fifth supervisorial districts shall terminate in four years from such general election.

"14. In counties of this class the township officers shall receive the following compensations, to wit: In townships having a population of four thousand, justices of the peace shall receive a monthly salary of seventy-five dollars, and constables a monthly salary of seventy-five dollars; the above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; they may also retain for their own use all other fees, except those in criminal cases, as are now or may hereafter be provided by law. In townships having a population of less than four thousand, each justice of the peace and each constable shall receive as compensation for his services such fees as are now or may hereafter be provided by law."

Amendment adopted.

Assembly Bill No. 716 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 973—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1895, and the Acts amendatory thereof; relating to compensation of county and township officers of counties of the thirteenth class.

Read second time.

The following committee amendments were read:

AMENDMENT No. 1.

Amend by striking out the comma (,) at the end of line 27, printed bill, and insert in lieu thereof a period (.).

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out on page 2, lines 23, 29, 30, 31, 32, 33, 34, 35, and 36 of printed bill.

Amendment adopted.

Assembly Bill No. 973 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 936—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 207 thereof, relating to the compensation of officers of counties of the fiftieth class.

Read second time.

The following committee amendment was read:

Amend by striking out on page 2, printed bill, lines 47, 48, and 49.

Amendment adopted.

Assembly Bill No. 936 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 937—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending

Section 198 thereof, relating to the compensation of officers of counties of the forty-first class.

Passed on file.

Assembly Bill No. 1037—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897," and amended March 23, 1901, by amending Section 193 thereof, relating to the fees, salaries, and compensation of officers of counties of the thirty-sixth class.

Read second time.

The following committee amendments were read:

AMENDMENT No. 1.

Amend by striking out in line 10, page 1, printed bill, the words "twenty-two hundred," and insert in lieu thereof the words "two thousand."

Amendment lost.

AMENDMENT No. 2.

Amend by striking out in line 12, page 2, printed bill, the words "three thousand," and insert in lieu thereof the words "twenty-seven hundred."

Amendment lost.

Assembly Bill No. 1037 ordered on third-reading file.

Assembly Bill No. 1018—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 203 thereof, relating to the compensation of county and township officers in counties of the forty-sixth class.

Passed on file.

Assembly Bill No. 1080—An Act to provide for the location and construction of a public highway from Grant Park to the Kings River Cañon, a distance of about thirty miles, and making an appropriation for the construction thereof, and providing for a commission to take charge of, locate, and construct said highway.

Read second time.

MOTION.

Mr. Stanton moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 1080.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Assembly Bill No. 1080 was considered in Committee of the Whole.

Mr. Stanton moved that the Committee of the Whole rise and report back Assembly Bill No. 1080, with a recommendation that it do pass.

So ordered.

IN ASSEMBLY.

Speaker Prescott in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1080—An Act to provide for the location and construction of a public highway from Grant Park to the Kings River Cañon, a distance of about thirty miles, and making an appropriation for the construction thereof, and providing for a commission to take charge of, locate and construct said highway—and do now report the same back, and recommend that same do pass.

PRESCOTT, Chairman.

Report adopted.

Assembly Bill No. 1080 ordered to reprint, engrossment, and on file for third reading.

Assembly Bill No. 827—An Act relating to complaints in proceedings to remove or suspend police officers in municipalities.

Passed on file.

RECESS.

At five o'clock P. M., Speaker Hon. Frank C. Prescott declared a recess until eight o'clock P. M.

REASSEMBLED.

The Assembly reconvened at eight o'clock P. M.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

MOTION TO ADJOURN OVER SATURDAY.

Mr. Walsh moved that when the Assembly adjourn this evening it be until Monday, February 27, 1905, at ten o'clock A. M.

Motion carried.

THIRD-READING FILE.

Assembly Bill No. 364—An Act giving to superior judges the right to impose indeterminate sentences, and prescribing the method of imposing the same.

Passed on file.

Assembly Bill No. 325—An Act to amend Sections 2, 3, 5, 7, 10, and 13, and to repeal Section 14, of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burke, Chandler, Cooper, Coyle, Cullen, Duryea, Ellis, Estudillo, Gans, Gates, Hartman, Held, Johnstone, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, O'Brien, Olmsted, Perkins, Pfaffie, Pryor, Pyle, Strobridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Walsh, Whiting, and Wickersham—46.

NOES—None.

C

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF RECONSIDERATION.

Mr. McGowan gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 325 was passed this day.

Assembly Bill No. 598 (substituted by Assembly Bill No. 43)—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 283 and 284 of said Penal Code, relating to the punishment of bigamy.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burke, Chandler, Cooper, Coyle, Cromwell, Cullen, Duryea, Ellis,

80—AAJ

Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Johnson, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Strohl, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Mr. Wickersham—49.

NOES—Messrs. Jones of San Francisco, McGowan, McKenney, and Stanton—4.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 400—An Act to amend the Political Code by adding a new section, to be numbered 642a, relating to the powers and authorities of the Fish Commissioners and their assistants.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burke, Busick, Chandler, Cooper, Coyle, Cromwell, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Houser, John, Johnson, Johnstone, Jury, King, Lumley, Lynch, Manwell, McCartney, McKenney, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, and Wickersham—53

NOES—Mr. Boyle—1

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 261—An Act to amend Section 2924 of the Civil Code, relating to the distinction between mortgages and pledges.

Passed on file.

Assembly Bill No. 704 (substituted by Assembly Bill No. 949)—An Act to amend the Political Code by adding a new section thereto, to be numbered 1033, relating to compensation of State officers.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burke, Busick, Chandler, Cooper, Coyle, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Held, Houser, John, Johnson, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Strobridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, and Whiting—52.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 705 (substituted by Assembly Bill No. 163)—An Act to appropriate \$815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Boyle, Branstetter, Burke, Busick, Coyle, Cullen, Drew, Ellis, Estudillo, Gans, Goodrich, Hartman, Held, Houser, John, Johnson, Johnstone, Jones of San Francisco, Jury, Lucey, Lynch, Manwell, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Strobridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Wickersham—42

NOES—Messrs. Amerige, Beardslee, Cooper, Dorsey, Duryea, Espey, Gates, King, Lumley, McCartney, McGowan, Moore, and O'Brien—13.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 261 (substituted by Assembly Bill No. 679)—An Act fixing the rates of interest and charges on loans upon chattel mortgages



on certain personal property, and prescribing penalties for the violation of the Act.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Houser, John, Johnson, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Wickersham—49.

NOES—Mr. Busick—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 621 (substituted by Assembly Bill No. 843)—An Act to amend Sections 3, 7, and 10 of an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897.

#### MOTION TO RE-REFER ASSEMBLY BILL.

On motion of Mr. Walsh, Assembly Bill No. 843 was re-referred to the select Committee on Insurance and Insurance Laws and retain its place on the file.

Assembly Bill No. 845—An Act to amend an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," relating to the appointment and term of office of the members of said board.

Read third time

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Busick, Cooper, Coyle, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, John, Johnson, Johnstone, Jones of San Francisco, Jury, King, Lumley, Manwell, McGowan, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, and Whiting—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 426—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Read third time.

#### MOTION TO RE-REFER ASSEMBLY BILL.

On motion of Mr. Anthony, Assembly Bill No. 426 was re-referred to a select committee, consisting of the Committee on Election Laws, and to retain its place on the file.

Assembly Bill No. 426 (substituted by Assembly Bill No. 860)—An Act providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Busick, Cooper, Coyle, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Houser, John, Johnson, Johnstone, Jones of San Francisco, Jury, King, Lynch, Manwell, McCartney, McGowan, McKenney,

Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Strobridge, Strohl, Thompson, Transue, Vogel, Walsh, Whiting, and Wickersham—50.  
 NAYS—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 208 (substituted by Assembly Bill No. 965)—An Act to amend Section 437 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, relating to mutual life, health, and accident insurance corporations.

Read third time.

#### SELECT COMMITTEE AMENDMENT.

Mr. Transue moved that a select committee of one be appointed to amend Assembly Bill No. 965, as follows:

Strike out after the word "effect," on line 17, page 1 of printed bill, the "." and add the following: "Nothing in this section shall be deemed to contravene any of the provisions of section four hundred and fifty-one."

Motion carried.

Mr. Transue was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 965, with instructions, does now report that the instructions of the Assembly have been carried out.

TRANSUE, Committee.

Report of select committee adopted.

Assembly Bill No. 965 ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 274 (substituted by Assembly Bill No. 950)—An Act to amend Section 1 of an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burke, Cooper, Coyle, Dorsey, Drew, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, John, Johnson, Johnstone, Jones of San Francisco, Jury, McCartney, McGowan, McKenney, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Whiting, and Wickersham—43.  
 NAYS—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 646 (substituted by Assembly Bill No. 899)—An Act to amend Sections 3909, 3911, 3912, 3913, 3914, 3915, 3916, 3917, 3919, 3920, 3921, 3922, 3925, 3931, 3934, 3938, 3939, 3940, 3941, 3943, 3944, 3945, 3946, 3947, 3948, and 3949, and to repeal Section 3910, of the Political Code, and to add eight new sections thereto, to be numbered 3959, 3960, 3961, 3962, 3963, 3964, 3965, and 3966, all relating to county boundaries.

Assembly Bill No. 646 ordered to retain its place on file.

#### SPECIAL ORDER.

Mr. Amerige moved that Assembly Bill No. 899 be made a special order for Tuesday morning, February 28, 1905, immediately after the reading of the Journal.

Motion carried.

Assembly Bill No. 522 (substituted by Assembly Bill No. 920)—An Act to amend Section 344 of the Code of Civil Procedure of the State of California.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Barnes, Bates, Beardslee, Boyle, Branstetter, Busick, Coyle, Cromwell, Cullen, Dorsey, Drew, Eells, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Houser, John, Johnson, Johnstone, Jones of San Francisco, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strobridge, Strohl, Thompson, Tripp, Vogel, Waste, Whiting, and Wickersham—49.

NOES—Messrs. Anthony, Creighton, Duryea, Held, Lucey, Treadwell, and Walsh—7.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 744—An Act to amend Section 1577 of the Political Code, relating to the formation of school districts.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Eells, Espey, Estudillo, Gans, Gates, Hartman, Held, Houser, John, Johnson, Johnstone, Jury, King, Lumley, Lynch, McCartney, McGowan, McKenney, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strobridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Wickersham—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 788—An Act providing for a method of obtaining plans for public buildings.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Busick, Chandler, Cooper, Coyle, Creighton, Cullen, Drew, Espey, Estudillo, Gans, Gates, Hartman, Held, John, Johnson, Johnstone, Jones of San Francisco, Jury, Lucey, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strohl, Transue, Treadwell, Vogel, Walsh, Waste, Whiting, and Wickersham—44.

NOES—Mr. Lumley—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 558—An Act fixing a bounty on coyote scalps.

Passed on file.

Assembly Bill No. 653 (substituted by Assembly Bill No. 928)—An Act to create a firemen's relief, health, and life insurance, and pension fund in the several counties, cities and counties, cities and towns of the State.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Barnes, Beardslee, Boyle, Branstetter, Busick, Chandler, Coyle, Creighton, Cromwell, Cullen, Drew, Duryea, Estudillo, Gans, Held, John, Johnstone, Jury, Lucey, Lumley, Manwell, McCartney, McGowan, McKenney, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Whiting, and Wickersham—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 689—An Act to amend Section 1233 of the Code of Civil Procedure, relating to eminent domain.

Read third time.

## SELECT COMMITTEE AMENDMENT.

Mr. Duryea moved that a select committee of one be appointed to amend Assembly Bill No. 689, as follows:

Amend by striking out of line 33, Section 2, page 4 of the printed bill, the words "all railroad," and all of lines 34 to 46, both inclusive, same page, and insert in lieu thereof the following:

"No railroad main track crossing outside the limits of any incorporated town, city, or city and county, shall be at grade, unless the party proposing such crossing at grade shall, at its own sole cost and expense, protect such crossing by the construction, operation, and maintenance of an interlocking plant, with suitable signals and derrails; but either party to such crossing may insist upon a separation of grades, in which case the cost of constructing such crossing with separate grades shall be equally divided between the railroad companies concerned; and, *provided further*, that where any such crossing has been constructed at grade, either company may, at any time thereafter, require a separation of the grades at such crossing, each company paying one half of the expenses of such separation; and, *providing further*, that the foregoing provisions shall not be construed as requiring a separation of grades where such separation is physically impracticable, and in case of any dispute or controversy as to the physical practicability of an under-grade or overhead crossing, the same shall be determined by the superior court of the county in which such crossing is situate, in an action or proceeding brought by either party for that purpose."

Motion carried.

Amendment adopted.

Mr. Duryea was appointed such select committee.

## REPORT OF SELECT COMMITTEE OF ONE

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 689, with instructions, does now report that the instructions of the Assembly have been carried out.

DURYEA, Committee.

Report of select committee adopted.

Ordered to reprint, reengrossment, and on file for passage.

Ordered to printer with rush order.

Assembly Bill No. 645—An Act to amend Section 1737 of the Political Code, relating to salaries of superior court judges.

Passed on file.

Assembly Bill No. 635—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 736 of said Act, relative to the salary of Justices of the Supreme Court.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Boyle, Branstetter, Busick, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Hartman, Held, Houser, Johnson, Jury, King, Lucey, Lumley, Lynch, Maxwell, McCartney, McGowan, McKenney, Moore, O'Brien, Pfaffle, Pryor, Pyle, Stanton, Stodbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Wickersham—48.

NOES—Messrs. Johnstone and Perkins—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 110 (substituted by Assembly Bill No. 411)—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered 2370, relating to the duties of factors.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Boyle, Branstetter, Busick, Chandler, Creighton, Cromwell, Cullen, Dorsey, Drew, Duryea, Ells, Espey,

Estudillo, Gans, Hartman, Held, Houser, Johnson, Johnstone, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Whiting, and Wickersham—49.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 344 (substituted by Assembly Bill No. 458)—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California; providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Section 14, and repealing Section 11.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Boyle, Branstetter, Busick, Chandler, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Held, Johnstone, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strobbridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, and Whiting—46.

NOES—None

Title read.

#### AMENDMENT TO TITLE.

Mr. Pyle moved to amend the title, as follows:

Strike out the period after the words and figures "Section 11," in line 10 of the title, and add the following: "thereof, relating to the issuance of temporary licenses."

Motion carried.

Amendment to title adopted.

Ordered to print, and on file for approval of title.

Assembly Bill No. 585 (substituted by Assembly Bill No. 992)—An Act to amend an Act entitled "An Act to confer certain powers upon the directors of the Deaf, Dumb, and Blind Asylum," approved April 1, 1876, by changing the name of such asylum.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Boyle, Branstetter, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Drew, Duryea, Espey, Estudillo, Gans, Held, Johnson, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Whiting, and Wickersham—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 601—An Act to amend Sections 1830, 1831, 1832, 1835, 1836, 1837, and 1839 of the Political Code, relating to district school tax.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Branstetter, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Dorsey, Drew, Espey, Estudillo, Gans, Hartman, Held, Johnson, Jury, King, Lumley, Lynch, Manwell, McGowan,

McKenney, Moore, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, and Whiting—45.  
 Nones—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 153—An Act establishing a bureau of information for the purpose of disseminating knowledge of nature study, agriculture, and related subjects (applicable to conditions in California), to the public schools of the State, to be known as "The Central Bureau of Information," indicating the method of disseminating such knowledge; fixing the location of said bureau; designating and naming the members of the board to control said bureau; indicating the powers of such board, and the time for its first meeting, and appropriating the sum of \$10,000 to pay the expenses of said bureau for the fiscal years 1905 and 1906.

Assembly Bill No. 60—An Act providing for the appointment, by the county superintendent of schools, in counties so desiring, of a supervisor of nature study, agriculture and related subjects, indicating necessary qualifications and duties; and providing for the fixing of his salary and the payment thereof.

Assembly Bill No. 59—An Act to amend Sections 1521, 1665, 1771, and 1775 of the Political Code of the State of California (all relating to public schools and education), by making provisions for the teaching, in the public schools in connection with nature study, the elements of agriculture.

Assembly Bills Nos. 153, 60, and 59 passed on file, and ordered to retain their place, by unanimous consent.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received (out of order) and read:

##### ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: Your Committee on Ways and Means, to whom was referred Senate Bill No. 226—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, with seven amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 550—An Act making an appropriation for the purchase of land adjoining the Napa State Hospital, and for the construction thereon of a dam and storage reservoir.

Also: Assembly Bill No. 595—An Act making an appropriation for the care of the insane suffering from tuberculosis in the State hospitals of California.

Also: Senate Bill No. 378—An Act to appropriate \$7,500 to sink artesian wells, and to develop artesian water on the lands of the Mendocino State Hospital.

Also: Senate Bill No. 508—An Act to appropriate \$40,000 for the purchase of additional land for the use of the Stockton State Hospital.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 257—An Act to provide for the fencing and improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that the same do pass as amended.

Also: Senate Bill No. 223—An Act to provide for the completion of the main building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, with three amendments, and recommend that the same do pass as amended.

Also: Senate Bill No. 225—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor—have had the

same under consideration, and respectfully report the same back, with one amendment, and recommend that the same do pass as amended.

Also: Assembly Bill No. 548—An Act to appropriate \$5,000 for the erection of a dairy building and the purchase of equipment therefor for the Southern California State Hospital—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 547—An Act to provide for the building, equipping, and furnishing of a wing to be used for patients at the Southern California State Hospital, and to make an appropriation for the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 413—An Act to amend Section 1 of an Act entitled "An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled an Act to amend an Act approved February 28, 1887, entitled an Act to amend an Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association,'" approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof, approved March 23, 1893, reducing the amount of such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, or sailor or marine admitted to or residing in said home—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 438—An Act making an appropriation to pay the claim of W. F. Gormley for the funeral and burial of W. L. Cooter—have had the same under consideration, and respectfully report the same back, with four amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 712—An Act to provide for the regulation of fires on, and the protection and management of public and private forest lands, within the State of California, creating a State Board of Forestry, and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, making an appropriation for the purposes of this Act and defining and providing for the punishment of certain offenses for violation of the provisions of this Act—have had the same under consideration and respectfully report the same back, with thirteen amendments, and recommend that the same do pass as amended.

STANTON, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: The undersigned, chairman of your Committee on Ways and Means, to whom was referred Assembly Bill No. 720—An Act to authorize the payment of moneys in the hands of the Governor of the State as commander-in-chief of the military forces of the State, received by him from the United States for payment of amounts due to California United States volunteers of the late war with Spain, under the provisions of an Act of Congress entitled "An Act to reimburse the governors of the States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the volunteer army of the United States in the existing war with Spain," approved July 8, 1898, as amended by an Act of Congress approved March 3, 1899, direct to the heirs of any deceased claimants against said fund without administration—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Judiciary.

Also: Assembly Bill No. 241—An Act making an appropriation for the State Polytechnic School.

Also: Assembly Bill No. 242—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Also: Assembly Bill No. 306—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Assembly Bill No. 307—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Assembly Bill No. 309—An Act to provide for the completion of the main building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Assembly Bill No. 378—An Act to provide for the fencing and improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 474—An Act to appropriate \$7,500 to sink artesian wells, and to develop artesian water on lands of the Mendocino State Hospital.

Have had the same under consideration, and respectfully report the same back, and recommend that the various authors be requested to withdraw the same, as they are identical with Senate bills passed by this committee.

STANTON, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 723—An Act to provide for the survey, location, plans, and estimate of cost of a highway from the northern boundary of the State to the southern boundary of San

Diego County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back with two amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No 80—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and the best methods of preserving the forests thereof, and to make an appropriation for the expenses of such investigation—have had the same under consideration, and respectfully report the same back, with five amendments, and recommend that the same do pass as amended.

Also: Senate Bill No 148—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with four amendments, and recommend that the same do pass as amended.

Also: Senate Bill No 138—An Act making an appropriation for the California Polytechnic School—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that the same do pass as amended.

STANTON, Chairman.

Senate Bills Nos. 226, 378, 508, 257, 228, 225, 148, and 133 ordered on special Senate file.

Assembly Bills Nos. 595, 550, 548, 547, 413, 438, 712, 723, and 80 ordered on file for second reading.

Assembly Bill No. 729 ordered referred to Committee on Judiciary.

The following minority reports from the Committee on Ways and Means were read:

#### ON WAYS AND MEANS—MINORITY REPORTS

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: The undersigned, a minority of your Committee on Ways and Means, to whom was referred Assembly Bill No 520—An Act to appropriate money to protect the banks of Eel River from erosion by means of riprap and jetty work along the banks thereof—have had the same under consideration, and respectfully report the same, and recommend that it do not pass

JONES, F. C.  
ESPEY

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: The undersigned, a minority of your Committee on Ways and Means, to whom was referred Assembly Bill No. 723—An Act to provide for the survey, location, plans and estimate of cost of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

JONES, F. C.  
ESPEY.

#### ON UNIVERSITIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: Your Committee on Universities, to whom was referred Assembly Bill No. 1136—An Act providing for the establishment and maintenance of a pathological laboratory for the investigation of plant diseases and cultural conditions—have had the same under consideration, and respectfully report the same back, with a committee substitute, and recommend that the substitute do pass, and that Assembly Bill No 1136 be withdrawn by the author

WASTE, Chairman

#### REQUEST FOR PERMISSION TO INTRODUCE A BILL

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: We ask permission to introduce the accompanying bill, the title of which reads as follows: "An Act providing for the establishment and maintenance of a pathological laboratory, for the investigation of tree and plant diseases and pests, and branch Agricultural Experiment Station, and making an appropriation therefor," said bill to be a committee substitute for Assembly Bill No. 1136 (Amerige).

COMMITTEE ON UNIVERSITIES.  
WASTE, Chairman

Substitute bill from the Committee on Universities was referred to the Committee on Introduction and Reference of Bills.

Assembly Bill No. 1136 ordered on second-reading file.



## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 888—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered and known as Section 586—reports the same back with one amendment, and with the recommendation that it do pass as amended.

Also: Senate Bill No. 113—An Act to amend Section 849 of the Code of Civil Procedure, relating to service of summons issued out of justices' courts—reports the same back with the recommendation that it do pass.

Also: Senate Bill No. 238—An Act to amend Sections 270 and 271 of the Penal Code of the State of California, relating to the abandonment and neglect of children—reports the same back with the recommendation that it do pass.

Also: Senate Bill No. 311—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered 2370, relating to the duties of factors—reports the same back with the recommendation that it do pass.

Also: Senate Bill No. 369—An Act to amend Section 948 of the Code of Civil Procedure of the State of California—reports the same back with three amendments, and with the recommendation that it do pass as amended.

Assembly Bill No. 888 ordered on file for second reading.

Senate Bills No. 113, 238, 311, and 369 ordered on special Senate file.

## ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 989—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to county officers, and their compensation in counties of the fourteenth class—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 1150—An Act entitled an Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 184 thereof, relating to the compensation of the recorder and of the auditor in counties of the twenty-seventh class—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

BURKE, Chairman.

Assembly Bills No. 989 and 1150 ordered on file for second reading.

## ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 1126—An Act to amend Section 1816 of the Code of Civil Procedure, relating to the fees and allowances of executors, administrators, and their attorneys—have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

DREW, Chairman.

Assembly Bill No. 1126 ordered on file for second reading.

Assembly Bill No. 23 (substituted by Assembly Bill No. 676)—An Act providing pay for holidays for employes of the State of California, or of any political subdivision thereof.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Boyle, Branstetter, Busick, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Held, Johnson, Jones of San Francisco, Jury, King, Lucey, Lumley, Manwell, McCartney, McGowan, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Stanton, Strobbridge, Strohl, Transue, Treadwell, Vogel, Waste, Whiting, and Wickersham—45.

NOES—Messrs. Cooper and Lynch—2.

Title read and approved.

Bill ordered transmitted to the Senate.

## TIME FOR ADJOURNMENT EXTENDED.

At ten o'clock and fifty-five minutes p. m. Mr. McCartney moved that the time for adjournment be extended for half an hour.

Motion carried.

Assembly Bill No. 557 (substituted by Assembly Bill No. 830)—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 537 and 538 thereof, relating to the cases in which a writ of attachment shall issue, and to the contents of affidavit for attachment.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Atkinson, Bates, Beardslee, Boyle, Branstetter, Busck, Chandler, Cooper, Coyle, Creighton, Cromwell, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Held, Johnson, Jury, King, Lucev, Lynch, McKenney, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Strobridge, Strohl, Thompson, Vogel, Walsh, Waste, Whiting, and Wickersham—42.

NOES—Mr McGowan—1.

Title read and approved.

Bill ordered transmitted to the Senate.

## LEAVE OF ABSENCE GRANTED.

Mr. Espey was granted leave of absence for Monday, February 27, 1905.

## MESSAGE FROM SENATE.

On motion of Mr. Cromwell, the following Senate message was taken up and read:

SENATE CHAMBER, SACRAMENTO, February 24, 1905.

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 676—An Act to pay the claim of S. P. Maslin against the State of California.

Also: Senate Bill No. 547—An Act relating to revenue and taxation, providing for a license tax upon corporations.

Also: Senate Bill No. 741—An Act to amend Section 622a of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to taxation of insurance companies.

Also: Senate Bill No. 231—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class.

Also. Adopted Senate Concurrent Resolution No. 15—Approving eleven certain amendments to the charter of the City of Fresno.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary

Senate Bill No. 676 read first time, and referred to Committee on Claims.

Senate Bill No. 547 read first time, and referred to Committee on Revenue and Taxation

Senate Bill No. 741 read first time.

Mr. Waste moved that Senate Bill No. 741 be placed on Senate special file without reference to a committee.

Motion carried, and such was the order.

## SENATE CONCURRENT RESOLUTION No. 15.

Approving eleven certain amendments of the charter of the City of Fresno, County of Fresno, State of California, voted for and ratified by the electors of said City of Fresno, at a special election held therein for that purpose, on the thirteenth day of February, 1905.

WHEREAS, The City of Fresno, in the County of Fresno, State of California, contains a population of over ten thousand inhabitants and has been ever since the first day of July, 1901, and is now organized and acting under a freeholders'

charter adopted under and by virtue of Section eight of Article eleven of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the tenth day of April, 1899, and approved by the Legislature of the State of California on the twenty-eighth day of January, 1901 (Stats. 1901, page 832) and which charter has never been amended; and,

WHEREAS, The legislative authority of said city, namely the Mayor and Board of Trustees thereof, duly proposed to the qualified electors of the City of Fresno eleven certain amendments to the charter of said city by passage and approval of the eleven following ordinances of said city, to wit: Ordinance No. 463, entitled, "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of the said city by amending Sections 10, 12, 13, 16, 17, 19, 20, 21 and 23, and by repealing Section 27 thereof, and by renumbering Section 28 thereof, so that it shall be numbered and known as Section 27, and amending the same, and by adding a new section thereto, to be numbered and known as Section 28, all relating to the legislative department and powers of the government of said city, and to be known and designated as Charter Amendment Number One (1)," passed on the 9th day of November, 1904, and approved the 10th day of November, 1904.

Ordinance No. 464, entitled: "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of the said city by amending Sections 33, 37, 38, 42, 44 and 45 thereof, and by repealing Section 49 thereof, and by amending Sections 50, 51, 52, 53, 54, 55 and 56 thereof; all relating to the executive department of the government of said city, and the powers and duties of the executive officers thereof, and to be known and designated as Charter Amendment Number Two (2)," passed on the 9th day of November, 1904, and approved on the 10th day of November, 1904.

Ordinance No. 465, entitled: "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of the said city by amending Article V thereof by amending the title thereof and by amending Sections 80, 82, 86 and 87 of said charter, included therein, and by amending Article VI thereof by amending Sections 90, 91, 93, 94 and 96, and by repealing Section 92 thereof, and by adding thereto a new section to be numbered and known as Section 101 of said charter, all included in said Article VI; all relating to public works, including the acquisition of public utilities, and to be known and designated as Charter Amendment Number Three (3)," passed on the 9th day of November, 1904, and approved on the 10th day of November, 1904.

Ordinance No. 466, entitled: "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of said city by amending Article VI thereof by repealing Sections 95 and 97, and by amending Article VII thereof by adding a new section thereto to be numbered and known as Section 112 of said charter, and by amending Section 110 thereof, and by amending Article VIII of said charter by amending Section 120, included therein, and by adding thereto two new sections, to be numbered and known as Sections 121 and 122, respectively, and by transferring and adding to said Article VIII Section 98 of the charter and renumbering the same so that it shall be numbered and known as Section 123 of said charter, and by transferring and adding to said Article VIII Sections 99 and 100 of the charter, and renumbering the same so that they shall be numbered and known as Section 124 and 125, respectively, and otherwise amending the same; all relating to the powers and duties of the board of trustees and other officers in the matter of the finances of the city, including tax levies and bonded indebtedness, to be known and designated as Charter Amendment Number Four (4)," passed the 9th day of November, 1904, and approved the 10th day of November, 1904.

Ordinance No. 467, entitled: "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of the said city by amending Article IX thereof by amending Section 130, and by repealing Sections 131, 132, 133, 134, 135, 136, 137, 138, 139 and 140 of said charter, all included in said Article IX, and by adding two new sections to said article, to be numbered and known as Sections 131 and 132 of said charter; all relating to the Board of Education of said city, and to be known and designated as Charter Amendment Number Five (5)," passed the 9th day of November, 1904, and approved the 10th day of November, 1904.

Ordinance No. 468, entitled: "An ordinance describing and setting forth proposals of the City of Fresno, State of California, to amend the charter of the said city by amending Article X thereof by amending Sections 160, 169 and 174 of said charter, and by adding to said Article X five new sections to be numbered and known as Sections 175, 176, 177, 178 and 179 of said charter; all relating to the Health Department of the government of said city, to be known and designated as Charter Amendment Number Six (6)," passed the 9th day of November, 1904, and approved the 10th day of November, 1904.

Ordinance No. 469, entitled: "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of said city by adding a new chapter to Article XI thereof, to be called

'Chapter II,' and entitled 'Public Parks,' containing ten new sections to be numbered and known as Sections 190, 191, 192, 193, 194, 195, 196, 197, 198 and 199 of said charter, all relating to the public parks and park commissioners of said city, to be known and designated as Charter Amendment Number Seven (7)," passed the 9th day of November, 1904, and approved the 10th day of November, 1904.

Ordinance No. 470, entitled: "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of said city by amending Sections 220 and 221 of Article XIV, relating to salaries of officers, to be known and designated as Charter Amendment Number Eight (8)," passed the 9th day of November, 1904, and approved the 10th day of November, 1904.

Ordinance No. 471, entitled: "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of the said city by amending Article XI of the charter by adding to the words "Article XI" the words "Chapter 1" and by amending Section 180, included in said article; by amending the title of Article XIII of the charter, and by adding to the charter, under said Article XIII, a new section to be numbered and known as Section 212; by amending Sections 210 and 211, and by repealing Section 212 of the charter; by amending Sections 230 and 233 of the charter, and by adding to the charter a new section, under Article XV thereof, to be numbered and known as Section 244, and by amending Article XVI of said charter by amending Sections 250, 252, 253, and 267 of the charter, by repealing Section 254 and by repealing Section 269 and adding a new section to be numbered 269, and by adding a new section to be numbered 281; all on the subject of certain officers of the city, and relating to their qualifications, deputies, duties, compensation, official bonds, and terms of office, to be known and designated as Charter Amendment Number Nine (9)," passed the 9th day of November, 1904, and approved the 10th day of November, 1904.

Ordinance No. 472, entitled: "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of said city by amending Article XVI by adding a new section thereto to be numbered 282, relating to removal from office of any elective officer by election had upon petition; to be known and designated as Charter Amendment Number Ten (10)," passed the 9th day of November, 1904, and approved the 10th day of November, 1904.

Ordinance No. 473, entitled: "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of said city by amending Section 205 relating to elections, and to be known and designated as Charter Amendment Number Eleven (11)," passed the 5th day of December, 1904, and approved the 5th day of December, 1904; and.

WHEREAS, Said eleven ordinances aforementioned containing said eleven proposed amendments to said charter were, in accordance with the provisions of section eight of Article eleven of the Constitution of the State of California, published for twenty days after their passage and approval in the Fresno Evening Democrat and Fresno Morning Republican, daily newspapers of general circulation in the City of Fresno; and,

WHEREAS, The legislative authority of said City of Fresno did by Ordinance No. 475, entitled, "An ordinance calling and giving notice of a special election for the purpose of submitting to the qualified electors of the City of Fresno, the proposals to amend the charter of the City of Fresno embodied and described in eleven certain ordinances herein referred to," passed the 16th day of January, 1905, and approved the 17th day of January, 1905, call a special election to be held on Monday, the 13th day of February, 1905, for the purpose of submitting to the qualified electors of said city eleven proposed amendments to said charter; and,

WHEREAS, Said special election was held in said city, on the 13th day of February, 1905, which day was more than forty days after said proposed amendments had been published for twenty days in said newspapers, to wit The Fresno Morning Republican and Fresno Evening Democrat; and,

WHEREAS, On the 20th day of February, 1905, at a regular meeting duly convened, in accordance with law and the charter of said city, the said Board of Trustees duly and regularly canvassed the returns of said special election and duly declared the results thereof, said Board of Trustees being by law and the charter of said city authorized to conduct, manage and control the holding of elections and all matters pertaining to elections in said city; and,

WHEREAS, At said special election so held on the 13th day of February, 1905, each of said proposed amendments was ratified by a majority of the electors voting thereon; and,

WHEREAS, The said eleven amendments so ratified by the electors of the said City of Fresno at said election are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section eight of Article eleven of the Constitution of the State of California, and are in the words and figures following, to wit:

## AMENDMENTS TO THE CHARTER OF THE CITY OF FRESNO.

Ratified by a majority of the electors voting thereon at the special election held for that purpose on Monday, the thirteenth day of February, 1905

That Section 10 of the charter be amended to read as follows:

Section 10. The legislative power of the city shall be vested in a Board of Trustees, consisting of eight members. Each member thereof shall be at least twenty-five years of age, and a resident and qualified elector of the ward from which he is elected.

A Board of Trustees shall be elected every four years, one member from each ward, but by the votes of the entire city, the candidate from each ward receiving the highest number of votes to be declared elected.

That Section 12 of the charter be amended to read as follows:

Section 12. The Board of Trustees shall meet on the first Monday after the election of its members shall have been officially declared, and shall hold regular meetings on every first and third Monday monthly thereafter; *provided*, that if any regular meeting shall fall on a holiday, such meeting shall be held on the Tuesday following unless the Board of Trustees at the previous meeting shall by order entered in its minutes direct that a meeting shall be held on such holiday. It shall be lawful for the Board of Trustees to meet and transact any of its business on any legal holiday, and any business transacted at such meeting shall be as valid as if transacted on any other lawful day.

That Section 13 of the charter be amended to read as follows:

Section 13. Special meetings of the Board of Trustees may be called by the Mayor or by three Trustees: Five members shall constitute a quorum for the transaction of any business in which the concurrence of a larger number shall not by this charter be required; *provided*, that no ordinance shall ever be passed by less than the affirmative votes of five members.

A less number than five members at any meeting may adjourn to another time and compel the attendance of absent members under such penalties as the Board of Trustees may prescribe by ordinance or resolution.

That Section 15 of the charter be amended to read as follows:

Section 15. No ordinance shall be amended by reference to its title only; but when any ordinance is amended, the section, or, if subdivided, the subdivision amended, shall be set out in full as amended.

That Section 17 of the charter be amended to read as follows:

Section 17. Every ordinance shall have a title briefly stating the general subject thereof.

That Section 19 of the charter be amended to read as follows:

Section 19. All legislation by the Board of Trustees shall be by ordinance; other acts thereof may be by resolution, upon motion, or other customary and lawful method.

No ordinance granting any franchise, or calling for an election or submission of a proposition to incur a bonded indebtedness, shall be passed without the concurrence of at least six members.

No ordinance other than such as is required by law to be passed at or within a time certain, shall be passed within five days after its introduction, nor until it has been published at least once in a newspaper published in the City of Fresno, or posted in three public places therein; *provided*, that if it be amended after so published, it shall be republished as amended before passage; *provided further*, that any ordinance other than such as grant franchises or propose the incurring of a bonded indebtedness, may be passed at any meeting by the affirmative votes of eight members, and so recorded, which by its terms may be made to take effect immediately without publication.

No ordinance granting any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before one year prior to its expiration.

That Section 20 of the charter be amended to read as follows:

Section 20. Every proposed ordinance passed by the Board of Trustees shall be submitted to the Mayor, the Clerk noting thereon the time of delivery to him. The Mayor shall consider the same, and if he approve it, he shall sign and return it to the Clerk; if he shall disapprove it he shall state his objections thereto in writing, and, in either case, return it to the Clerk within ten days after receiving it. If he shall sign it or fail to return it to the Clerk within ten days, it shall become an ordinance.

That Section 21 of the charter be amended to read as follows:

Section 21. When such proposed ordinance shall be returned with the objections of the Mayor, the Board of Trustees shall, on or before its next regular meeting, proceed to consider and vote on the same. If it be again passed, by the vote of six members voting therefor, it shall take effect as if approved by the Mayor; otherwise it shall be finally lost.

That Section 23 of the charter be amended to read as follows:

Section 23. The Board of Trustees shall, not later than the year 1912, and every fifth year thereafter, redistrict the city into eight wards, making them as

nearly equal in population and as geographically compact as possible, but the city shall not be redistricted into wards within ninety days previous to any municipal election.

That Section 27 of the charter be repealed.

That Section 28 of the charter be amended by changing its number to 27, and otherwise to read as follows

Section 27. The Board of Trustees shall have power:

First.—Except as in this charter otherwise provided, to try, and by majority vote of all the members of the Board to remove from office appointees against whom charges have been preferred, and by not less than seven affirmative votes to remove any appointee at any time when in the judgment of the Board the public service will be improved thereby.

Second.—To make by-laws and ordinances not repugnant to the Constitution of the United States or of the State of California, or any of the provisions of this charter.

Third.—To levy and collect taxes and assessments on all property within the city, both real and personal, made taxable by law for state or county purposes, as hereinafter provided and limited.

Fourth.—To buy, sell, use, lease, control, have police power over, improve and take care of the real estate and personal property of the city; *provided, however*, that said Board shall have no power to mortgage or hypothecate any property of said city for any purpose; *provided further*, that no real property shall be purchased or sold until the same shall have been appraised by three appraisers, one of whom shall be the Mayor, and two competent disinterested persons appointed by the Board. Such appraisers shall make a written report under oath to said Board of the actual value of the same, and no title shall pass from said city, in case of a sale, and no warrant shall be drawn, in case of a purchase, until such appraisal; *and provided further*, that no real property shall be sold except after publication calling for sealed proposals for at least ten days in a newspaper published in said city.

Fifth.—To lay out, extend, alter or close streets and alleys, provide for the grading, draining, cleaning, repairing, widening, lighting, or otherwise permanently improving the same, and for the construction, repair, regulation and preservation of sidewalks, bridges, drains, curbs, gutters and sewers, and to prevent or remove obstructions thereto or to any part thereof, and to provide for the numbering of houses and spaces.

Sixth.—To regulate or exclude the landing and storage of gunpowder and other combustible materials.

Seventh.—To determine what are nuisances, and to prevent and remove the same.

Eighth.—To regulate the maintenance of acid works, slaughter-houses, wash-houses, laundries, tanneries, offensive trades, and all other works, store-houses and business of every description that may endanger the public safety, health or comfort, and to restrict the prosecution thereof to such fixed limits as may seem proper or exclude such works and business from the city.

To provide for the appointment of an officer for the inspection, measurement or graduation of any merchandise, manufacture or commodity, and to regulate his duties and provide for his compensation. To provide public scales for weighing according to lawful standards, and to provide regulations for the use thereof and for the appointment and compensation of agent to conduct the same.

Ninth.—To fix and collect license taxes for revenue and regulation, on, and to regulate theatres, melodeons, dance halls, concerts and all theatrical and melodeon performances of any kind for which an admission fee is charged or which may be held in any house where wines or liquors are sold; circuses, shows, billiard tables, bowling alleys, and all exhibitions and amusements.

To fix and collect a license tax for the purposes aforesaid on all taverns, hotels, lodging-houses, restaurants, saloons, bar-rooms, bankers, brokers, gold-dust buyers, manufacturers, livery stable keepers, express companies and persons engaged in transmitting letters or packages, railroad and stage companies or owners, whose principal place of business is in said city, or who shall have an agency therein; to license and regulate auctioneers, to license, tax, regulate, prohibit or suppress, all tipping houses, dram shops, saloons, bars, barrooms, raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths and sheds; to prohibit and suppress all dog fights, prize fights, cock fights, bull or bear or badger baits; also, to prohibit or suppress all gaming and all gambling or disorderly houses; to regulate, prohibit or suppress all houses of ill-fame; also, to fix and collect a license tax, for revenue, upon all lawful professions, trades or businesses not heretofore specified.

Tenth.—To provide and maintain all public buildings, parks or squares necessary or proper for the use of the city, within or without the limits of the same.

Eleventh.—To provide and maintain a morgue, and city hospital.

Twelfth.—To prevent and restrain any riot or riotous assemblage or disorderly conduct within said city, or on property owned or leased by it.

Thirteenth.—To establish and regulate markets.

Fourteenth.—To provide for conducting elections and appointing the necessary election officers.

Fifteenth.—To fix, alter and change the route of any railroad in the city, and regulate the speed at which the cars may run within the city limits, or any portion thereof.

Sixteenth.—To examine, either in open session, or by committee or commission, books, papers, vouchers, reports and statements of the several officers, or of any other person having custody, care, management, collection, disbursement or control of any moneys or property belonging, appertaining or appropriated to the city, or either of its funds, trusts or uses.

Seventeenth.—To license for revenue and regulation hackney coaches, cabs, omnibuses, drays and other vehicles used for hire, and to regulate their stands and rates of fare, and to license or suppress runners for taverns or hotels.

Eighteenth.—To examine and liquidate all accounts against the city, and to allow or reject the same or any part thereof, as found legal or illegal.

Nineteenth.—To make appropriations authorized by law; to examine and audit, reject or allow the accounts of all officers or other persons having the care, management, collection or disbursement of any money collected for, belonging, appertaining or appropriated to the city, or any of its uses or trusts, and to determine, allow and pay the salary, fees or percentage which such officer or person may by law be entitled to receive, except as otherwise herein provided; to make contracts and agreements for the use and benefit of the city, such contracts and agreements in all cases to specify the fund or funds out of which payment for the same is to be made, and that the same shall be paid out of the moneys appropriated to such fund or funds for the fiscal year. In no case shall a liability be created or a warrant drawn against any fund beyond the actual amount of money existing in such fund wherewith to meet the same; *provided, however,* should the Board, or a majority thereof, contract or create any debt against the city, not authorized by the provisions of this charter, such debt, claim or obligation shall be null and void as against the city or any of its funds; but every Trustee voting in favor of the contracting or creation of any such illegal debt, shall be held personally responsible for the entire debt so created or contracted, and shall be deemed guilty of a malfeasance in office, and upon conviction shall be removed therefrom.

Twentieth.—To control, enlarge and improve or abolish the cemeteries belonging to the city, and to acquire other cemeteries, and to sell or lease lots therein; to control and regulate interments, and to prohibit them within the city limits.

Twenty-first.—To establish fire limits and prevent the erection of wooden buildings therein; to regulate the construction of buildings, sheds, awnings and signs; and to forbid the erection, alteration, improvement or repair of any building to be used for immoral or unlawful purposes, or in such manner as to obstruct the officers of the law; and to require permits for the erection, repair or improvement of buildings, and that all applications for such permits shall state the purpose for which the building is to be used.

Twenty-second.—To provide for supplying the city with water, and to regulate the sale and distribution thereof.

Twenty-third.—To provide for lighting the public streets, alleys, public buildings and public grounds, and to construct, purchase, lease, own, control, maintain and operate a system of lighting by artificial gas, natural gas, electricity or other means of illumination.

Twenty-fourth.—To provide and maintain a city prison, and for the care, feeding, working and clothing of the city prisoners; *provided*, that during such time as the city shall have no such prison, sentences to imprisonment for violations of the charter or ordinances shall mean, and shall be executed by, imprisonment in the county jail of Fresno county, within the city.

Twenty-fifth.—To make real estate in said city limits liable for the construction of sidewalks, crossings and all other street improvements adjacent thereto, and provide for the forced sale thereof for such purposes.

Twenty-sixth.—To prevent or regulate the running at large of any animals; to establish a pound within or without the city, and to authorize the destruction, sale or impounding of any animals found running at large in the city or upon any of the public property of the city.

Twenty-seventh.—To regulate or prohibit the use of steam boilers, gas and gasoline engines, the location of telegraph, telephone, electric light and other poles and wires, and the construction of entrances to cellars and basements from sidewalks.

Twenty-eighth.—To regulate the entrances to and exits from theaters, lecture rooms, public halls and churches, and the number and construction of such entrances and exits, and to prohibit the placing of chairs, benches, stools or other obstacles in the aisles of such buildings; also to ordain regulations for the construction or alteration of any classes of buildings where deemed necessary for the safety of persons, in cases of fire or otherwise.

Twenty-ninth.—To regulate and control the construction and maintenance of, and to grant the right to construct and maintain, subject to control by the Board, pipes, tubes, conduits, signal bells, warning signs, wires and other electric, telegraph and mechanical appliances, in, along, over, under and across the streets; *provided*,

that said appliances shall be so constructed and placed as not to interfere with the fire alarm system, nor with the extinguishing of fires, nor with the free use of the sidewalks and streets. Also to require railroad companies either to station flagmen or to place sufficient warning signals or signal bells on such street crossings as may, in the judgment of the Board, be necessary.

To construct, or require any railroad corporation operating a railroad in or through the city, to construct all necessary and convenient crossings or bridges over or under such railroad tracks, and according to plans and specifications and directions therefor provided by resolution or ordinance of the Board of Trustees; and to require to be opened and maintained by any railroad company or corporation operating, maintaining and conducting any railroad through any portion of the city, all such street crossings as may now exist or that public convenience may require in the judgment of the Board of Trustees of said city; and, by resolution or ordinance, compel the opening of said crossings, and the maintenance and repair thereof as directed and required; and to prohibit the obstruction of any and all such crossings.

Thirtieth.—To grant franchises by ordinance permitting any person, company or corporation to lay and maintain tracks and to pass with steam railroads along, upon and across or elevated above or placed below any street of the city; *provided*, that the free use of such street shall not be unnecessarily obstructed thereby; and *provided further*, that any such franchise shall be granted only after notice published for thirty days in a daily paper published in the city, and by ordinance passed by the affirmative votes of not less than six members of the Board of Trustees. Such grants shall be without prejudice to the rights of non-consenting owners to compensation for damages.

Thirty-first.—To grant franchises by ordinance for a term not exceeding twenty-five years for any lawful public service, and when for the construction and operation of street railroads on or along the streets of the city, upon the following terms, viz.:

Whenever the Board of Trustees shall determine that a franchise to construct and operate a street railroad along and upon any of the streets of the city should be granted, it shall, after such determination, cause notice to be published for ten days in a daily newspaper published in the city, specifying the route over and along which it is determined to grant such franchise, and shall offer to grant the same to the person, company or corporation that shall agree to pay to the City of Fresno, at the expiration of five years after the franchise is granted, and thereafter semi-annually, the largest per centum of the gross receipts of such road; *provided*, that all grants or franchises for street railways shall be upon condition that single fares on such roads shall not exceed five cents, and that only such rails as are of the most approved pattern shall be made use of in the construction of the road. The Board may, in the granting of such franchise, impose such further regulations and restrictions in the use thereof as to it may appear expedient, and may also reject any and all bids, and refuse to grant any franchise for the proposed route; *provided, further*, that the Board shall not grant any franchise for the construction of a street railway except upon conditions that at least three per cent. of the gross receipts of such railway shall be paid to the city each year after the expiration of five years from the granting of the franchise.

Thirty-second.—To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company.

Thirty-third.—To require, upon such notice as the Board may direct, any lots or portions of lots within the city which may be covered with stagnant water a portion of the year, to be filled up to such level or grade as will prevent the same from being so covered, and to assess the cost of such filling upon such real estate, and provide that it shall be a lien thereon; and to require and provide that the owners of lots fronting on any street or sidewalk of the city shall at all times keep such sidewalks free from weeds, grass and rubbish and other obstructions and to remove all rubbish and unsightly matter from their property.

Thirty-fourth.—To make all needful rules to govern the official conduct and duties of all officers and employes of the city whose duties are not defined by this charter, and to impose additional duties upon those whose duties are stated; and to fix and regulate the charges and fees of all such officers where the fees are not otherwise fixed, and to compel the payment of all such charges and fees into the city treasury.

Thirty-fifth.—To prescribe fines, forfeitures and penalties for the breach of an ordinance and for the violation of any provision of this charter; but no such fine or other pecuniary penalty, shall exceed three hundred dollars in amount and no penalty of imprisonment shall exceed ninety days, but such punishment may be by both such fine and imprisonment; *provided*, that the violation of any ordinance of said city shall constitute a misdemeanor and may be prosecuted by the authorities of said city in a criminal action in the name of the People of the State of California, or be redressed in a civil action in any court of competent jurisdiction in the name of the city, at the option of the city authorities.



Thirty-sixth.—To authorize the Mayor to employ, in addition to the City Attorney, an attorney at law to prosecute and defend the interest or property rights of the City of Fresno, or any question involving the rights of the inhabitants thereof in any suit pending or to be brought for or against the said city or any of its officers, and to provide for the employment and compensation of said attorney in any such suit or action, *provided* that where such compensation exceeds the sum of two hundred dollars, such employment or contract must be approved by the Board of Trustees.

Thirty-seventh.—To make all rules and regulations necessary and proper for carrying into execution the foregoing powers and all other powers vested in the Board of Trustees by this charter, or by general laws.

Thirty-eighth.—To make and enforce all such other local, police, sanitary and other regulations as are not in conflict with the provisions of this charter, or the Constitution of this State.

Thirty-ninth.—To provide for the erection and construction of necessary levees, water-ways, and other structures within and without the city, where necessary to prevent the overflow of said city by water and to provide for the payment of the cost thereof.

Fortieth.—To appropriate annually a sum or sums of money not exceeding in the aggregate, one thousand dollars, for public concerts or other entertainments in the open air, which shall be free to all the public, and the dates, hours and places of which shall be under the control of the Board of Trustees.

Also to appropriate a sum not more than five hundred dollars annually, to be placed at the disposal of the Mayor, for use in furthering the ends of justice in such ways as to him shall seem best for the interests of the city, of which said sum no account shall be required of him.

Forty-first.—To provide for licensing, inspecting and regulating dairies and slaughter houses, whether within or without the city, where the milk, butter, cream, cheese and meats from same are brought into said city for sale or are sold in said city, and to provide for granting licenses only on inspection; to provide for licensing and regulating venders of milk, butter, cheese, cream and meats; and to exclude dairies and slaughter houses from the city; to grant power to the Board of Health to issue such licenses.

That a new section to be numbered 28 be added to Article II of the charter, to read as follows:

Section 28. The Board of Trustees shall, during the year 1905, and every five years thereafter, cause to be classified and codified under appropriate heads all ordinances then in force, and provide for the publication thereof in book or pamphlet form, together with the charter: no other publication shall be required. The Board of Trustees shall also, at the end of each year except the years aforesaid, cause to be published in pamphlet form, all ordinances passed or amended during such year and then in force.

When such ordinances are so classified and codified as above provided, it shall be lawful for the Board of Trustees to revise and amend the same and to pass or adopt the whole as amended, as one or more ordinances, and no other publication other than such book or pamphlet shall be required. Every officer shall be entitled to one copy of all such books or pamphlets, and a sufficient number shall be published for general distribution in the city.

That Section 33 of the charter be amended to read as follows:

Section 33. The Mayor shall sign in behalf of the city, all written contracts approved by him. All written contracts to which the city is a party shall be executed in duplicate, and one copy delivered to the other contracting party, and the other filed in the office of the City Clerk. The Mayor shall sign all warrants except for salaries, ordered by the Board of Trustees, unless the order shall be disapproved by him, in which case like proceedings with like effect, as near as may be, shall be had as in case of contracts disapproved by him, as provided in section 26 of this charter.

That Section 37 of the charter be amended to read as follows:

Section 37. During the temporary absence or disability of the Mayor, the Board of Trustees shall elect one of its members to act as Mayor pro tem, in like conditions during his term of office, who shall, after taking the oath as such, perform the duties of Mayor during such times.

When a vacancy occurs in the office of Mayor, it shall be filled for the unexpired term by the Board of Trustees by the election of a duly qualified person other than a member of such Board of Trustees.

That Section 38 of the charter be amended to read as follows:

Section 38. The Mayor, by and with the consent of the Board of Trustees, shall, in writing, appoint all officers of the city whose election or appointment is not otherwise provided for in this charter or by law. When a nomination is made to the Board of Trustees, it shall be confirmed or rejected not later than the next regular meeting thereof; and in case the officer nominated is not confirmed, the Mayor shall, within ten days thereafter, nominate another, and may continue doing so until the place is filled.

No member of the Board of Trustees shall ever suggest or request the appointment of, appoint or nominate any officer, clerk or employé to any place in the city

government, except to fill a vacancy in the office of Mayor or City Clerk, and necessary election officers.

That Section 42 of the charter be amended to read as follows:

Section 42. He shall, on the first Monday of each month, or oftener if required, report in writing to the Mayor and Board of Trustees, the condition of each fund in the treasury. He shall make a semi-annual report to the same, showing the sources from which the city's revenues are derived, and the amount paid into the treasury from each source, and the amount expended, and for what purpose. He shall state in such report, separately, the revenues derived from licenses authorized by the charter and so separately, of every other source of revenue, or money paid the city. He shall set forth in the proper book, a plain and businesslike statement of every money transaction of the city, so that he can at any time tell the exact condition of the city's finances, and each fund thereof.

He shall audit all claims for salaries of officers and employes of the city, except as otherwise in this charter provided, and shall draw and sign warrants for amounts legally due on the same, and all warrants finally ordered by the Board of Trustees; he shall number and mark filed every claim properly presented for allowance, with the date of filing, and refer the same to the Board of Trustees at its next session for its examination by committee or otherwise, and for its approval or rejection.

He shall designate and draw upon the proper fund for the payment of the same the order allowed and drawn, with the date, amount, and to whom payable, and the same shall be entitled to payment in the same order as allowed and drawn.

Every demand against the city treasury, except for salaries of city officers and employes, and except upon bonds, and coupons for interest, must be itemized, specifying the goods furnished, the service performed, or other basis of the claim, giving the date and amount of each item, and by whom ordered, and the amount of the claim, and must be verified by the oath of the claimant or some one for him having knowledge thereof, to the effect that such claim is justly and wholly due and unpaid, and that each item thereof has accrued within one year next before its presentation for payment; and no claim or demand or any part thereof shall be allowed or paid unless so presented within one year next after it became due; and such allowance and payment, whether of the whole or a part of the amount claimed, shall be in full payment of the demand presented; *provided, however*, that any person whose claim has been properly presented within one year, and has been rejected, shall have the right to bring a suit thereon against the city within ninety days from the date of such rejection; otherwise such claim shall be barred; and any claim presented for allowance may, at the option of claimant, be deemed rejected if not acted on within ninety days.

No demand shall be allowed or paid by any board or officer unless payment thereof from the city treasury is authorized by law; nor shall any demand be so allowed or paid in favor of any person or his assigns, who is indebted to the city, without first deducting therefrom the amount of such indebtedness; nor in favor of any person having the care, custody or control of public funds, unless the accounts of such persons have been presented, passed upon, and approved, as is or may be required by law; nor in favor of any officer or his assigns, who has failed to do any duty imposed upon him by law as such officer, or who withholds from the proper demand and custody of the city, any of its property.

That Section 44 of the charter be amended to read as follows:

Section 44. There shall be a license collector, appointed by the Mayor with the consent of the Board of Trustees, who shall give bond to the city in such amount as shall be prescribed by the Board, and with such sureties as shall be approved by the Mayor. It shall be his duty to receive and collect all city license taxes and charges, and all such money due the city not otherwise provided for, as the Board of Trustees may by ordinance direct, and pay the same over to the treasurer weekly. The time and manner of the collection of license taxes may be provided for by the Board of Trustees.

That Section 45 of the charter be amended to read as follows:

Section 45. Whenever any person required by any city ordinance to take out a license shall fail, neglect or refuse to take out such license and pay therefor at the time and in the manner in such ordinance provided, or if any person required to take out any license shall transact, do or carry on any business, trade or occupation, without first having procured the requisite license for such business, trade or occupation, the License Collector shall report such delinquent to the City Attorney, who shall at once bring suit in the name of the city against the delinquent, and in such case the License Collector or City Attorney may make the necessary affidavit, as in other cases, for an attachment, and a writ of attachment shall issue, upon the filing of the affidavit, against the property of such delinquent, without an undertaking being filed by or on behalf of the city; and in such action the sum of fifteen dollars—ten dollars of which shall be paid to the City Attorney for services in prosecuting such action, and five dollars to the License Collector for reporting the same—shall be included in the judgment as liquidated damages, together with the original debt and costs of the action; *provided, however*, nothing in this section shall authorize the Court, officer or any person whomsoever, to make any claim or

charge against the city for any services rendered in or about any such action, *and provided further*, that in any such suit, no witness for the plaintiff shall be entitled to demand or receive any witness fees or mileage in advance, nor shall any witness be entitled to charge or receive any fees or mileage whatever unless the same be recovered as costs from the defendant; *provided further*, that any person who shall commence or continue to do, transact or carry on any business, trade, profession or calling, for which a license may by any ordinance be required to be taken out, without first procuring such license, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding three hundred dollars or imprisoned not more than ninety days, or be punished by both such fine and imprisonment. Upon the trial of any criminal action provided for by this section, the defendant shall be deemed not to have procured the proper license unless he either produce it or prove that he did procure it; but he may plead in bar of the criminal action a recovery against him and the payment by him, in a civil suit or action, of the proper license money, damages and costs.

That the charter be amended by repealing Section 49 thereof.

That Section 50 of the charter be amended to read as follows:

Section 50. There shall be a City Engineer, appointed by the Mayor subject to confirmation by the Board of Trustees, and to hold office at the pleasure of the Mayor. He shall be a competent surveyor and civil engineer, who shall have had not less than three years experience as such.

That Section 51 of the charter be amended to read as follows:

Section 51. It shall be his duty to perform all surveying and civil engineering required in the prosecution of the public works and improvements of the city, and to certify to the progress and completion of the same.

That Section 52 of the charter be amended to read as follows:

Section 52. He shall, together with the Plumbing Inspector and Chief of the Fire Department, inspect all plans and specifications of all contemplated buildings, repairs or improvements of buildings within the city, when required by the building ordinances of said city, and if found to conform to the requirements of the ordinances, he shall, with them, sign a permit for the erection of the same. He shall examine and see that all the buildings and the fixtures thereof, balconies, porches, awnings and signs, except as aforesaid, are constructed in a safe and substantial manner, according to the ordinances and shall report to the Mayor any failures in those respects.

That Section 53 of the charter be amended to read as follows:

Section 53. If, upon examination of plans and specifications, it be found by the said Engineer, or Plumbing Inspector, or Chief of the Fire Department, that they do not conform to the requirements of the law, they shall give written notice to the owner or architect designing them, specifying the points of variance therefrom. The City Engineer shall inspect the works of construction of all such structures as are permitted from time to time, and upon discovery of any variance from the plans or specifications as permitted, he shall order the unlawful work stopped and at once make report thereof to the Mayor.

That Section 54 of the charter be amended to read as follows:

Section 54. He shall make monthly reports to the Board of Trustees of the plans, specifications and structures examined, and the results thereof, and of all variations from, or violations of the law respecting the same.

That Section 55 of the charter be amended to read as follows:

Section 55. He shall do such other work pertaining to his profession as he may be directed to do by the Board of Trustees or by any general law of the State of California. He shall keep a public office within the city, as provided by the Board of Trustees, and shall keep therein the records of his office and all maps, plats, surveys and certificates pertaining thereto, with an index for easy reference; also all copies of plans and specifications for buildings, structures, improvements or repairs presented to him for permits, with a statement of the location of each, made of record, and numbered as filed. All such records, maps, plats, surveys, certificates, plans, specifications and monuments as filed or recorded, shall be the property of the city and shall be by him turned over to his successor in office.

That Section 56 of the charter be amended to read as follows:

Section 56. There shall be a City Attorney who shall be appointed by the Mayor, by and with the consent of the Board of Trustees, who shall be an attorney at law, admitted to practice by the Supreme Court of this state. It shall be his duty to prosecute on behalf of the people, all cases before the Police Court for all violations of this charter and of city ordinances and resolutions. It shall be his duty to attend to all suits and other matters to which the city is a party, or in which the city may be legally interested, *provided*, the Mayor and Board of Trustees shall have control of all litigation of the city, and may direct an attorney, selected by the Mayor, to take charge thereof, or to assist the City Attorney therein. The City Attorney shall give his advice or opinion in writing to the Mayor, Board of Trustees or other city officers, whenever required to do so, and do such other things appertaining to his office as by the Board of Trustees or Mayor may be required of him. He shall pass upon the validity of all bonds given to and all contracts made with the city. He shall, when required by the Board of Trustees, or any member

thereof draft any and all proposed ordinances, resolutions, laws, rules, contracts, bonds and all other legal papers for the city, and attend all meetings of the Board of Trustees when requested by the Mayor, or as required by ordinance.

That Article V of the charter be amended by substituting the words "Public Works" as the title thereof, in place of the words "Department of Public Works."

That Section 80 of the charter be amended to read as follows:

Section 80. The Board of Trustees shall, except as otherwise provided in this charter, take possession and have the custody and control of all maps, surveys, field notes, records, plans, specifications, contracts, models, machinery, tools, appliances, contract rights, privileges, books, documents, papers, archives and property belonging to said city, heretofore kept by or in the offices of the City Surveyor or Superintendent of Streets, or kept by or in the possession of any other officer, and pertaining to any public buildings or public works of the city.

That Section 82 of the charter be amended to read as follows:

Section 82. All public work authorized by the Board of Trustees to be done, and not within the provisions of the general law of the State of California operating thereon, and all materials and supplies to be furnished for public use, shall be done and furnished under written contract, except as hereinafter provided. Before awarding any such contract for doing any work or furnishing any materials or supplies for the city, the Board shall cause notice to be posted conspicuously in its office and published not less than ten days in a newspaper published in the city, inviting sealed proposals for the contemplated work or materials or supplies, and in case the estimated cost of the same exceed five thousand dollars, to be so posted and published for not less than twenty days; except that any repair or improvement of materials or supplies not exceeding an estimated cost of three hundred dollars may be made by the Board of Trustees under written contract, or otherwise, without advertising for sealed proposals, but no piece of repair work or improvement, or bill of materials or supplies or labor shall under any circumstances be subdivided for the purpose of bringing the estimated cost within the limit herein provided. *provided, however,* that should there be imminent danger to the city from inundation, the Board may, in its discretion, contract for the immediate construction or repair of levees without such notice, posting or publication. *Provided, further,* that the Board of Trustees may contract for the publication of notices, ordinances and resolutions, and for all public printing, on the best terms obtainable, with or without advertising for proposals, as they deem most conducive to the public interest. The words "materials and supplies" as used in this section shall include implements and machinery.

That Section 86 of the charter be amended to read as follows:

Section 86. All contracts shall be drawn under the supervision of the City Attorney, and shall contain detailed specifications of the work to be done, the manner in which it shall be executed, and the quality of the materials to be used, or the quality and quantity of the materials or supplies to be furnished. No change or modifications in the plans or specifications, or quality or quantity of the materials or supplies to be furnished, shall be made after proposals for doing the work or furnishing said materials or supplies have been called for, except by a unanimous vote of the Board of Trustees. All contracts shall be signed in duplicate, one of which, with specifications and drawings, if any, of the work to be done, and the materials to be furnished, shall be filed with the City Clerk, and the other, with said specifications and drawings, shall be delivered to the contractor. At the same time with the execution of said contract, said contractor shall execute to said city, and deliver to the City Clerk, a bond in the sum named in the notice for proposals, with two or more sufficient sureties to be approved by the Mayor, or shall deposit with the City Clerk a certified check upon some solvent bank located in this State for said amount, for the faithful performance of said contract. The qualifications of such sureties shall be the same as of sureties upon the official bonds of county officers. The contract shall specify the time within which the work shall be completed, or the materials furnished, or during what time or when the supplies shall be furnished, as specified in the notice inviting proposals therefor. The Board of Trustees may extend said time, but in no event for more than ninety (90) days beyond the time originally fixed for its completion, except by the unanimous consent of the Board of Trustees. In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as herein provided, his contract shall be void, and the Board of Trustees shall not pay or allow to him any compensation for any work done or supplies furnished by him under said contract beyond such sum as in the judgment of the Board of Trustees, the work done or materials furnished are actually worth to the city, less the detriment suffered by the city by such loss of time in the completion of the same.

That Section 87 of the charter be amended to read as follows:

Section 87. The Board of Trustees is hereby authorized to adopt, establish and maintain a system of levees, canals and drainage, and to repair, maintain, construct and control all levees, canals and outfall sewers and other works necessary to the protection and safety of the city. The purposes for which any and all of the works in this section mentioned are or may be constructed are

hereby declared public uses, and the City of Fresno is hereby authorized to proceed at any time, under the provisions of the statutes for that purpose, to condemn for such use any and all property necessary to the construction and maintenance of such works, *provided, however*, no system or plan for any of the work in this section authorized to be performed shall be followed by construction thereof where the expenditure thereon in any year shall exceed the income and revenue provided for such year, without compliance with the requirements of Article VIII of this charter.

That Article VI of the charter be amended by amending Sections 90, 91, 93, 94 and 96 included therein, and by repealing Section 92 and by adding a new section to be numbered 101.

That Section 90 of said charter be amended to read as follows:

Section 90. It is hereby declared to be the purpose and intention of the People of the City of Fresno that such public utilities as shall be deemed best for the interest of the people shall be acquired and owned by the city.

That Section 91 of the charter be amended to read as follows:

Section 91. The Board of Trustees may, by the affirmative vote of at least six members, and shall, upon petition therefor signed by a number of the qualified electors of said city not less than thirty-five per cent of the number voting at the last general election in the city—and so ascertained by the Board of Trustees from satisfactory affidavits—submit by ordinance to the qualified electors of the city, at a special election thereby called for the purpose, a plan for the acquisition of one or more public utilities, and its adoption and issuance of bonds of the city for the payment therefor. The provisions hereof shall apply to the acquisition of water works, electric light or other works for illuminating and for power, gas works, local telegraph or telephone works, street railroads, or other public utilities.

That Section 92 of Article VI of said charter be repealed.

That Section 93 of Article VI of the charter be amended to read as follows:

Section 93. Before formulating or submitting any plan for the acquisition of any public utility, the Board of Trustees shall cause to be ascertained and made an estimate of the probable cost of the purchase and establishment thereof, if such utility can be purchased; or, if it can not be purchased, then the cost of its condemnation, and full estimates of the construction of such utility, if it can not be purchased, and the plan which the Board of Trustees shall determine to be for the best interest of the city shall be submitted to a vote of the qualified electors, as set forth in Section 94 of this charter.

That Section 94 of the charter and of said Article VI be amended to read as follows:

Section 94. The ordinance calling such election shall contain a statement of the plan adopted and proposed for the acquisition of such public utility or utilities, naming the same, the estimated cost price thereof, and shall otherwise conform to the provisions of this charter concerning elections for the incurring of bonded indebtedness, and the law for holding elections therefor. No question other than the acquisition of such public utilities or utility upon the plan proposed and the incurring of the bonded indebtedness therefor shall be submitted at such election.

That said Article VI of the charter be further amended as follows:

That Section 96 of the charter be amended to read as follows:

Section 96. No indebtedness shall be incurred under this or any other provision of this charter which, together with the existing indebtedness shall exceed ten per centum of the assessed value of all the real and personal property of the city as shown by the last assessment roll.

That a new section be added, amending the charter, to be numbered 101 and to read as follows:

Section 101. In the event of the determination by the electors herein provided for, to acquire one or more public utilities, the Board of Trustees shall have power to create such boards and officers as may be needed to carry out the purposes of ownership by the city of such public utilities as may be acquired.

That Sections 95 and 97 of Article VI of said charter be repealed.

That Section 110 of Article VII of the charter be amended to read as follows:

Section 110. The Board of Trustees shall by resolution on or before the first Monday of September in each year, fix the rate of city taxes, designating the number of cents on each hundred dollars of property levied for each fund, and shall levy the city taxes upon the taxable property therein.

That the charter be amended by the addition to Article VII thereof, of a section to be numbered and to read as follows:

Section 112. The revenues of the city shall be apportioned by the treasurer, as paid in, to the respective funds to which they belong, as far as possible, and there is hereby established the following named funds, to wit: Bond Fund, Street Fund, Sewer Fund, Police Fund, Fire Fund, Public Light Fund, Library Fund, Park Fund, a General Fund, and such others as the Board of Trustees may prescribe. All sums which the treasurer can not identify, or which shall not be directed to a particular fund by the City Clerk, shall be apportioned to the General Fund.

The revenue derived from licenses, license taxes and business or trades taxed, shall be applied by the treasurer to the various funds as other moneys collected from taxes.

It shall not be lawful to transfer money from one fund to another, or use the money in the bond fund otherwise than in payment of the principal or interest of the bonded indebtedness, *provided, however*, that in case of urgent need, money may be transferred from the general fund to another fund sufficient to supply the need, by way of loan to such fund, the general fund to be reimbursed from such special fund as soon as sums sufficient for that purpose have been placed to its credit.

At the end of each fiscal year, all money remaining in any particular fund, except the bond fund, park fund and library fund, shall be by the treasurer, upon the order of the city clerk, transferred to the general fund, the clerk carefully noting the amount thereof, and the fund from which transferred so that the same may be identified.

That Section 120 of the charter be amended to read as follows:

Section 120. In proceedings for the acquisition of public utilities, and whenever the Board of Trustees shall determine by the affirmative vote of not less than six members thereof that the public interest requires the construction or acquisition of any permanent municipal building or improvement, the cost of which in addition to the other expenses of the city, will exceed the income and revenue provided for the city for any one year, they must, by ordinance, submit a proposition to incur a bonded indebtedness for such purpose to the electors of the city, at an election to be held for that purpose. Such ordinance shall specify the purpose for which the proposed indebtedness is to be incurred, the estimated cost of the building, improvement or utility, the amount of the proposed bonded indebtedness, the number and character of the bonds to be issued, and the rate of interest thereon.

That a new section be added to Article VIII of the charter, to be numbered Section 121, and to read as follows:

Section 121. The ordinance required by Section 120 calling such special election shall fix a day on which such election shall be held, state the manner of holding the same, and of voting for or against incurring such indebtedness. Such ordinance shall be published once a day for at least seven days in some newspaper published at least six days a week in said city, or once a week for two weeks in some newspaper published less than six days a week in said city, and one insertion each week for two succeeding weeks shall be a sufficient publication in such newspaper published less than six days per week; and no other notice of the election need be given. Such election shall be held in the manner provided by law for holding elections in the city, and the assent of two thirds of the qualified electors voting thereon at such election shall be necessary to authorize the issuance of such bonds for such purpose.

That a new section be added to Article VIII of the charter, to be numbered Section 122, and to read as follows:

Section 122. The bonds issued under the provisions of this article, or under any other provision of this charter, shall be of the character known as serial bonds, and shall be payable in such lawful money of the United States as shall be determined by the Board of Trustees at or before their issue.

Not less than one fortieth part of the whole amount of indebtedness shall be paid each and every year, on a day to be fixed by the Board of Trustees, together with the interest on all sums unpaid at such date. The bonds so issued shall be in denominations not exceeding five hundred dollars, and preference in the sale and allotment thereof shall be given to subscribers for the smallest amounts. Said bonds must be payable on the day and at the place fixed therein, and with interest at the rate specified therein, but such interest shall not exceed five per centum per annum, payable semi-annually. Such bonds, when issued may be sold by the Board of Trustees from time to time as required, and in such quantities as they may determine, but the same must be sold for cash in lawful money of the United States, as aforesaid, to the highest bidder, at not less than par, after having been advertised in such newspaper and in such other manner as the Board of Trustees may elect; *provided*, that such sale of bonds shall be advertised in some newspaper of general circulation published in said city, for at least thirty days. They shall be sold under sealed proposals, and the Board of Trustees shall have the right to reject any or all bids made for the purchase thereof. The proceeds of such sale shall be placed in the treasury to the credit of the proper fund, and shall be applied exclusively to the purposes and objects mentioned in the ordinance authorizing their issue until such objects are fully accomplished, after which, if any surplus remains, such surplus shall be transferred to the general fund.

That Section 98 of the charter be transferred and added to Article VIII of the charter, and be amended by renumbering and otherwise amending the same so as to be known as Section 123 of said charter, and to read as follows:

Section 123. Such bonds shall be signed by the Mayor and by the Treasurer, and shall be countersigned by the City Clerk. The coupons shall be numbered consecutively and signed by the Treasurer, and the bonds and coupons shall be payable at the office of the Treasurer, and no warrant need be issued therefor.

That Section 99 of the charter be transferred and added to Article VIII thereof, and be amended by renumbering the same so as to be known as Section 124 of said charter and otherwise amended so as to read as follows:

Section 124. At the time of levying the municipal tax and in the manner provided for such tax levy, the Board of Trustees shall levy and collect annually a tax sufficient to pay the annual interest on such bonds, and also the proper aliquot part of the aggregate amount of such indebtedness so incurred. Such taxes shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the same time and in the same manner as other municipal taxes are collected.

That Section 100 of the charter be transferred and added to Article VIII thereof, and be amended by renumbering the same so as to be known as Section 125 of said charter, and otherwise amended so as to read as follows:

Section 125. A neglect or refusal on the part of the Board of Trustees, or any member thereof, to comply with the provisions of Articles VI, VII or VIII of this charter, imposing duties on them, shall constitute cause for removal from office.

That Section 130, Article IX of the charter be amended to read as follows:

Section 130. The government of the public schools of the City of Fresno, including the whole of the City of Fresno school district, shall be vested in the Board of Education, to consist of five members to be called school directors, and who shall receive no compensation, who shall be elected at the same time and for the same term of office as the members of the Board of Trustees.

That said article of the charter be amended further in this, that Sections 131, 132, 133, 134, 135, 136, 137, 138, 139 and 140 thereof be repealed.

That the charter be amended by adding to Article IX thereof a new section to be numbered 131 and to read as follows:

Section 131. The members of the board shall be elected from the City of Fresno school district and by the vote of the whole extent thereof, and the five persons receiving the highest number of votes therefor shall be declared elected, *provided*, that the part of said district lying outside the city limits shall be laid off by the Board of Trustees into one or more election precincts, for all school purposes; and at such elections, the qualified electors shall vote in the election precinct of their residence only.

That said Article IX of said charter be amended by the addition thereto of a new section, to be numbered and known as Section 132 of said charter, and to read as follows:

Section 132. The Fresno City High School is hereby recognized as an established institution, and the law governing the Board of Education in reference thereto shall be such as is now or may at any time be in force as the general law of the State in such case provided, and the duties of the Board and of the Board of Trustees respecting estimates and levying taxes therefor shall be as by such law prescribed.

That Section 160 of the charter be amended to read as follows:

Section 160. There shall be a health department under the management of the Board of Health. Said Board shall consist of five members who shall be appointed by the Mayor, by and with the consent of the Board of Trustees. The Board of Health shall select one of their number as president, who shall act as such for one year. Each member shall be a duly licensed physician in accordance with the laws of the State. They shall receive no compensation for their services, and their term of office shall be until the next regular election and qualification of city officers, and until their successors are appointed and qualified.

That Section 169 of the charter be amended to read as follows:

Section 169. When a case of contagious disease is reported to the health officer, he shall visit the premises where the person is, and when satisfied that said disease exists, he shall place a yellow flag or printed sign on said premises, which shall remain during the continuance of the disease.

That Section 174 of the charter be amended to read as follows:

Section 174. Each member of the Board of Health, and the City Physician, may administer oaths on any matter connected with the health department.

That the charter be amended by the addition of a new section to Article X thereof, to be numbered and known as Section 175 of said charter, and to read as follows:

Section 175. There shall be appointed by the Board of Health a Plumbing Inspector, who shall be ex-officio Sanitary Inspector. Such Plumbing Inspector shall be a practical plumber, and shall possess such other qualifications as may be required by such Board of Health, and discharge such duties as may be required by the rules thereof or by ordinance, and as required by this charter.

As Sanitary Inspector, he shall diligently inspect and examine, under the direction of the Board of Health, all alleys, offensive privies, vaults, cesspools, nuisances, and places suspected of being in unsanitary condition, and report all places in unsanitary condition to the City Physician, within twenty-four hours after discovery of the same. He shall wear an appropriate badge of office, prescribed by the Board of Health, and shall, upon his exhibition thereof, have the right of inspection of all places in the city, and as directed by said Board.

He shall execute an official bond to the City of Fresno to be approved by the Mayor, in such amount as shall be fixed by the Board of Trustees of said city, and

receive such salary as Plumbing Inspector and Sanitary Inspector, as the Board of Trustees shall fix.

That the charter be amended by the addition of a new section to Article X thereof, to be numbered and known as Section 176 of said charter, and to read as follows:

Section 176. He shall act as inspector of plumbing, and the plans and specifications of all contemplated buildings, improvements, repairs and alterations thereof within the city, in so far as related to plumbing work, and as affected by the rules and regulations of the Board of Health, shall be submitted to him for his examination and report; he shall number and file the same (except such as are required to be filed by the City Engineer), with the date of filing, and record the names of the owner and architect, and the location of the proposed work.

That the charter be amended by the addition of a new section to Article X thereof, to be numbered and known as Section 177 of said charter, and to read as follows:

Section 177. He shall examine such plans and specifications, and if in accordance with the rules and regulations of the board, he shall, in conjunction with such other officer as may be required by law to do so, sign a permit for the work to go on; otherwise, he shall give written notice to the party presenting them, explaining the corrections necessary to compliance therewith.

That the charter be amended by the addition of a new section to Article X thereof, to be numbered and known as Section 178 of said charter, and to read as follows:

Section 178. He shall examine all plumbing work before the same is covered up, or closed, and if found to be done in accordance with the rules and plans and specifications filed, he shall issue a certificate to that effect, and upon the completion of any plumbing work, he shall examine the same, and if found to conform to the rules of the Board of Health and the plans and specifications filed, he shall issue a final certificate.

That the charter be amended by the addition of a new section to Article X thereof, to be numbered and known as Section 179 of the charter, and to read as follows:

Section 179. He shall make a monthly report to the Board of Health of the number of plans and specifications received, the number approved and rejected, the number of first and final examinations made, where and by whom the rules have been violated, and such other matters as shall be required by the Board of Health. He shall immediately upon knowledge of any infraction of the rules and regulations, report the same to the Board of Health.

That Article XI of the charter be amended by adding another chapter thereto next after Section 188 of said charter, to be entitled "Chapter II," and entitled "Public Parks," and containing ten new sections to be numbered and known as Sections 190, 191, 192, 193, 194, 195, 196, 197, 198 and 199 of said charter, and to read as follows:

Section 190. The several tracts of land belonging to or controlled by the city, or which may hereafter be acquired by the city, for park purposes, shall be managed and controlled by a board of five commissioners, which shall be called the Board of Park Commissioners.

Section 191. The Mayor and City Engineer shall be ex-officio members of said board, and the three remaining commissioners shall be appointed by the Mayor, subject to confirmation by the Board of Trustees, and shall hold office until the next succeeding city officers are elected and qualified, and until their successors are appointed and qualified.

Section 192. The Mayor shall be president of said board, and the board shall elect a secretary who may be one of the appointed members of said board and may receive a salary of not more than twenty-five dollars per month; the members of said board as such shall serve without compensation.

The board shall hold regular monthly meetings at such time and place as it may determine; and special meetings may be called at any time by the president or by two members of the board. Its meetings shall be public; three members shall constitute a quorum for the transaction of business; it may adopt rules for its proceedings, and shall cause a record of such proceedings, and all plans and other documents pertaining to the work of said board, to be kept by its secretary under its direction.

Section 193. Such Board of Park Commissioners shall have full power and authority to manage, control and govern the parks of the city, and to direct the maintenance and improvement thereof. Where not already provided, it shall cause to be prepared and adopt general plans for the permanent improvement of such parks, and necessary changes in such plans; cause the parks to be properly laid out in accordance with such plans, and planted with suitable trees, shrubs and flowers, and the same to be cared for, cultivated and preserved. It shall engage and discharge all persons employed in or about the city's parks, prescribe their powers and duties, and fix their compensation, and require bonds of such employees as it may deem proper, for the faithful discharge of their duties. It shall supervise and control the expenditure of all money in the park fund of the treasury,



and shall order payment therefrom on warrant signed by the president and secretary. It shall adopt such rules and regulations as it may deem proper to govern the use of grounds under its supervision and control, and for the protection of the property thereon. And said board shall exercise such other powers and perform such other duties as may be necessary to carry into effect the provisions of this chapter, and to maintain, beautify and improve the city's public parks.

Section 194. Said board shall have power to lease unimproved parts of any park under its control, for terms not exceeding one year, until the grounds so leased are required for improvement or public use. The moneys realized from such leases shall be paid into the treasury and be added to the park fund.

Section 195. Said board may, upon its requisition and with the consent of the Board of Trustees, put city prisoners to work upon the parks and grounds under its control.

Section 196. Said Board of Park Commissioners may accept suitable articles for the use or adornment of such parks, and cause such articles to be placed therein. It is hereby authorized and empowered to accept and receive donations and aid from individuals, societies, clubs and corporations, and legacies and bequests by the last will of deceased persons, for the aid or improvement of the parks or grounds under its control; and all moneys that shall be derived from such donations, legacies or bequests, shall, unless otherwise provided by such gift, bequest or legacy, be deposited in the treasury to the credit of the park fund, and paid out on warrants as provided for the payment of other moneys of such fund; *provided, however*, that if the moneys derived from such gifts, legacies or bequests be not needed for immediate use for the purpose for which they are received, or if it be deemed advisable by said board to use them as a permanent endowment fund for such purposes, said board is hereby authorized to invest said moneys or any part thereof in interest-bearing bonds of the United States, or of the State of California, or approved municipal school district bonds of the State of California—preferably bonds of the City of Fresno—and thereafter to sell and dispose of said bonds or change the investment, as to the board shall seem best.

Section 197. The Board of Park Commissioners shall, annually, on the first Monday in July, present to the Board of Trustees a full report and statement of its proceedings for the past fiscal year containing an itemized account of all moneys received and expended for park purposes, together with an estimate of the amount required to be raised by taxation for the maintenance and improvement of the city's parks during the ensuing year, *provided*, that it may exclude from such estimate all moneys received by it as provided in the preceding section.

Section 198. The Board of Trustees shall annually include in the general tax levy a tax of not less than three nor more than ten cents upon each one hundred dollars in valuation of property appearing upon the assessment roll for the maintenance and improvement of its parks. Such tax, when collected, shall be paid into the treasury to the credit of the park fund, and shall be used and paid out only for the benefit of the city's parks. Said Board of Park Commissioners shall not in any fiscal year contract any debt in excess of the money on hand in such fund, or provided for by the tax levy for such year.

Section 199. The Board of Trustees shall, by ordinance, provide for carrying into effect the powers herein granted to the Board of Park Commissioners, and enforcing such orders as it may make concerning the use of the parks and the preservation of the park property; and the police power of this city shall extend over such parks, whether without or within the city.

That Section 220 of Article XIV of said charter be amended to read as follows:

Section 220. Each member of the Board of Trustees shall receive a salary of three hundred dollars per annum, payable monthly in equal installments, but there shall be deducted therefrom the sum of ten dollars for each and every regular meeting of the board which he shall fail to attend, *provided*, that if a member is absent on business of the city by permission of the Mayor, no deduction shall be made on account of such absence.

That Section 221 of said charter be amended to read as follows:

Section 221. The compensation of other officers and employes of the city per annum shall be as follows, payable in monthly installments:

Mayor, fifteen hundred dollars; City Attorney, fifteen hundred dollars, and as herein provided; City Clerk, fifteen hundred dollars, and one Deputy Clerk (to be paid by the city), ten hundred eighty dollars; Superintendent of Streets, fifteen hundred dollars, and one Deputy Superintendent of Streets (to be paid by the city), nine hundred dollars; Chief of Police, fifteen hundred dollars, Chief of Fire Department, fifteen hundred dollars, which shall also be in full compensation as fire marshal, License Collector, ten hundred eighty dollars; Police Judge, three hundred dollars, and such fees as are allowed by law in civil actions, and such compensation in prosecutions under the State law as are allowed or may from time to time be allowed justices of the peace in the township in which said city is situated. Such salaries shall be in full compensation for all services rendered.

The compensation of all the officers and employes of the city not in this charter specified shall be fixed by the Board of Trustees; *provided*, that no increase of salaries provided for in Sections 220 and 221 shall take effect until the qualification of officers elected in April, 1905.

That Article XI of the charter be amended by adding to the words "Article XI" the words "Chapter I," and by amending Section 190 of the charter to read as follows:

Section 180. The Free Library shall be under the control and management of five trustees, who shall be known as the "Board of Free Library Trustees." They shall be appointed by the Mayor, by and with the consent of the Board of Trustees. The office of Library Trustee shall be honorary, and the members thereof shall serve without salary or compensation except that a reasonable compensation may be paid the secretary, any person, male or female, over the age of twenty-one years, who is a citizen of the United States and of this State, and a resident of the city, shall be eligible to the office of library trustee. The term of office of Library Trustees shall be until the next succeeding city officers are elected and qualified, and until their successors are appointed and qualified.

That Article XIII of the charter be amended by amending the title thereof so as to read as follows:

#### OF CITY OFFICERS AND OFFICIAL BONDS

That Section 210 of the charter be amended to read as follows:

Section 210. All officers of the city, whether elective or appointive, of whom a bond is required, must give a bond in some approved surety company; *provided*, that the premium charged shall not exceed a rate of 50 cents on the \$100 for each year; *provided*, that the premium on any single bond may not be less than five dollars, which premium shall be paid by the city.

That Section 211 of the charter be amended to read as follows:

Section 211. In case the premium should be in excess of said rate, then a bond may be given with personal sureties. All official bonds shall be approved by the Mayor, except that the official bond of the Mayor shall be approved by the Board of Trustees. All official bonds shall be made payable to the City of Fresno.

That Section 212 of the charter be repealed.

That the charter be amended by adding thereto a new section, under Article XIII thereof, to be numbered and known as Section 212 of said charter, and to read as follows:

Section 212. Besides the various appointive boards provided for by this charter, the regular officers of the city shall be as follows: Mayor, members of the Board of Trustees, members of the Board of Education, City Clerk, City Attorney, Judge of the Police Court, Chief of Police, Chief of the Fire Department, City Engineer, Superintendent of Streets, License Collector, City Physician, Plumbing Inspector (who shall be ex-officio Sanitary Inspector), Poundmaster, and such other officers as the Board of Trustees shall under this charter have power to create.

That Section 230 of the charter, in Article XV thereof, be amended to read as follows:

Section 230. The Police and Fire Departments shall be under the control and management of a board of four commissioners, selected from the qualified electors of the city, by and with the advice and consent of the Board of Trustees, and who shall hold office without compensation until after the next regular election of city officers, and until their successors are appointed and qualified. Not more than two of such commissioners shall belong to the same political party.

That Section 233 of the charter be amended to read as follows:

Section 233. The secretary of the Board shall keep a record of its transactions, specifying therein the names of the commissioners present at the meeting, and giving the ayes and noes on all votes when demanded by any member. Every order or resolution shall be recorded at length, and the record shall be approved by the Board, and signed by its president. The secretary shall cause the publication of all notices herein authorized to be published, or which the Board shall order to be published, and shall perform such other duties as the Board may from time to time require.

That the charter be amended by adding thereto a new section, under Article XV thereof, to be numbered and known as Section 244 of said charter, and to read as follows:

Section 244. The Chief of the Fire Department shall have the right, and it shall be his duty when required by the Board of Police and Fire Commissioners, to inspect all houses in the city; and he shall, together with the City Engineer, and Plumbing Inspector, examine all plans and specifications for buildings, repairs and improvements, when required by the building ordinances of the city, and if found to be in conformity with the law, shall sign a permit therefor, but if he finds otherwise, he shall give notice to the owner or architect of the points of variance from the requirements of law in respect to safety from fire. He shall observe the structure in progress of building from time to time, and report to the Mayor promptly any variance from the plans and specifications permitted, and shall order the work stopped until the law is complied with.

That Section 250 of Article XVI be amended to read as follows:

Section 250. No officer under salary, and no deputy of any city officer or employé of the city receiving pay from the city, all of whose time is required to be devoted to the duties of his office, shall hold any other public office while in the employment of or holding office under the city government, except notary public or member of the National Guard; nor shall any officer or employé of the city become

a party worker or solicitor or active partisan, nor shall he solicit any funds to be used for political purposes. A violation of any of the provisions of this section shall be sufficient cause for his removal from office.

That Section 252 of Article XVI of the charter be amended to read as follows:

Section 252. The word "city," whenever it occurs in this charter, means the City of Fresno; and every commission, commissioner, department, board or officer, wherever mentioned in this charter, means a commission, commissioner, department, board or officer, as the case may be, of the City of Fresno.

The word "board," when used in relation to the legislative department of this city, means the Board of Trustees; otherwise the definitions of words as provided in Section 14 of the Civil Code of the State of California, as far as applicable, are adopted as to all such words used in this charter and the ordinances thereunder.

That Section 253 of Article XVI of the charter be amended to read as follows:

Section 253. No officer of the city shall absent himself from the State without the written permission of the Mayor; and the Mayor is authorized to issue such permits, when deemed proper by him, for a period not exceeding sixty days. A violation of this section by an officer of the city, shall be sufficient cause for his removal from office.

That Section 254 of Article XVI of said charter be repealed.

That Section 257 of Article XVI of the charter be amended to read as follows:

Section 257. The Mayor, City Attorney, Judge of the Police Court, City Clerk, Chief of Police, Chief of the Fire Department and the Superintendent of Streets, shall each have been a resident of the City of Fresno for at least three years next before election or appointment, and shall be, at such time, a qualified elector of the city. The qualifications of all other officers not by this charter prescribed shall be such as may be prescribed by ordinance.

That Section 259 of Article XVI of said charter be repealed, and that a new section to be numbered 259 take the place thereof, and read as follows:

Section 259. Every executive and judicial officer of the city, except the Mayor and City Attorney, and every other officer and agent of the city charged with the collection or disbursement of any money of the city, shall furnish, at the end of each month, to the Board of Trustees, a full and detailed statement upon oath of all moneys received or disbursed by him, and of his other official transactions during said month. Like statements shall be made at and for such other times as the Board of Trustees may require.

That Article XVI of said charter be amended by adding thereto a new section to be numbered and known as Section 281, and to read as follows:

Section 281. Every officer of the City of Fresno, including Chief of Police and Chief of Fire Department (excepting police officers and firemen), shall have power to administer and certify oaths in all matters relating to the business or affairs of said city, and the City Clerk, City Engineer, Superintendent of Streets and City Attorney, may appoint such deputies as they see fit, who must have the same qualifications as their principals and qualify as other city officers, and such principals shall be liable on their official bonds for acts of their deputies, and all acts performed by such deputies shall be as valid and binding as if done by the principals; *provided*, that no such deputy shall receive any compensation from said city unless it is so specified in this charter.

That a new section to be numbered 282 be added to Article XVI of said charter, to read as follows:

Section 282. *The Recall.*—The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least fifty-one per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the City Clerk; *provided*, that the petition sent to the board shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not be all appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition, the City Clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the board shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition

to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the board without delay. If the petition shall be found to be sufficient, the Board of Trustees shall order, and fix a date for holding, the said election, not less than thirty days nor more than forty days from the date of the Clerk's certificate to the board that a sufficient petition is filed.

The Board of Trustees shall make or cause to be made publication of notice, and all arrangements for holding of such election; and the same shall be conducted, returned, and the result thereof declared, in all respects, as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise, in writing, the Clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receive the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office.

That Section 205 of said charter be amended to read as follows:

Section 205. The provisions of all general laws governing elections for state, county and municipal officers, not inconsistent with the provisions of this charter are hereby adopted as the law governing city elections for city officers except that no party name or designation shall appear on the tickets and all candidates shall be designated as "independent" and the Mayor, Board of Trustees and City Clerk, respectively shall exercise the powers and perform the duties conferred or imposed on Boards of Supervisors and County Clerks concerning elections, *provided*, that a candidate for any city office can be nominated, only in the manner provided by Section 1188 of the Political Code of the State of California, except that no party name or designation shall appear in the certificate and the candidates shall be designated as "independent."

#### STATE OF CALIFORNIA, COUNTY OF FRESNO.—SS.

This is to certify that we, L. O. Stephens, Mayor of the City of Fresno, and C. H. Sayre, Clerk of the City of Fresno and ex-officio Clerk of the Board of Trustees of said city, have compared the following proposed and ratified amendments to the charter of said city with the original ordinances proposing such amendments and submitting the same to the electors of said city at a special election called for that purpose on Monday, the thirteenth day of February, 1905, and find that the foregoing is a full, true and correct and exact copy thereof and we further certify that the facts set forth in the preamble preceding said amendments to said charter are and each of them is true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by seal of said City of Fresno, the 20th day of February, 1905.

L. O. STEPHENS,  
Mayor of the City of Fresno.

C. H. SAYRE,  
Clerk of said City of Fresno and  
ex-officio Clerk of the Board of Trustees of said city.

[SEAL]

#### NOW, THEREFORE, BE IT

*Resolved by the Senate of the State of California, the Assembly thereof concurring* (a majority of all members elected to each house voting for and concurring herein), That said amendments to the charter of the City of Fresno as proposed to and adopted and ratified by the electors of said city be and the same are and each of them is hereby approved as a whole without amendment or alteration for and as amendments to, and as a part of the charter of the City of Fresno, in the County of Fresno, State of California.

Senate Concurrent Resolution No. 15 was read.

Mr. Drew moved that Senate Concurrent Resolution No. 15 be adopted.

The roll was called, and Senate concurrent resolution concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Boyle, Branstetter, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Held, Johnson, Jury, King, Lucy, Lumley, Lynch, Maxwell, McCartney, McGowan, McKenney, Moore, O'Brien, Olmsted, Perkins, Plaefie, Fryor, Strobbridge, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Whiting, and Wickersham—50.

NOES—None.

## SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 426—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to the compensation of county officers in counties of the fourteenth class.

Senate Bill No. 682—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Senate Bill No. 715—An Act to amend Sections 13, 15, 20, 23, and 24 of an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 24, 1903, relating to the powers of the Bank Commissioners to appoint a secretary, prescribe his duties and fix his compensation; to secure an office, provide stationery, fuel, and other conveniences; to provide for printing their annual report and limiting the expenditure therefor; to provide for the maintenance of the Bank Commission and the establishment of the Bank Commissioners' Fund; to provide for the reports of private persons engaged in banking, to limit the indebtedness that may be incurred by any bank or banker, and to regulate the security to be taken for any loan or discount, and to fix the amount of cash on hand required of banks other than savings banks.

Assembly Bill No. 530—An Act making an appropriation of \$4,371.20 for the transportation of officers and members of the National Guard of California.

Senate Bill No. 736—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 21 thereof.

Senate Bill No. 771—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to county officers, and their compensation in counties of the fourteenth class.

Assembly Bill No. 351—An Act to amend Section 637a of the Penal Code of the State of California, relating to the taking and killing of meadow larks and wild birds other than game birds

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 426 read first time.

On motion of Mr. Held, Senate Bill No. 426 was ordered on special Senate file, without reference to a committee.

Senate Bill No. 682 read first time.

On motion of Mr. Cromwell, Senate Bill No. 682 was ordered on special Senate file without reference to a committee.

Senate Bill No. 715 read first time.

On motion of Mr. Perkins, ordered on special Senate file without reference to a committee.

Senate Bill No. 736 read first time, and ordered on special Senate file.

Senate Bill No. 771 read first time, and ordered on special Senate file.

Assembly Bills Nos. 530 and 351 ordered to enrollment.

## WITHDRAWAL OF NOTICE OF MOTION.

Mr. Creighton withdrew his notice of motion to reconsider the vote whereby Assembly Bill No. 820 was passed this day.

## ADJOURNMENT.

Mr. Manwell moved that the Assembly do now adjourn.

At eleven o'clock and ten minutes p. m., Speaker pro tem. Atkinson declared the Assembly adjourned until Monday, February 27, 1905, at ten o'clock a. m.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, February 27, 1905. }

The Assembly met at ten o'clock A. M., pursuant to adjournment.  
Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly,  
in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Bliss, Branstetter, Burge, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Duryea, Estudillo, Gans, Goodrich, Held, Houser, John, Johnson, Johnstone, Jones of San Francisco, King, McCartney, McGowan, McNamara, Meincke, Mindham, Mitchell-tree, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Severance, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—54.

Quorum present.

## LEAVES OF ABSENCE.

Leaves of absence for the day were granted to Messrs. Arnerich and Hawkins.

Mr. Boyle was excused until Wednesday on account of death in his family.

Messrs. Gates, Manwell, and Slaven were excused for one-half day.

Messrs. McKenney, Lynch, Lucey, Cromwell, and Devlin were excused for one hour.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Weyand, its further reading was dispensed with.

## PETITIONS.

The Speaker presented the following petitions, which were ordered printed in full in the Journal:

(Relative to practice of barbers.)

REDLANDS, CAL., February 16, 1905.

HON. F. C. PRESCOTT, *Speaker, and Members of the Assembly, Sacramento, Cal.:*

DEAR SIR: On account of the nefarious practice of the barber colleges of this State, turning out supposed barbers in eight weeks, thus doing inestimable damage to the barbers' profession by putting incompetent men into the business, who reduce the price, and thus drive competent men from the profession.

We, the undersigned, therefore, do petition your honorable body of Assemblymen, now assembled at Sacramento, to support the Act now before the Legislature regulating the practice of barbers in California.

T. S. HARRIS, Gem Shop.

S. H. Hoover, H. Hants, proprietor Commercial Shop; E. D. Ford, T. C. DuBois, John P. Hird, proprietor Park Shop; Peter G. McIver, J. F. Shuey, J. F. Hale, S. V. Betts, J. C. Bingham, proprietor Palace Shop; A. B. Walker, J. K. Cherry, Frank J. Preston.

Also:

(Relative to reading the Bible in public schools.)

REDLANDS, CAL., February 20, 1905.

HON. FRANK C. PRESCOTT, *Speaker of the House of Representatives, State of California:*

DEAR SIR: We desire to express to you, as our Representative, our hearty approval of the bill introduced by Hon. H. S. G. McCartney, of Los Angeles, to amend Section 1672

of the Political Code, so as to prevent any construction of that section that would not permit the use of the Bible in the public schools of our State, for any purpose not inconsistent with said section; and we further most respectfully request you to use your influence and your utmost endeavors in favor of the passage of said amendment.

We should oppose most strenuously any effort to introduce into our public schools any denominational or sectarian teaching whatever. On the other hand, to deny our teachers the privilege of reading in the schools from the book containing the highest code of morals known to the world—that code which forms the basis of human character, and upon which the perpetuity of civilized government rests—tends directly to subvert one of the fundamental reasons for the existence of our public school system, viz.: the culture of the truest and noblest citizenship.

Furthermore, to rule the Bible out of our public school libraries, as a book of reference, is to discriminate against what is admitted by educated men of every religious belief, and of no religious belief, to be a copy of the best literature ever produced, and for which there is no possible substitute.

For these two reasons, therefore, in the interest of good morals, both in private and public life, and in the interest of the highest culture, we wish to see no discrimination against the proper use of the Bible in the public schools of our State.

Hoping that you will agree with us as to the importance of this matter, we are,

Respectfully,

C. RAYMOND GRAY, Pastor M. E. C. S.  
N. L. LEVERING,  
R. A. COVINGTON,  
H. E. SHURMAN,  
P. H. COVINGTON,  
Official members of M. E. C. S.

Also:

REDLANDS, CAL., February 20, 1905.

HON. FRANK C. PRESCOTT, *Speaker of the House of Representatives, State of California*.

DEAR SIR: We desire to express to you, as our representative, our hearty approval of the bill introduced by Hon. H. S. G. McCartney of Los Angeles, to amend Section 1672 of the Political Code, so as to prevent any construction of that section that would not permit the use of the Bible in the public schools of our State, for any purpose not inconsistent with said section, and we further most respectfully request you to use your influence and your utmost endeavors in favor of the passage of said amendment.

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For these two reasons, therefore, in the interest of good morals, both in private and public life, and in the interest of the highest culture, we wish to see no discrimination against the proper use of the Bible in the public schools of our State.

Hoping that you will agree with us as to the importance of this matter, we are,

Respectfully,

ROBERT L. WELCH, Pastor U. P. Church.

With concurrence of 38 adult citizens who indorsed this letter.

Mr. Johnstone presented the following petition, signed by several hundred citizens of Los Angeles County:

#### ANTI-RACETRACK GAMBLING PETITION.

We, whose names are hereto subscribed, citizens of Los Angeles County, California, approve the Espey bill, amending the Penal Code by adding the following:

337½. Every person who within the State of California sells or offers for sale, buys or offers to buy, issues or offers to issue, or in any manner disposes of, purchases, or acquires any interest in any pool, or in any pool ticket, certificate, writing, or other evidence of payment, acceptance, or deposit of money, or other thing of value, staked upon the result of any running, pacing, or trotting race or contest between horses, mares, or geldings, or makes any bet or wager on the result of such race or contest, or acts as a stakeholder of any bet or wager laid on the result of any such race or contest, or receives or pays over any money or article or thing of value, the ownership or right to possession of which has been, is or is to be determined by any such race or contest, or rents, or leases any buildings, structure, room, apartment, place, or premises whatever, or permits the same to be used or occupied for any of the above purposes, is guilty of a

misdeemeanor and shall be punishable by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

We respectfully urge the passage of the same.

MRS. LOUISA HINDLE, and others.

The petition was ordered printed in the Journal without the signatures.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Ways and Means submitted the following reports, which were read:

##### ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER The undersigned, chairman of your Committee on Ways and Means, to whom was referred Assembly Bill No. 308—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Assembly Bill No. 616—An Act to provide for the investigation of the nature and prevention of the disease known as "pear blight," and making an appropriation therefor.

Also: Assembly Bill No. 453—An Act to appropriate \$20,000 for the improvement of the Big Basin Park

Have had the same under consideration, and respectfully report the same back, and recommend that the various authors be requested to withdraw same, as they are identical with bills passed on by this committee.

Also: Assembly Bill No. 130—An Act making an appropriation for the erection of a workshop at the home of the Industrial Home of Mechanical Trades for the Adult Blind.

Also: Assembly Bill No. 67—An Act to appropriate the sum of \$20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon the Sonora and Mono road, a State highway

Also: Assembly Bill No. 347—An Act to pay the claim of E. D. McCabe against the State of California, and to appropriate money therefor.

Also: Assembly Bill No. 276—An Act providing for the purchase of a university farm for the College of Agriculture of the University of California, providing for the appointment of a commission to select and purchase said farm, providing for a school of agriculture, and a system of instruction on said farm, and appropriating money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that the various authors be requested to withdraw the same, as they are identical with other bills passed on by this committee.

Also: Assembly Bill No. 138—An Act appropriating money for the construction of a refrigerating plant at the Preston School of Industry.

Also: Assembly Bill No. 943—An Act to appropriate the sum of \$2,000 for the purpose of diffusing information regarding tuberculosis, and the methods of preventing the spread of the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 1085—An Act appropriating money for the expenses of the care and improvement of the grounds at the John Marshall monument at Coloma—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 608—An Act making an appropriation for the erection and construction of buildings and equipping the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society, for exposition and State fair purposes, and for the payment of other expenses incidental and relating thereto, and providing that certain moneys now in the State Treasury may be used in connection with this appropriation for such purposes—have had the same under consideration, and respectfully report the same back, with eight amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 51—An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold; to improve the quality of dairy products of the State, to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions—have had the same under consideration, and respectfully report the same back, with twelve amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 862—An Act making an appropriation of \$10,000 for the purpose of building a photograph laboratory in combination with a fire-proof vault for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that the same do pass as amended.



Also: Assembly Bill No. 905—An Act making an appropriation of \$8,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of replumbing the main building of said school—have had the same under consideration, and respectfully report the same back, with three amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 137—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 134—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry—have had the same under consideration, and respectfully report the same back, with three amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 133—An Act appropriating money for the purchase of books for the library of the Preston School of Industry—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 544—An Act making an appropriation of \$45,616.30 to pay the claim of John Mullan against the State of California, and prescribing the duties of the Controller and Treasurer of the State in relation thereto—have had the same under consideration, and respectfully report the same back, with three amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 7—An Act making an appropriation of \$250,000 for the construction of an agricultural building, to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the use and accommodation of students of agriculture of the University, also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto—have had the same under consideration, and respectfully report the same back, with seven amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 153—An Act to establish a bureau of information for the purpose of disseminating knowledge of nature study, agriculture, and related subjects (applicable to conditions in California), to the public schools of the State, to be known as "The Central Bureau of Information"; indicating the method of disseminating such knowledge; fixing the location of said bureau; designating and naming the members of the board to control said bureau; indicating the powers of such board and the time for its first meeting; and appropriating the sum of \$10,000 to pay the expenses of said bureau for the fiscal years 1905 and 1906—have had the same under consideration, and respectfully report the same back, with four amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 556—An Act appropriating the sum of \$12,000 for the purchase and installment of a heating plant of the State Normal School at Chico—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 661—An Act appropriating money to pay the claim of A. S. Bosquit against the State of California—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that the same do pass as amended.

Also: Assembly Bill No. 169—An Act to create a department of music in the University of the State of California; to provide a professorship of music and to appropriate money therefor.

Also: Assembly Bill No. 623—An Act to appropriate \$25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such appropriation.

Also: Assembly Bill No. 906—An Act making an appropriation of \$5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of building and equipping a hospital for the use of the boys' school on the grounds of said school.

Also: Assembly Bill No. 792—An Act appropriating money to pay the expenses of collecting, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the International Exposition at Liege, Belgium, in 1905. Also for preparing and printing literature relating to the State for distribution at said exposition, and providing a commission, and expense of commission and attachés.

Also: Assembly Bill No. 303—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 62—An Act to appropriate the sum of \$20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon the Sonora and Mono road, a State highway.

Also: Senate Bill No. 215—An Act to appropriate the sum of \$25,000 for the erection of a workshop on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind in Alameda County, by the Board of Directors thereof, and to provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Also: Senate Bill No. 325—An Act making an appropriation of \$668.65 to pay the

claim of Edward F. Lehner against the State of California, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 334—An Act to provide for an appropriation for the preservation, protection, and improvement of the Monterey Custom House property.

Also: Assembly Bill No. 123—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 135—An Act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry.

Also: Assembly Bill No. 609—An Act making an appropriation to the Board of Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against the said society.

Also: Assembly Bill No. 784—An Act making an appropriation of \$785, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing one team, four sets of harness, one mowing machine, and one set of platform scales for use of said school.

Also: Assembly Bill No. 923—An Act to provide for the construction of permanent bridge work on the Lake Tahoe wagon road, a State highway, and making an appropriation therefor.

Also: Assembly Bill No. 1033—An Act making an appropriation to pay the claims for services, subsistence, supplies, and transportation of the National Guard of California, called into service by the Governor in the month of July, 1903.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 382—An Act making an appropriation of \$915.94 to pay the claim of George H. Shaw against the State of California.

Also: Assembly Bill No. 641—An Act making an appropriation of \$5,000 to be used by the Governor, Attorney-General, and Secretary of State (comprising the Board of Examiners) in defense of the interest of the State and political subdivisions thereof in suits involving the rights to use oil upon the public highways.

Also: Assembly Bill No. 657—An Act to establish a State refinery of petroleum, and making an appropriation therefor.

Also: Assembly Bill No. 129—An Act making an appropriation for the erection of a dormitory at the home of the Industrial Home of Mechanical Trades for the Adult Blind.

Also: Assembly Bill No. 132—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a dam across Sutter Creek.

Also: Assembly Bill No. 136—An Act appropriating money for building an assembly hall at the Preston School of Industry.

Also: Assembly Bill No. 633—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California, and to make an appropriation therefor.

Also: Assembly Bill No. 854—An Act to appropriate \$2,000 to erect a monument on the summit of Mount Shasta, Siskiyou County, California, and providing for the payment of such appropriation.

Also: Assembly Bill No. 279—An Act to provide for the location, construction, and management of a State highway from a point on the Lake Tahoe State wagon road at or near Meyer's Station, thence past Tallac, Emerald Bay and McKinney's to Tahoe City, and making an appropriation therefor.

Also: Assembly Bill No. 66—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.

Also: Assembly Bill No. 600—An Act to provide for the establishment of a hospital for persons afflicted with leprosy, and for the restraint of such persons, and to provide for an appropriation of money for the establishment and maintenance of such hospitals and to pay the expenses incidental thereto.

Also: Senate Bill No. 605—An Act for the relief of E. D. McCabe, and to appropriate money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 171—An Act providing for the purchase of a university farm for the use of the College of Agriculture of the University of California; providing for the appointment of a commission to select and purchase said farm; providing for a school of agriculture, and a system of instruction on said farm, and appropriating money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STANTON, Chairman.

Senate Bills Nos. 62, 215, 325, 334, 605, and 171 ordered to second reading on the special Senate file.

Assembly Bills Nos. 308, 616, 453, 130, 67, 847, 276, 138, 943, 1085, 608, 51, 862, 905, 137, 134, 133, 544, 73, 153, 556, 661, 169, 623, 906, 792, 303, 123, 135, 609, 784, 923, 1038, 382, 641, 657, 129, 132, 136, 633, 854, 279, 66, and 600 ordered on the second-reading file.

## SPECIAL REPORT ON BILLS REFERRED TO COMMITTEE ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. SPEAKER: Your Committee on Ways and Means begs leave to submit its report for the two weeks ending February 24, 1905.

Bills have been referred to this committee as follows:

Feb. 13, Assembly Bill No. 762—An Act making an appropriation to pay the claim of John V. Powers .....	\$982 00
13, Assembly Bill No. 544—An Act making an appropriation of forty-five thousand six hundred and sixteen dollars and thirty cents, to pay the claim of John Mullan. ....	45,616 30
13, Assembly Bill No. 467—An Act making an appropriation to pay the claim of J. W. Sibole .....	1,037 00
13, Assembly Bill No. 418—An Act to pay the claim of H. N. Sitton .....	1,856 78
13, Assembly Bill No. 382—An Act making an appropriation of \$915.94 to pay the claim of Geo. H. Shaw. ....	915 94
13, Assembly Bill No. 342—An Act making an appropriation of \$250 to pay the bounty claim of Daniel Dougherty .....	250 00
14, Assembly Bill No. 752—An Act to amend the Political Code by adding thereto a new section, to be numbered 1874a .....	2,500 00
14, Assembly Bill No. 729—An Act to authorize the payment of moneys in the hands of the Governor of the State as commander-in-chief of the military forces of the State, received by him from the United States for the payment of amounts due to California United States volunteers of the late war with Spain .....	.....
14, Assembly Bill No. 857—An Act making an appropriation to pay the claim of Messrs. Daugherty & Lacey for legal services rendered at request of the Attorney-General .....	500 00
14, Assembly Bill No. 763—An Act to pay the claim of Albert G. Laferty .....	1,000 00
14, Assembly Bill No. 847—An Act to pay the claim of E. D. McCabe .....	3,333 00
14, Assembly Bill No. 924—An Act making an appropriation to pay the judgment against the State of California recovered by Abe Darlington .....	165 00
14, Assembly Bill No. 792—An Act appropriating money to pay the expenses of collecting, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at International Exposition at Liege, Belgium, in 1905 .....	15,000 00
14, Assembly Bill No. 784—An Act making an appropriation of \$785 to be used by the Board of Trustees of the Whittier State School ..	785 00
14, Assembly Bill No. 556—An Act appropriating the sum of \$12,000 for the purchase and installment of a heating plant of the State Normal School at Chico .....	12,000 00
15, Assembly Bill No. 63—An Act to provide for the construction and maintenance of a fire boat for the protection of shipping .....	100,000 00
15, Assembly Bill No. 129—An Act making an appropriation for the erection of a dormitory at the Home of the Industrial Home of Mechanical Trades for the Adult Blind .....	35,000 00
15, Assembly Bill No. 130—An Act making an appropriation for the erection of a workshop at the Home of the Industrial Home of Mechanical Trades for the Adult Blind .....	25,000 00
15, Assembly Bill No. 240—An Act to provide for the payment of the claims of John F. Forward, County Recorder, San Diego County ..	4,333 75
15, Assembly Bill No. 379—An Act appropriating the sum of \$10,000 for the relief of Lawrence J. Dunnigan .....	10,000 00
15, Assembly Bill No. 543—An Act making an appropriation of \$45,616 30 to pay the claim of John Mullan .....	45,616 30
15, Assembly Bill No. 547—An Act to provide for the building, equipping, and furnishing of a wing to be used for patients at the Southern California State Hospital .....	65,000 00
15, Assembly Bill No. 548—An Act to appropriate \$5,000 for the erection of a dairy building and purchase of equipment therefor for the Southern California State Hospital .....	5,000 00
15, Assembly Bill No. 801—An Act to appropriate the sum of \$3,500 to pay the claim of E. J. Card .....	2,500 00
16, Assembly Bill No. 943—An Act to appropriate the sum of \$2,000 for the purpose of diffusing information regarding tuberculosis and the methods of preventing the spread of the same .....	2,000 00
16, Assembly Bill No. 897—An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe-line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin .....	360,000 00

Feb. 16, Assembly Bill No. 896—An Act making an appropriation for the erection and construction of additional cells at the State prison at Folsom, the erection of a wall around said prison, the purchase of necessary cement, derricks, and tools .....	\$218,000 00
16, Assembly Bill No. 753—An Act to pay the claim of Philip Bauer .....	5,000 00
16, Assembly Bill No. 817—An Act making an appropriation to pay the claim of Dr. G. A. White for professional services rendered .....	555 00
16, Assembly Bill No. 466—An Act making an appropriation to pay the claim of T. K. Norman .....	322 00
16, Assembly Bill No. 259—An Act to pay the claim of Mrs. A. M. McGinnes .....	4,000 00
16, Senate Bill No. 334—An Act to provide for an appropriation for the preservation, protection, and improvement of the Monterey Custom House property .....	1,500 00
16, Senate Bill No. 262—An Act to provide for the payment of the claim of Fred A. Treat .....	181 61
16, Senate Bill No. 133—An Act making an appropriation for the California Polytechnic School .....	35,000 00
16, Senate Bill No. 148—An Act to provide for certain improvements at the California Polytechnic School .....	25,000 00
16, Senate Bill No. 10—An Act to provide for the appointment of the California Cereal Improvement Commission .....	10,000 00
16, Senate Bill No. 539—An Act making an appropriation to pay the claims of Daugherty & Lacey .....	500 00
16, Assembly Bill No. 911—An Act to amend 'An Act to establish a Political Code' (per annum) .....	1,200 00
16, Assembly Bill No. 633—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California .....	100,000 00
16, Assembly Bill No. 663—An Act to amend Sections 412 and 413 of the Code of Civil Procedure .....	5,000 00
16, Assembly Bill No. 962—An Act to pay the claim of the Lauritzen Company of San Francisco .....	20,000 00
16, Assembly Bill No. 316—An Act to provide for the erection of embankments or levees to care for the flood waters of the Kern River .....	60,000 00
20, Assembly Bill No. 1087—An Act making an appropriation of \$675 to pay for postage, expressage, and telegraphing, Secretary of State's office .....	675 00
20, Assembly Bill No. 983—An Act to provide for an appropriation for the preservation, protection, and improvement of the Monterey Custom House property .....	1,500 00
20, Assembly Bill No. 588—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles, to purchase lands in the City of Los Angeles for a new site for said school .....	60,000 00
20, Senate Bill No. 171—An Act providing for the purchase of a University farm for the use of the College of Agriculture of the University of California .....	150,000 00
20, Senate Bill No. 223—An Act to provide for the completion of certain buildings at the California Home for the Care and Training of Feeble-Minded Children .....	8,000 00
20, Senate Bill No. 225—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children .....	17,500 00
20, Senate Bill No. 228—An Act to provide for the completion of the main building at the California Home for the Care and Training of Feeble-Minded Children .....	55,000 00
20, Senate Bill No. 229—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children .....	6,500 00
20, Senate Bill No. 257—An Act to provide for the fencing and improvement of the grounds of the Mendocino State Hospital .....	7,500 00
20, Senate Bill No. 378—An Act to appropriate \$7,500 to sink artesian wells and to develop artesian water on the lands of the Mendocino State Hospital .....	4,500 00
20, Senate Bill No. 565—An Act to pay the claim of Louise Rienzi against the State of California .....	1,566 00
21, Assembly Bill No. 905—An Act making an appropriation of \$8,000 to be used by the Board of Trustees of the Whittier State School .....	8,000 00
21, Assembly Bill No. 906—An Act making an appropriation of \$5,000 to be used by the Board of Trustees of the Whittier State School .....	5,000 00
21, Assembly Bill No. 1034—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions, for the remainder of the fifty-sixth fiscal year .....	17,300 00

Feb 21, Assembly Bill No. 1038—An Act making an appropriation to pay the claims for services, subsistence, supplies, and transportation of the National Guard of California.....	\$1,580 47
21, Senate Bill No. 144—An Act making an appropriation of \$915.94 to pay the claim of George H. Shaw.....	915 94
22, Assembly Bill No. 600—An Act to provide for the establishment of a hospital for persons afflicted with leprosy.....	25,000 00
22, Assembly Bill No. 718—An Act to provide continuous support for the prosecution of the work of river improvement.....	500,000 00
22, Assembly Bill No. 831—An Act to promote and facilitate the enforcement of laws against the adulteration of food and drugs.....	10,000 00
22, Assembly Bill No. 1039—An Act authorizing and directing the Board of State Capitol Commissioners to remodel and repair the State Capitol building.....	352,925 00
22, Assembly Bill No. 1040—An Act authorizing and directing the Board of State Capitol Commissioners to make certain repairs and improvements and to remodel the State Capitol building.....	175,573 00
22, Assembly Bill No. 1080—An Act to provide for the location and construction of a public highway from Grant Park to the Kings River Canon.....	25,000 00
22, Assembly Bill No. 1085—An Act appropriating money for the expenses of the care and improvement of the grounds at the John Marshall monument at Coloma.....	250 00
22, Assembly Bill No. 153—An Act establishing a bureau of information for the purpose of disseminating knowledge of nature study, agriculture, and related subjects (applicable to conditions in California), to the public schools of the State.....	10,000 00
22, Senate Bill No. 508—An Act to appropriate \$40,000 for the purchase of additional land for the use of the Stockton State Hospital.....	40,000 00
22, Senate Bill No. 601—An Act making an appropriation to pay the claim of the County of El Dorado.....	2,500 00
22, Senate Bill No. 606—An Act to appropriate \$9,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles.....	9,000 00
22, Senate Bill No. 382—An Act authorizing the payment of a judgment heretofore rendered in favor of Benjamin Lauer.....	55 00
23, Assembly Bill No 923—An Act to provide for the construction of permanent bridge work on the Lake Tahoe wagon road.....	6,000 00
20, Assembly Bill No 1157—General appropriation.....	7,350,387 00

*Bills Reported Favorably.*

Feb. 10, Assembly Bill No. 530.....	\$4,371 20
10, Assembly Bill No. 201.....	3,000 00
10, Assembly Bill No. 210.....	2,500 00
10, Assembly Bill No. 745.....	855 18
10, Assembly Bill No. 286.....	2,310 11
14, Assembly Bill No. 162.....	590 00
14, Assembly Bill No. 163.....	815 00
14, Assembly Bill No. 104.....	3,350 00
14, Assembly Bill No 161.....	2,085 00
14, Assembly Bill No 164.....	640 00
14, Assembly Bill No. 161.....	10,000 00
14, Assembly Bill No 126.....	1,276 00
14, Assembly Bill No 538.....	560 22
14, Assembly Bill No 562.....	2,160 00
14, Assembly Bill No. 760.....	3,400 00
14, Assembly Bill No. 808.....	6,000 00
14, Assembly Bill No. 779.....	900 00
14, Assembly Bill No 780.....	500 00
14, Assembly Bill No. 782.....	2,000 00
14, Assembly Bill No 783.....	500 00
14, Assembly Bill No 785.....	250 00
14, Assembly Bill No. 786.....	250 00
14, Assembly Bill No. 866.....	250 00
14, Assembly Bill No. 762.....	982 00
14, Assembly Bill No. 752.....	2,500 00
15, Assembly Bill No. 81.....	410 00
15, Assembly Bill No. 402.....	175 00
15, Assembly Bill No. 534.....	2,000 00
15, Assembly Bill No. 471.....	4,000 00
15, Assembly Bill No. 373.....	181 61
15, Assembly Bill No 776.....	8,000 00
16, Assembly Bill No. 596.....	3,000 00
16, Assembly Bill No. 722.....	2,408 10
16, Assembly Bill No. 924.....	165 00

Feb. 16, Assembly Bill No. 911	\$1,200 00
20, Assembly Bill No. 290	2,742 74
22, Assembly Bill No. 191	12,245 00
22, Assembly Bill No. 228	6,452 00
22, Assembly Bill No. 322	500 00
22, Assembly Bill No. 403	500 00
22, Assembly Bill No. 86	10,000 00
22, Senate Bill No. 94	4,333 75
22, Senate Bill No. 261	80,000 00
22, Assembly Bill No. 610	250 00
22, Assembly Bill No. 68	10,000 00
22, Assembly Bill No. 235	5,000 00
22, Assembly Bill No. 520	32,000 00
22, Assembly Bill No. 897	310,000 00
22, Assembly Bill No. 896	168,000 00
22, Assembly Bill No. 817	250 00
22, Assembly Bill No. 1087	675 00
22, Senate Bill No. 223	8,000 00
22, Senate Bill No. 229	5,000 00
Total	\$729,532 91
20, Assembly Bill No. 1157	7,350,387 00
Total	\$8,079,919 91

*Bills Recalled.*

Feb. 15, Assembly Bill No. 616	\$8,500 00
17, Assembly Bill No. 85	100,000 00
22, Assembly Bill No. 304	8,000 00
22, Assembly Bill No. 305	6,500 00
22, Assembly Bill No. 731	50,000 00
22, Assembly Bill No. 240	4,333 75
22, Assembly Bill No. 379	10,000 00
Total	\$187,333 75

*Bills Reported Unfavorably.*

Feb. 10, Assembly Bill No. 641	\$5,000 00
10, Assembly Bill No. 464	400 00
14, Assembly Bill No. 316	60,000 00
14, Assembly Bill No. 102	1,000 00
14, Assembly Bill No. 781	5,000 00
14, Assembly Bill No. 787	600 00
15, Assembly Bill No. 561	30,000 00
15, Assembly Bill No. 629	7,000 00
16, Assembly Bill No. 67	20,000 00
16, Assembly Bill No. 129	35,000 00
Total	\$164,000 00

*Recapitulation.*

Total amount of appropriations referred to this committee to date	\$13,293,627 51
Total appropriations reported favorably	\$8,372,406 89
Bills reported unfavorably	164,000 00
Total reduction in appropriations	109,041 90
Bills withdrawn	407,333 75
	9,052,782 54
Total appropriation remaining in hands of the committee	\$4,240,844 97
Respectfully submitted.	

STANTON, Chairman.

The report was ordered printed in the Journal.

The Committee on Public Buildings and Grounds submitted the following reports, which were read:

## ON PUBLIC BUILDINGS AND GROUNDS

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905

MR. SPEAKER: The undersigned, chairman of your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 7—An Act to provide for the erection of a State historical building, to be located in the City of Los Angeles; to provide for the purchase of a site therefor; to provide for the acquisition, maintenance, and display

of historical and educational exhibits, and for the collection and preservation of historical records, and all objects of interest connected with the history of California, to provide within such building rooms for the Supreme Court of California, for the Court of Appeals of the Second District, and for an armory and other rooms for the accommodation of the National Guard of California located at Los Angeles; to provide for the appointment of trustees, as a body corporate, for the management, control, and care of said building and its uses, its archives, exhibits, and appurtenances, and making an appropriation for the purposes above stated—has had the same under consideration, and respectfully reports the same, and recommends that it do pass, by a majority, and without recommendation by a minority.

BARNES, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 297—An Act to provide for the appointment of a board of trustees, to be known as the "Trustees of Fort Humboldt," for the acquisition of the Fort Humboldt property, and provide for an appropriation for the purchase thereof by the State, and for the preservation, protection, and improvement of the said property—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BARNES, Chairman.

Senate Bills Nos. 7 and 297 referred to Committee on Ways and Means, and ordered to second reading on special Senate file.

The Committee on Agriculture substituted the following report, which was read:

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Senate Bill No. 440—An Act to prevent the spread of contagious diseases among animals—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

STROBRIDGE, Chairman

Senate Bill No. 440 ordered to second reading on special Senate file.

The Committee on Fish and Game submitted the following report, which was read:

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 673—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628a, 628b, 628c, 628d, and 628e, all relating to the protection and preservation of fish—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

O'BRIEN, Chairman

Senate Bill No. 673 ordered to second reading on special Senate file.

The Committee on Military Affairs submitted the following report, which was read:

ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Senate Bill No. 17—An Act permitting all ex-Union soldiers of the Civil War, honorably discharged from the military or marine service of the United States, the right to vend, hawk, and peddle goods, wares, fruits, or merchandise not prohibited by law, in any county, town, village, incorporated city or municipality in the State of California without paying a license—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GANS, Chairman.

Senate Bill No. 17 ordered to second reading on special Senate file.

CONSTITUTIONAL AMENDMENT RE-REFERRED.

Mr. Moore moved that Assembly Constitutional Amendment No. 26 be recalled from the Committee on Swamp and Overflowed Lands and

Drainage, and referred to the Committee on Constitutional Amendments.

Motion carried.

BILLS RE-REFERRED.

Mr. Stanton moved that Senate Bill No. 508 (No. 516 on file) be re-referred to the Committee on Ways and Means.

Motion carried.

Mr. Cleveland moved that Assembly Bill No. 369 (No. 286 on file) be referred to a select committee, consisting of the Committee on Judiciary, for further consideration and amendment.

Motion carried.

Mr. Cooper moved that Assembly Bill No. 985 be re-referred to the Committee on Ways and Means.

Motion carried.

Mr. Beardslee moved that Senate Bill No. 231 be substituted on the special file in place of Assembly Bill No. 299 (No. 20 on file), both bills being identical.

Motion carried.

SENATE BILL AMENDED.

Mr. McCartney moved to take up Senate Bill No. 135 (No. 526 on file) for the purpose of amendment.

Motion carried.

Senate Bill No. 135—An Act to add a new section to the Penal Code, to be numbered 74a, relating to the retention by an officer of any part of the salary or fees allowed to his subordinate officer.

Read third time.

SELECT COMMITTEE AMENDMENT.

Mr. McCartney moved that a select committee of one be appointed to amend Senate Bill No. 135, as follows:

AMENDMENT No. 1.

Strike out the word "or" after the word "keeps," in line 4 of page 1, printed bill, and insert in lieu thereof a comma (,).

Amendment adopted.

AMENDMENT No. 2.

Insert after the word "retains," in line 5, page 1 of said printed bill, the words "or diverts."

Amendment adopted.

AMENDMENT No. 3.

Insert after the word "use," in line 5, page 1 of said printed bill, as follows: "or the use of any other person."

Amendment adopted.

AMENDMENT No. 4.

Insert after the word "retention," in line 3 of the title of said Act, the words "or diversion."

Amendment adopted.

Mr. McCartney was appointed such select committee of one.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 135—An Act to add a new section to the Penal Code, to be numbered 74a, relating to the



retention by an officer of any part of the salary or fees allowed to his subordinate officer—with instructions, does now report that the instructions of the Assembly have been carried out.

McCARTNEY, Committee.

Report adopted.

Senate Bill No. 135 was ordered to print, with a rush order, and on special Senate file for final passage.

SENATE BILL RE-REFERRED.

Mr. McGowan moved that Assembly Bill No. 563 (No. 412 on file) be re-referred to Committee on Corporations, to retain its place on file.  
Motion carried.

REQUEST FOR INTRODUCTION OF BILL.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1905.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows: "An Act appropriating the sum of \$25,000 for constructing a building and supporting and maintaining a University School of Observation and Practice, and providing for the drawing of a warrant therefor by the Controller in favor of the Regents of the University of California, and the payment of said warrant by the State Treasurer."

WM. H. WASTE.

Referred to Committee on Introduction of Bills.

BILL TAKEN UP.

Mr. McGowan moved to take up Assembly Bill No. 1087 (No. 418 on file) for second reading.

Motion carried.

Assembly Bill No. 1087—An Act making an appropriation of \$675 to pay for postage, expressage, and telegraphing, Secretary of State's office, for the balance of the fifty-sixth fiscal year.

Read second time.

MOTION.

Mr. McGowan moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 1087.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 1087 was considered in Committee of the Whole.

Mr. McGowan moved that the Committee of the Whole rise and report back Assembly Bill No. 1087, with a recommendation that the same do pass.

So ordered.

IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

REPORT OF COMMITTEE OF THE WHOLE

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1087—An Act making an appropriation of \$675 to pay for postage, expressage, and telegraphing, Secretary of State's office, for the balance of the fifty-sixth fiscal year—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

Assembly Bill No. 1087 ordered to third-reading file.

## BILLS TAKEN UP FOR AMENDMENT.

Mr. Moore moved that Assembly Bill No. 1082 (No. 221 on file) be taken up for the purpose of amendment.

Assembly Bill No. 1082—An Act to create a drainage district, to be called Sacramento Drainage District, to promote drainage therein; to provide for the election and appointment of officers for said drainage district, defining the powers, duties, and compensation of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for the levying and collection of assessments upon lands within said drainage districts.

Read third time.

## SELECT COMMITTEE AMENDMENT.

Mr. Moore moved that a select committee of one be appointed to amend Assembly Bill No. 1082, as follows:

## AMENDMENT No. 1.

Amend by striking out the words "along section lines three miles," in lines 87 and 88, page 4 of printed bill, and insert the following:

"Three quarters of a mile, thence north one quarter of a mile; thence west one half mile; thence north one half mile; thence west one quarter of a mile to the west boundary line of section seven, thence south three quarters of a mile to the southwest corner of section seven; thence west on section lines two miles."

## AMENDMENT No. 2.

Amend by striking out all after the word "thence" on line 257, page 8 of printed bill, down to and including the word "slough," on line 274, page 9 of printed bill, and insert the following:

"East of section lines to the center of the Cosumnes River, thence down the center of the Cosumnes River to the center of the Mokelumne River; thence down the center of Mokelumne River to its forks at New Hope Landing; thence down the center of the south fork of the Mokelumne River to its intersection with Potato Slough, near the northwest corner of section 13, township 3 north, range 4 east; thence down the center of Potato Slough to its intersection with Little Connection Slough; thence down the center of Little Connection Slough."

Motion carried.

Amendments adopted.

Mr. Moore was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1082—An Act to create a drainage district, to be called Sacramento Drainage District, to promote drainage therein, to provide for the election and appointment of officers for said drainage district, defining the powers, duties, and compensation of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for the levying and collection of assessments upon land within said drainage districts—with instructions, does now report that the instructions of the Assembly have been carried out

MOORE, Committee.

The report of select committee of one was adopted.

Assembly Bill No. 1082 ordered to print, with a rush order, reingrossment, and on file for passage.

Mr. Drew moved to take up Assembly Bill No. 839 (No. 28 on file) for the purpose of amendment.

Motion carried.

Assembly Bill No. 839—An Act to amend Section 12 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901.

Read third time.

## SELECT COMMITTEE AMENDMENTS.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 839, as follows:

## AMENDMENT No. 1.

Strike out the period at the end of the title of the printed bill and insert as follows: "and fixing the compensation of grand jurors and trial jurors in criminal cases."

## AMENDMENT No. 2.

On page 4, printed bill, commencing with line 95, strike out all the remainder of page 4, all of pages 5, 6, and 7, and insert as follows:

13. (a) The registered voting population of the several judicial townships of this county is hereby determined to be the registered vote as shown by the great register of the county in the office of the county clerk. The salaries of the several township officers shall be determined by the registered voting population as shown by said register at the general election of the preceding even-numbered year, and are as follows, to wit:

- Judicial Township No. 1, 275 (Firebaugh).
- Judicial Township No. 2, 621 (Clovis).
- Judicial Township No. 3, 5,618 (Fresno).
- Judicial Township No. 4, 822 (Fowler).
- Judicial Township No. 5, 827 (Selma).
- Judicial Township No. 6, 542 (Coalinga).
- Judicial Township No. 7, 953 (Sanger).
- Judicial Township No. 8, 512 (Reedley).
- Judicial Township No. 9, 283 (Kingsburg).
- Judicial Township No. 10, 466 (Letcher).
- Judicial Township No. 11, 67 (Lemoore).
- Judicial Township No. 12, 73 (Polasky).
- Judicial Township No. 13, 322 (Laton).

(b) For the purpose of regulating the compensation of justices of the peace and persons performing the duties of justice of the peace, and constables, townships of this class of counties are hereby classified according to the registered voting population as shown by the great register of the county

Townships having a registered voting population of 5,000 and more shall belong to and be known as townships of the first class; townships having a like population of 1,000 and less than 5,000 shall belong to and be known as townships of the second class; townships having a like population of 800 and less than 1,000 shall belong to and be known as townships of the third class; townships having a like population of 500 and less than 800 shall belong to and be known as townships of the fourth class; townships having a like population of 250 and less than 500 shall belong to and be known as townships of the fifth class; townships having a like population of 250 and less shall belong to and be known as townships of the sixth class.

(c) Justices of the peace and persons performing the duties of justice of the peace shall receive the following monthly salaries, to be paid each month as the county officers are paid, and the same shall be in full compensation for all services rendered in criminal cases, and shall include their office rent, to wit:

- In townships of the first class, one hundred and seventy-five dollars.
- In townships of the second class, one hundred dollars.
- In townships of the third class, eighty dollars.
- In townships of the fourth class, sixty dollars.
- In townships of the fifth class, forty dollars.
- In townships of the sixth class, twenty dollars.

In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions. Each justice of the peace must pay into the county treasury once a month, all fines collected by him.

14. Constables shall receive the following monthly salaries, to be paid each month as the county officers are paid, and shall be in full compensation for all services rendered by them in criminal cases, to wit:

- In townships of the first class, one hundred dollars.
- In townships of the second class, ninety dollars.
- In townships of the third class, eighty dollars.
- In townships of the fourth class, sixty dollars.
- In townships of the fifth class, forty dollars.
- In townships of the sixth class, twenty dollars.

In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions; and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or prison, which expenses shall be audited by the board of supervisors and paid out of the county treasury; provided, further, that when any constable is required to go out of his own county to serve a warrant of arrest, or any other paper in a criminal case, he shall be allowed mileage in going and returning outside of his own county at the rate of five cents per mile.

15. The supervisors shall receive each the sum of fifteen hundred dollars (\$1,500) per annum, paid monthly in installments of one hundred and twenty-five dollars (\$125.00) per month, in full compensation for all services rendered either as supervisors or road overseers.

16. Jurors' fees, in criminal cases, shall be as follows:

For attending as a grand juror or a trial juror in the superior court, in criminal cases, only, for each day's attendance, per day, three dollars, for each mile actually traveled in attending court as such juror under summons, or under order of court, in criminal cases, in going only, per mile, fifteen cents and the county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror, and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

17. The salaries of all county and township officers shall be payable in installments monthly on the first day of each month.

Motion carried.

Amendments adopted.

Mr. Drew was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 839—An Act to amend Section 12 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 24, 1901—with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

The report of the select committee of one was adopted.

Assembly Bill No. 839 ordered to reprint with a rush order, reengrossment, and on file for final passage.

#### REPORTS OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following reports, which were read:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reengrossed:

Assembly Bill No. 786—An Act making an appropriation of \$250 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new sewing machines for use in said school.

Assembly Bill No. 931—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Assembly Bill No. 780—An Act making an appropriation of \$500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing type and printing materials to be used in the printing office at said school.

Assembly Bill No. 910—An Act to amend Section 3881 of the Political Code of the State of California, relating to correcting of errors, omission, defects in form or in descriptions, erroneous or double assessments in any assessment roll.

Assembly Bill No. 799—An Act authorizing and empowering boards of supervisors of the counties of this State to change the names of streets and avenues outside of incorporated cities and towns.

Assembly Bill No. 938—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 25 thereof, relating to powers of boards of supervisors.

Assembly Bill No. 586—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending Section 171 thereof, relating to the compensation of county officers in counties of the fourteenth class.

Assembly Bill No. 748—An Act to add a new section to the Political Code, to be numbered 1366a, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

DEVLIN, Chairman.

Assembly Bills Nos. 786, 931, 780, 910, 799, 938, 586, and 748 ordered on third-reading file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 913—An Act to amend Section 2191 of the Political Code of the State of California, relating to the return to the country or State to which they belong of insane or incompetent persons not resident for one year of the State of California

Assembly Bill No. 325—An Act entitled an Act to amend Section 1701 of the Political Code of the State of California, relating to employment and payment of teachers

Assembly Bill No. 746—An Act to repeal Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested.

Assembly Bill No. 859—An Act to permit the Board of State Prison Directors, the Board of Managers of the Preston School of Industry, and the Board of Trustees of the Whittier State School to employ the inmates of the State prisons, the Preston School of Industry, and the State School at Whittier in the manufacture of such articles or at such labor as can be utilized for the benefit of the public institutions owned or managed and controlled by the State, or any of the political divisions thereof.

Assembly Bill No. 907—An Act to amend Section 2181 of the Political Code, relating to the duties of guardians of insane persons

Assembly Bill No. 921—An Act to amend Section 1368 of the Penal Code, relating to doubts as to sanity of the defendant, and how determined.

Assembly Bill No. 941—An Act to amend an Act entitled "An Act to enforce the educational rights of children and providing penalties for violation of the Act," approved March 24, 1903.

Assembly Bill No. 715—An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau; defining his duties, qualifications, and powers; providing for the appointment of a clerk of said bureau, and fixing his qualification; fixing the compensation of said director and clerk, and providing for the manner of paying the same and providing for the expense of conducting said office.

Assembly Bill No. 922—An Act to amend Section 345 of the Code of Civil Procedure, relating to limitations of actions by the State for money due for the keeping of patients in the State hospitals.

Assembly Bill No. 908—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 22, 1901, and amended March 19, 1903, by amending Section 200 thereof, relating to the compensation of officers of the forty-third class.

Assembly Bill No. 613—An Act to add a new section to the Code of Civil Procedure, the said section to be designated 1166a, relating to actions for obtaining possession of real property, to the manner in which tenants may be ejected, and providing the form of the complaint, the form and amount of the undertaking, and the form of the writ of ejectment, and the manner of executing and serving the writ.

Assembly Bill No. 343—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 233 thereof, relating to the punishment for the crime of bigamy.

Assembly Bill No. 912—An Act to amend Section 622a of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to taxation of insurance companies.

Assembly Bill No. 575—An Act to amend Sections 2293 and 2303 of the Political Code, relating to the State Library.

Assembly Bill No. 960—An Act providing for the furnishing to sheriffs and chiefs of police of certain information, descriptions, and photographs of persons confined in the State prison, by wardens of State prisons.

Assembly Bill No. 722—An Act making an appropriation to pay the claim of the County of El Dorado against the State of California

Assembly Bill No. 109—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 487 thereof, relating to grand larceny

Assembly Bill No. 168—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.

Assembly Bill No. 851—An Act to amend Section 3366 of the Political Code, relating to the imposition and collection of license taxes by counties, incorporated cities, and towns

Assembly Bill No. 764—An Act to regulate the operation of motor vehicles on public highways.

Assembly Bill No. 947—An Act to add a section to the Penal Code, to be known as Section 653, relating to attempts by members of boards of directors of State institutions or State commissions to ask, solicit, demand, or control appointments to be made by any officer appointed by said State board or commission.

Assembly Bill No. 35—An Act to amend Section 159½ of the Penal Code, making it a misdemeanor to advertise, solicit, advise, or offer to obtain or procure a divorce or nullity of marriage by advertising.

Assembly Bill No. 813—An Act to amend Sections 245 and 246 of the Political Code of the State of California, and to add a new section thereto, to be numbered 246a, relating to officers of the Senate and Assembly

Assembly Bill No. 381—An Act to add a new section to the Code of Civil Procedure, to be numbered 1745, relative to the manner of establishing heirship in cases where property is granted to the heirs of the deceased person without naming them.

Assembly Bill No. 815—An Act to amend Section 270 of the Penal Code, relative to minor children and their care by parents

Assembly Bill No. 876—An Act to amend Section 20 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to county and township officers of counties of the sixteenth class, and providing for the compensation of such officers and their deputies.

DEVLIN, Chairman.

Assembly Bills Nos. 913, 225, 746, 859, 907, 921, 941, 715, 922, 908, 613, 343, 912, 575, 960, 722, 109, 168, 851, 764, 947, 35, 813, 381, 816, and 876 ordered on third-reading file.

#### RECALLED FROM ENGROSSMENT.

Mr. Duryea moved that Assembly Bill No. 689 be recalled from the Committee on Engrossment and Enrollment.

Motion carried.

#### BILL TAKEN UP FOR AMENDMENT.

Mr. Cleveland moved that Assembly Bill No. 150 (No. 191 on file) be taken up for the purpose of amendment.

Motion carried.

Assembly Bill No. 150—An Act to amend Section 1 of an Act entitled "An Act to create a State Commission of Horticulture; to provide for a State Commissioner of Horticulture, and prescribe his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCIV of the Laws of 1891," approved March 26, 1903.

Read third time.

#### COMMITTEE AMENDMENT.

Mr. Cleveland moved that a select committee of one be appointed to amend Assembly Bill No. 150, as follows:

Amend by inserting "Sec. 2. This Act shall take effect and be in force from and after its passage."

Motion carried.

Amendment adopted.

Mr. Cleveland was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 150—An Act to amend Section 1 of an Act entitled "An Act to create a State Commission of Horticulture; to provide for a State Commissioner of Horticulture, and prescribe his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCIV of the Laws of 1891," approved March 26, 1903—with instructions, does now report that the instructions of the Assembly have been carried out.

CLEVELAND, Committee.

Report adopted.

Assembly Bill No. 150 ordered to print, reengrossment, and on file for passage.

## SECOND-READING FILE.

Mr. McCartney moved that the second-reading file be now taken up. The motion, on being put to vote, was declared carried by a unanimous vote.

Assembly Bill No. 228—An Act making an appropriation for the payment of Division and Brigade N. G. C. Headquarters allowances for the fifty-fifth and fifty-sixth fiscal years.

Read second time.

## MOTION.

Mr. Duryea moved that the Assembly resolve into a Committee of the Whole; with the Speaker in the chair, for the purpose of considering Assembly Bill No. 228.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 228 was considered in Committee of the Whole.

Mr. Duryea moved that the Committee of the Whole rise and report back Assembly Bill No. 228, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF THE COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 228—An Act making an appropriation for the payment of Division and Brigade N. G. C. Headquarters allowances for the fifty-fifth and fifty-sixth fiscal years—and do now report the same back, and recommend that it do pass.

PRESCOTT, Chairman.

Report of Committee of the Whole adopted.

Assembly Bill No. 228 ordered to engrossment and on third-reading file.

Assembly Bill No. 80—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and the best method of preserving the forests thereof, and to make an appropriation for the expenses of such investigation.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out the words "thirty thousand," on line 4, Section 1, first page, printed bill, and inserting in lieu thereof the words "twenty-seven thousand five hundred."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the words "twenty thousand," on line 8, Section 1, first page, printed bill, and inserting in lieu thereof the words "seventeen thousand five hundred."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out the word "ten," on line 18, Section 1, second page, printed bill, and inserting in lieu thereof the word "five."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out the word "fifteen," on line 21, Section 1, second page, printed bill, and inserting in lieu thereof the word "ten."

Amendment adopted.

## AMENDMENT No. 5.

Amend by striking out the word "seventy-six" on line 1, Section 3, second page, printed bill, and inserting in lieu thereof the word "sixty-one."

Amendment adopted.

## MOTION.

Mr. Estudillo moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 80.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 80 was considered in Committee of the Whole.

Mr. Estudillo moved that the Committee of the Whole rise and report back Assembly Bill No. 80, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

## ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 80—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and the best methods of preserving the forests thereof, and to make an appropriation for the expenses of such investigation—and do now report the same back, with amendments, and recommend that the same do pass as amended.

PRESCOTT, Chairman.

Report of Committee of the Whole adopted.

Assembly Bill No. 80 ordered to reprint, with rush order, engrossment, and on third-reading file.

Assembly Bill No. 413—An Act to amend Section 1 of an Act entitled "An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled an Act to amend an Act approved February 28, 1887, entitled an Act to amend an Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association,'" approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof, approved March 23, 1893, reducing the amount of such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, or sailor, or marine admitted to or residing in said home.

Read second time.

## MOTION.

Mr. King moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 413.

Motion carried.



## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 413 was considered in Committee of the Whole.

Mr. King moved that the Committee of the Whole rise and report back Assembly Bill No. 413, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 413—An Act to amend Section 1 of an Act entitled "An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled an Act to amend an Act approved February 23, 1887, entitled an Act to amend an Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association,'" approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof, approved March 23, 1893, reducing the amount of such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, or sailor, or marine admitted to or residing in said home--and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

Report of the Committee of the Whole adopted.

Assembly Bill No. 413 ordered to engrossment and on third-reading file.

## BILLS WITHDRAWN.

Assembly Bill No. 474—An Act to appropriate \$7,500 to sink artesian wells and to develop artesian water on the lands of the Mendocino State Hospital.

Mr. Held requested, and was granted, leave to withdraw Assembly Bill No. 474, and it was ordered stricken from the file.

Assembly Bill No. 378—An Act to provide for the fencing and improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor.

Mr. Held requested, and was granted, leave to withdraw Assembly Bill No. 378, and it was ordered stricken from the file.

## SECOND-READING FILE—(RESUMED).

Assembly Bill No. 550—An Act making an appropriation for the purchase of land adjoining the Napa State Hospital, and for the construction thereon of a dam and storage reservoir.

Read second time.

## MOTION.

Mr. King moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 550.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 550 was considered in Committee of the Whole.

Mr. King moved that the Committee of the Whole rise and report back Assembly Bill No. 550, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 550—An Act making an appropriation for the purchase of land adjoining the Napa State Hospital, and for the construction thereon of a dam and storage reservoir—and do now report the same back, and recommend that same do not pass.

PRESCOTT, Chairman.

Report of the Committee of the Whole adopted.

Assembly Bill No. 550 ordered to engrossment, and on third-reading file.

## BILLS WITHDRAWN.

Assembly Bill No. 309—An Act to provide for the completion of the main building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Mr. Tripp requested, and was granted, leave to withdraw Assembly Bill No. 309, and it was ordered stricken from the file.

Assembly Bill No. 305—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Mr. Tripp requested, and was granted, leave to withdraw Assembly Bill No. 305, and it was ordered stricken from the file.

Assembly Bill No. 307—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Mr. Tripp requested, and was granted, leave to withdraw Assembly Bill No. 307, and it was ordered stricken from the file.

Assembly Bill No. 610—An Act making an appropriation to pay the claim of Dr. W. J. Hanna, for professional services rendered and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon Guards Cotter and Cochrane after the prison break at Represa on July 27, 1903, and for performing the autopsy on the body of Guard Cotter.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out all of the title after the word "Hanna" and inserting in lieu thereof the words "against the State of California."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the words "one thousand" on line 1, Section 1, first page, printed bill, and inserting in lieu thereof the words "two hundred and fifty."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out all of Section 1 after the word "Hanna," on line 4, Section 1, first page, printed bill, and inserting in lieu thereof the words "against the State of California."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out the words "one thousand" on line 2, Section 2, second page, printed bill, and inserting in lieu thereof the words "two hundred and fifty."

Amendment adopted.

## MOTION.

Mr. Busick moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 610.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 610 was considered in Committee of the Whole.

Mr. Busick moved that the Committee of the Whole rise, and report back Assembly Bill No. 610, with recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 610—An Act making an appropriation to pay the claim of Dr. W. J. Hanna, for professional services rendered and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon Guards Cotter and Cochrane after the prison break at Represa on July 27, 1903, and for performing the autopsy on the body of Guard Cotter—and do now report the same back with amendments, and recommend that the same do pass as amended.

PRESCOTT, Chairman.

Report adopted.

Assembly Bill No. 610 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 438—An Act making an appropriation to pay the claim of W. F. Gormley for the funeral and burial of W. L. Cotter.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read :

## AMENDMENT No. 1.

Amend the title by striking out the words "for the funeral and burial of W. L. Cotter," and inserting in lieu thereof the words "against the State of California"

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the words "three hundred," on line 1, Section 1, page 1, printed bill, and inserting in lieu thereof the words "one hundred and fifty."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out the words "for expenses incurred for the funeral and burial of W. L. Cotter" on lines 3 and 4, Section 1, first page, printed bill, and inserting in lieu thereof the words "against the State of California"

Amendment adopted.

## AMENDMENT No. 4

Amend by striking out the words "three hundred," on line 3, Section 2, first page, printed bill, and inserting in lieu thereof the words "one hundred and fifty"

Amendment adopted.

SPEAKER PRO TEM. CALLED TO THE CHAIR.

At eleven o'clock and twenty-eight minutes A. M., Speaker pro tem. Hon. T. E. Atkinson was called to the chair.

MOTION.

Mr. O'Brien moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, or the purpose of considering Assembly Bill No. 438.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. T. E. Atkinson in the chair.

Assembly Bill No. 438 was considered in Committee of the Whole.

Mr. O'Brien moved that the Committee of the Whole rise and report back Assembly Bill No. 438, with a recommendation that it do pass.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. T. E. Atkinson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 438—An Act making an appropriation to pay the claim of W. F. Gormley for the funeral and burial of W. L. Cotter—and do now report the same back, and recommend that the same do pass as amended.

ATKINSON, Chairman

The report of Committee of the Whole was adopted.

Assembly Bill No. 438 ordered to reprint, engrossment, and on third-reading file.

BILLS WITHDRAWN.

Assembly Bill No. 242—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Mr. John requested, and was granted, leave to withdraw Assembly Bill No. 242, and it was ordered stricken from the file.

Assembly Bill No. 241—An Act making an appropriation for the State Polytechnic School.

Mr. Jury requested, and was granted, leave to withdraw Assembly Bill No. 241, and it was ordered stricken from the file.

Assembly Bill No. 235—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Mr. Barnes requested, and was granted, leave to withdraw Assembly Bill No. 235, and it was ordered stricken from the file.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 595—An Act making an appropriation for the care of the insane suffering from tuberculosis in the State hospitals of California.

Read second time.

## MOTION.

Mr. Stanton moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 595.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. T. E. Atkinson in the chair.

Assembly Bill No. 595 was considered in Committee of the Whole.

Mr. Stanton moved that the Committee of the Whole rise and report back Assembly Bill No. 595, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker pro tem. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 595—An Act making an appropriation for the care of the insane suffering from tuberculosis in the State hospitals of California—and do now report the same back, and recommend that it do not pass.

ATKINSON, Chairman.

Report of Committee of the Whole was adopted.

Assembly Bill No. 595 ordered to engrossment, and on third-reading file.

Assembly Bill No. 520—An Act to appropriate money to protect the banks of Eel River from erosion, by means of riprap and jetty work along the banks thereof.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend the title by striking out the words "riprap and."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the words "riprap and," on line 5, first page, printed bill.

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out the words "public works" on lines 8 and 9, first page, printed bill, and inserting in lieu thereof the word "highways."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out the words "the Commissioner of Highways," on line 10, first page, printed bill, and inserting in lieu thereof the word "him"

Amendment adopted.

## AMENDMENT No. 5.

Amend by striking out the words "Public Works," on line 16, second page, printed bill, and inserting in lieu thereof the word "Highways."

Amendment adopted.

## AMENDMENT No. 6.

Amend by striking out the words "under the direction and approval of the auditing board to the Commissioner of Public Works," on lines 17 and 18, second page, printed bill.

Amendment adopted.

## AMENDMENT No. 7.

Amend by striking out the words "Public Works," on line 25, second page, printed bill, and inserting in lieu thereof the word "Highways."

Amendment adopted.

## AMENDMENT No. 8.

Amend by striking out the words "Public Works," on line 2, Section 2, second page, printed bill, and inserting in lieu thereof the word "Highways."

Amendment adopted.

## AMENDMENT No. 9.

Amend by striking out all of Section 3.

Amendment adopted.

## MOTION.

Mr. Branstetter moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 520.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. T. E. Atkinson in the chair.

Assembly Bill No. 520 was considered in Committee of the Whole.

Mr. Branstetter moved that the Committee of the Whole rise and report back Assembly Bill No. 520, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker pro tem. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

## ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

GENTLEMEN. The Committee of the Whole have had under consideration Assembly Bill No. 520—An Act to appropriate money to protect the banks of El River from erosion by means of riprap and jetty work along the banks thereof—and do now report the same back, with amendments, and recommend that the same do pass as amended.

ATKINSON, Chairman.

Report of the Committee of the Whole adopted.

Assembly Bill No. 520 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 731—An Act to appropriate \$50,000 for the repair of the building of the State Normal School at Los Angeles, California, including the construction and installation of a steam-heating plant and boiler-house for heating said building, and authorizing the board of trustees of said school to make and construct said plant and boiler-house.

Read second time.

## ASSEMBLY BILL RE-REFERRED.

On motion of Mr. McCartney, Assembly Bill No. 731 was re-referred to the Committee on Ways and Means.

Assembly Bill No. 278—An Act to regulate and control the sale, rental, and distribution of appropriated water in this State other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the places of use.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out of lines 36 and 37, page 4 of printed bill, the words "in excess of," and insert in lieu thereof the words "less than."

Amendment adopted.

## AMENDMENT No. 2.

Amend by inserting in line 37, page 4 of printed bill, after the word "California," the words "nor more than ten per centum per annum."

Amendment adopted.

## AMENDMENT No. 3.

Amend by inserting in line 8, Section 13, after the word "to," the words "a person or any."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out of lines 11 and 12, Section 13, page 6 of the printed bill, the words "or who are not operating their plants for profit," and insert in lieu thereof the following: "or who may be supplying water not required for his or their own use to not more than twenty users"

Amendment adopted.

Assembly Bill No. 278 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 322—An Act to pay the claim of Fred E. Borton, and making an appropriation therefor.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend title by adding after the word "Borton," the words "against the State of California."

Amendment adopted.

## AMENDMENT No. 2.

Amend by inserting after the word "Borton," in line 4, Section 1, page 1, printed bill, the words "against the State of California."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out the word "immediately," in Section 3, first page of printed bill, and inserting in lieu thereof the words: "July 1st, 1905."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out the words "seven hundred and fifty," on line 1, first page of printed bill, and inserting in lieu thereof the words "five hundred."

Amendment adopted.

## MOTION.

Mr. Dorsey moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 322.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. T. E. Atkinson in the chair.

Assembly Bill No. 322 was considered in Committee of the Whole.

Mr. Dorsey moved that the Committee of the Whole rise and report back Assembly Bill No. 322, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker pro tem. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 322—An Act to pay the claim of Fred E. Borton, and making an appropriation therefor—and do now report the same back with amendments, and recommend that the same do pass as amended.

ATKINSON, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 322 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 403—An Act making an appropriation of \$750 to pay the claim of W. W. Kaye.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend title by adding after the word "Kaye," the words "against the State of California."

Amendment adopted.

## AMENDMENT No. 2.

Amend by inserting after the word "Kaye," on line 3, first page, printed bill, the words "against the State of California."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out the word "immediately," Section 2, first page, printed bill, and inserting in lieu thereof the words "July 1st, 1905."

Amendment adopted.

## AMENDMENT No. 4.

Amend the title by striking out the figures "750," and inserting in lieu thereof the figures "500."

Amendment adopted.

## AMENDMENT No. 5.

Amend by striking out the words "seven hundred and fifty," on line 1, first page, printed bill, and inserting in lieu thereof the words "five hundred."

Amendment adopted.

## MOTION.

Mr. Dorsey moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 403.

Motion carried.



## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. T. E. Atkinson in the chair.

Assembly Bill No. 403 was considered in Committee of the Whole.

Mr. Dorsey moved that the Committee of the Whole rise and report back Assembly Bill No. 403, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker pro tem. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905

GENTLEMEN The Committee of the Whole have had under consideration Assembly Bill No. 403—An Act making an appropriation of \$750 to pay the claim of W. W. Kaye—and do now report the same back, with amendments, and recommend that the same do pass as amended.

ATKINSON, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 403 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 896—An Act making an appropriation for the erection and construction of additional cells at the State Prison at Folsom, the erection of a wall around said prison, the purchase of necessary cement, derrick, and tools, and other expenses incidental and relating to the purposes in this Act mentioned.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out the words "two hundred and eighteen" on line 1, Section 1, first page, printed bill, and inserting in lieu thereof the words "one hundred and sixty-eight"

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out all of Section 1 after the word "follows," line 14 of printed bill, and inserting in lieu thereof the following: "Of the appropriation made by this act, the sum of thirty thousand dollars shall not be payable or available until the first day of July, 1905; the sum of twenty thousand dollars shall not be payable or available until the first day of January, 1906; the sum of twenty-five thousand dollars shall not be payable or available until the first day of July, 1906; the sum of twenty thousand dollars all not be payable or available until the first day of January, 1907; the sum of twenty thousand dollars shall not be payable or available until the first day of July, 1907; the sum of twenty thousand dollars shall not be payable or available until the first day of January, 1908; the sum of twenty thousand dollars shall not be payable or available until the first day of July, 1908; the sum of thirteen thousand dollars shall not be payable or available until the first day of January, 1909."

Amendment adopted.

## AMENDMENT No. 3.

Amend by inserting after the word "material," on line 12, Section 2, second page, printed bill, the words: "provided, the Board of Prison Directors shall have power to reject any or all bids for cause."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out the word "allowed," on line 14, Section 3, third page, printed bill, and inserting in lieu thereof the word "paid."

Amendment adopted.

## AMENDMENT No. 5.

Amend by inserting the following: "Section 4. This Act shall be exempt from the provisions of an Act approved March 23, 1876, relating to contracts."

Amendment adopted.

## AMENDMENT No. 6.

Amend by striking out the figure "4" after the word "Sec.," third page, printed bill, and inserting in lieu thereof the figure "5."

Amendment adopted.

## AMENDMENT No. 7.

Amend by striking out the figure "5" after the word "Sec.," third page, printed bill, and inserting in lieu thereof the figure "6."

Amendment adopted.

## MOTION.

Mr. Stanton moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 896.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. T. E. Atkinson in the chair.

Assembly Bill No. 896 was considered in Committee of the Whole.

Mr. Stanton moved that the Committee of the Whole rise and report back Assembly Bill No. 896, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker pro tem. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 896—An Act making an appropriation for the erection and construction of additional cells at the State Prison at Folsom, the erection of a wall around said prison, the purchase of necessary cement, derricks and tools and other expenses incidental and relating to the purposes in this Act mentioned—and do now report the same back, with amendments, and recommend that the same do pass as amended

ATKINSON, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 896 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 897—An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools and appliances for excavating, the erection of machine shops, the installation of a new pipe-line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1

Amend by striking out the word "sixty" on line 1, Section 1, page 1, printed bill, and inserting in lieu thereof the word "ten."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out all of Section 2 and inserting in lieu thereof the following:  
 "Sec. 2. Of the appropriation made by this Act, the sum of thirty thousand dollars shall not be payable or available until the first day of July, 1905; the sum of thirty thousand dollars shall not be payable or available until the first day of January, 1906; the sum of thirty-five thousand dollars shall not be payable or available until the first day of July, 1906; the sum of thirty thousand dollars shall not be payable or available until the first day of January, 1907; the sum of forty thousand dollars shall not be payable or available until the first day of July, 1907; the sum of thirty-five thousand dollars shall not be payable or available until the first day of January, 1908; the sum of forty thousand dollars shall not be payable or available until the first day of July, 1908; the sum of thirty thousand dollars shall not be payable or available until the first day of January, 1909; the sum of forty thousand dollars shall not be payable or available until the first day of July, 1909."

Amendment adopted.

## AMENDMENT No. 3.

Amend by inserting after the word "material," on line 14, Section 3, page 2, printed bill, the following: "provided, the Board of Prison Directors shall have power to reject any or all bids for cause."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out the word "allowed," on line 14, Section 4, page 3, printed bill, and inserting in lieu thereof the word "paid."

Amendment adopted.

## AMENDMENT No. 5.

Amend by inserting the following: "Section 5. This Act shall be exempt from the provisions of an Act approved March 23, 1876, relating to contracts."

Amendment adopted.

## AMENDMENT No. 6.

Amend by striking out the figure "6," after the word "Sec.," page 3, printed bill, and inserting in lieu thereof the figure "7."

Amendment adopted.

## AMENDMENT No. 7.

Amend by striking out the figure "5," after the word "Sec.," page 3, printed bill, and inserting in lieu thereof the figure "6."

Amendment adopted.

## MOTION.

Mr. Stanton moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 897.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. T. E. Atkinson in the chair.

Assembly Bill No. 897 was considered in Committee of the Whole.

Mr. Stanton moved that the Committee of the Whole rise and report back Assembly Bill No. 897, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker pro tem. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

## ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 897—An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe-line, the construction of iron tanks, the erection and extension of a wall around

said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto—and do now report the same back, with amendments, and recommend that the same do pass as amended.

ATKINSON, Chairman.

Report of the Committee of the Whole adopted.

Assembly Bill No. 897 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 817—An Act making appropriation to pay the claim of Dr. G. A. White for professional services rendered and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon Guards Cotter and Cochrane after the prison break at the said State prison at Represa on July 27, 1903.

Read second time.

#### COMMITTEE AMENDMENTS.

The following committee amendments were read :

##### AMENDMENT No. 1.

Amend by striking out of the title all after the word "White," printed bill, and inserting in lieu thereof the following: "against the State of California."

Amendment adopted.

##### AMENDMENT No. 2.

Amend by striking out the words "five hundred and fifty-five," on line 1, Section 1, first page, printed bill, and inserting in lieu thereof the following: "two hundred and fifty."

Amendment adopted.

##### AMENDMENT No. 3.

Amend by striking out all of Section 1 after the word "White," on line 4, Section 1, first page, printed bill, and inserting in lieu thereof the following: "against the State of California."

Amendment adopted.

##### AMENDMENT No. 4.

Amend by striking out the words "five hundred and fifty-five," on line 2, Section 2, first page, printed bill, and inserting in lieu thereof the following: "two hundred and fifty."

Amendment adopted.

#### MOTION.

Mr. Busick moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 817.

Motion carried.

#### IN COMMITTEE OF THE WHOLE.

Speaker pro tem. T. E. Atkinson in the chair.

Assembly Bill No. 817 was considered in Committee of the Whole.

Mr. Busick moved that the Committee of the Whole rise and report back Assembly Bill No. 817, with a recommendation that it do pass.

Motion carried.

#### IN ASSEMBLY.

Speaker pro tem. T. E. Atkinson in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

GENTLEMEN: Your Committee of the Whole have had under consideration Assembly Bill No. 817—An Act making an appropriation to pay the claim of Dr. G. A. White for professional services rendered and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon Guards Cotter and Cochrane

after the prison break at the State prison at Represa on July 27, 1903—and do now report the same back, with amendments, and recommend that the same do pass as amended.

—ATKINSON, Chairman.

Report of the Committee of the Whole adopted.

Assembly Bill No. 817 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 1137—An Act to amend Sections 702 and 703 of the Code of Civil Procedure, relating to the redemption of property sold under execution.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 1140—An Act to authorize the Board of Trustees of the Whittier State School to contract for the care and keeping of girls committed to said school in charitable or benevolent institutions or with private persons, and to pay for their care while in such institutions or with such persons.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 1141—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code of the State of California, to be known as Section 28, providing for the release and discharge of persons now confined in or that may hereafter be admitted to any penitentiary, prison, jail, house of detention, reform school, or other penal institutions, by whatever name the same may now or hereafter be known, under conviction for a penal offense on a Monday" (which became a law under constitutional provision, without Governor's approval, March 9, 1903).

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 1086—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 611 of said Political Code, relating to time of filing statements by insurance companies.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 1021—An Act to provide against the adulteration of milk and cream, and to fix the standard of purity thereof.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 444—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices courts and justices of the peace.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 725—An Act to amend Section 2712 of the Political Code, relating to discretionary powers of boards of supervisors.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 726—An Act to amend Section 2643 of the Political Code of the State of California, relating to the duties of boards of supervisors respecting roads.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 761—An Act to regulate the selling of stock in wheat, barley, oats, and other cereals, and to prohibit the sale thereof on margin or for future delivery.

Read second time.

#### COMMITTEE AMENDMENTS.

The following committee amendments were read:

##### AMENDMENT No 1.

Amend by striking out of line 2 of the title the words "to regulate," and inserting in lieu thereof the following: "To add a new section to the Penal Code, to be numbered 337a, regulating."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out all of Section 1 after the figure "1," in line 1, and inserting in lieu thereof the following: "A new section is hereby added to the Penal Code, to be numbered 337a, and to read as follows:"

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out of line 1, Section 2, the figure "2," and inserting in lieu thereof the following "337a."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out of line 1, Section 2, the word "such."

Amendment adopted.

## AMENDMENT No. 5.

Amend by striking out all of Section 3.

Amendment adopted.

Assembly Bill No. 761 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 735—An Act to prohibit selling or giving away, or furnishing any ale, beer, wine, or other intoxicating liquors within one thousand feet outside of any entrance to any United States military reservation, or military camp, or public schoolhouse, and providing a penalty therefor, and declaring places where such acts are performed a public nuisance, and providing for the abatement thereof.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out the words "one thousand," on line 3 of title, and inserting in lieu thereof the words "six hundred."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the words "entrance to any," on line 3 of title.

Amendment adopted.

## AMENDMENT No. 3.

Amend by inserting before the words "public schoolhouse," in line 5 of title, the words "within three hundred feet of any."

Amendment adopted.

## AMENDMENT No. 4.

Amend by adding after the comma, on line 5 of title, the words "church or place of worship."

Amendment adopted.

## AMENDMENT No. 5.

Amend by inserting before the word "every," on first line and first page of printed bill, the word and figure "Section 1."

Amendment adopted.

## AMENDMENT No. 6.

Amend by striking out the words "one thousand," on line 3, page 1, printed bill, and inserting in lieu thereof the words "three hundred."

Amendment adopted.

## AMENDMENT No. 7.

Amend by striking out the words "entrance to any," on line 3, page 1, printed bill.

Amendment adopted.

## AMENDMENT No. 8.

Amend by inserting the words "or within six hundred feet of any ground occupied" after the words "schoolhouse," on line 5, page 1, printed bill.

Amendment adopted.

## AMENDMENT No. 9.

Amend by adding after the word "nuisance" on line 19, page 2, printed bill, the words "and this Act makes and declares such places to be a public nuisance."

Amendment adopted.

Assembly Bill No. 735 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 757—An Act to provide for the formation of drainage districts; to provide for the government of the same, and to authorize the levy and collection of assessments from the property benefited to pay the expense thereof.

Read second time, ordered to engrossment and on third-reading file.

Senate Bill No. 650—An Act amending Sections 5 and 6 of an Act entitled "An Act concerning the construction and repair of levees in the City of Marysville, and the mode of raising revenue therefor," approved March 6, 1876.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 966—An Act to amend Section 13 of an Act entitled "An Act to provide for the protection of certain lands in the County of Sutter from overflow," approved March 25, 1868.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 728—An Act to create a reclamation district, to be called "Reclamation District No. 70," and providing for the control and management thereof.

Passed on file.

Assembly Bill No. 990—An Act to amend Section 359 of the Code of Civil Procedure, relating to the time of commencing actions.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 991—An Act to amend the Code of Civil Procedure by adding thereto a new section, to be numbered 560, relating to the release of attachments.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 882—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 646a, relating to the shipment of seamen and apprentices, and the fees that may be charged therefor.

Read second time.

The following committee amendment was read:

Amend by striking out all of Section 2.

Amendment adopted.

Assembly Bill No. 882 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 883—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 646b, relating to payment of fees for the shipment of seamen and apprentices.

Read second time.

## COMMITTEE AMENDMENT.

The following committee amendment was read:

Amend by striking out all of Section 2.

Amendment adopted.

Assembly Bill No. 883 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 1024—An Act to amend Section 340 of the Penal Code of the State of California, relating to and defining the rate of interest which may be charged by pawnbrokers.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out of line 5, page 1 of the printed bill, the word "in," and insert in lieu thereof the word "on"

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out of line 13, the period (.), and insert a semicolon (;), and the words "provided, however, that all loans shall be subject to one month's interest, and no loan shall be settled for a less charge than fifteen cents."

Amendment adopted.

Assembly Bill No. 1024 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 1025—An Act to amend Section 341 of the Penal Code of the State of California, relating to the selling of pledges by pawnbrokers before the time of redemption has expired, relating to the holding of pledges by pawnbrokers, and the passage of title of said pledges.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 856—An Act to amend Sections 338, 339, 340, and 341 of the Penal Code, and to add two new sections thereto, to be known and designated as Sections 345 and 345a, all relating to pawnbrokers.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out of line 2 of the title the figures "340" and "341."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out of line 1, in Section 5, page 3 of the printed bill, the figure "5," and insert in lieu thereof the figure "3."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out all of Sections 3 and 4.

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out of line 1, in Section 6, page 3 of the printed bill, the figure "6," and inserting in lieu thereof the figure "4"

Amendment adopted.



## AMENDMENT No. 5.

Amend by striking out all of Section 7.

Amendment adopted.

Assembly Bill No. 856 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 626—An Act entitled "An Act relating to trading-stamps, coupons, tickets, and other similar devices, to regulate the redemption of the same, to prevent deception and fraud in their use, and to provide a penalty for the violation thereof."

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 654—An Act to regulate investment companies.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 887—An Act to amend Sections 771, 778, and 782 of the Political Code, and to repeal Sections 779, 780, and 781 of said Code, all relating to the preparation and publication of the opinions of the Supreme Court and of the District Courts of Appeal.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read :

## AMENDMENT No. 1.

Amend by striking out of line 10, page 2 of the printed bill, the word "four," and inserting in lieu thereof the word "two."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out of line 4, Section 1, page 1, the word "such," and inserting instead the word "all."

Also amend by striking out all of Section 1 after the word "appeal," in line 5, and inserting instead a period (.).

Amendment adopted.

Assembly Bill No. 887 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 946—An Act to amend Section 1 of an Act entitled "An Act to authorize suits against the State and regulating the procedure therein," approved February 28, 1893.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 115—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 283 thereof, relating to the punishment for the crime of bigamy.

Read second time, ordered to engrossment and on third-reading file.

## BILL WITHDRAWN.

Assembly Bill No. 33—An Act to amend an Act entitled "An Act to amend the Civil Code," approved March 30, 1874, by amending Section 194 of said Civil Code, relative to children born after entry and filing of interlocutory judgment in an action for divorce.

Mr. McCartney requested, and was granted, leave to withdraw Assembly Bill No. 33, and it was ordered stricken from the file.

Assembly Bill No. 427—An Act to amend Section 74 of the Civil Code, relating to the authentication of marriages.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 732—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1566 of said Code, relative to conditions of sale of estates.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 771—An Act to amend Section 1074 of the Code of Civil Procedure of the State of California, relative to the hearing of review under a writ of review.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 772—An Act to amend Section 1068 of the Code of Civil Procedure of the State of California, relative to the issuance of writs of review.

Read second time.

#### COMMITTEE AMENDMENTS.

The following committee amendments were read:

##### AMENDMENT No. 1.

Amend by inserting in line 4, after the word "board," a comma ( , ).

Amendment adopted.

##### AMENDMENT No. 2.

Amend by inserting in line 4, after the word "tribunal," a comma ( , ).

Amendment adopted.

Assembly Bill No. 772 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 1019—An Act to regulate the use of artesian wells, and to prevent the waste of subterranean waters in this State.

Read second time.

#### COMMITTEE AMENDMENT.

The following committee amendment was read.

Amend by striking out all of sections eight and nine (8 and 9), printed bill.

Amendment adopted.

Assembly Bill No. 1019 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 969—An Act to provide for the formation of levee districts in the various counties in this State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments, to erect and construct and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining said districts.

Read second time.

#### COMMITTEE AMENDMENTS.

The following committee amendments were read:

##### AMENDMENT No. 1.

Amend by inserting after the comma (,) and before the word "and," on line 21, page 2 of the printed bill, the following: "the boundaries of the district."

Amendment adopted.

##### AMENDMENT No. 2.

Amend by striking out the words "by divisions and subdivisions, according to the United States survey," on line 7, after the word "bound," and on line 8 before the word "and," on page 3, printed bill, and insert a comma (,) after the word "bounds," on line 7, page 3 of the printed bill.

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out the words "or person, or persons who constructed," on line 20, fourth page, printed bill, and inserting in lieu thereof the word "of."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out the words "or person, or persons, who have constructed the same," on lines 22 and 23, fourth page, printed bill.

Amendment adopted.

## AMENDMENT No. 5.

Amend by striking out the word "described" on line 36, page 5 of the printed bill, and insert in lieu thereof the word "describe"; also strike out the word "approved," on line 47, page 5 of the printed bill, and insert in lieu thereof the word "adopted."

Amendment adopted.

## AMENDMENT No. 6.

Amend by striking out the words "and the adoption of," after the period (.), on line 47, and before the word "said," on line 48, fifth page, printed bill.

Amendment adopted.

## AMENDMENT No. 7.

Amend by inserting the word "damages" after the word "estimated," and before the word "costs," on line 48, fifth page, printed bill.

Amendment adopted.

## AMENDMENT No. 8.

Amend by inserting the words "so adopted," after the word "report," and before the word "showing," on line 48, fifth page, printed bill.

Amendment adopted.

## AMENDMENT No. 9.

Amend by striking out all of Section 16, page 9 of the printed bill, and inserting in lieu thereof the following: "Sec. 16. This Act is not intended to supersede or repeal any other Act for the construction or maintenance of ditches, levees, dikes, or works of protection, or for drainage or for reclamation purposes, but is intended as an independent and alternative means of constructing and erecting such ditches, levees, dikes, or other works of protection where most applicable or desirable to the parties interested."

Amendment adopted.

Assembly Bill No. 969 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 923—An Act to provide for the construction of permanent bridge work on the Lake Tahoe wagon road, a State highway, and making an appropriation therefor

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 953—An Act to amend Section 1 of an Act entitled "An Act to promote the apicultural interests of the State of California by providing for county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize the board of supervisors of the several counties of this State to appoint inspectors of apiaries and provide for their compensation, and defining their duties, and for the further protection of bee culture,'" approved March 13, 1883, said first named Act having been approved February 20, 1901.

Read second time.

## COMMITTEE AMENDMENT.

The following committee amendment was read:

Strike out all of Section 2

Amendment adopted.

Assembly Bill No. 953 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 853—An Act to prevent bulls, studs, jacks, bucks, or boars from running at large, and to prescribe the duties, fees, and charges of the person who impounds or takes up any of said animals in connection therewith.

Read second time.

COMMITTEE AMENDMENT.

The following committee amendment was read:

Amend by striking out all of Section 6.

Amendment adopted.

Assembly Bill No. 853 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 863—An Act to form impounding districts outside of incorporated cities, to prevent animals from running at large, and prescribing the duties, fees, and charges of the poundkeeper in connection therewith.

Read second time.

COMMITTEE AMENDMENT.

The following committee amendment was read:

Amend by striking out all of Section 7.

Amendment adopted.

Assembly Bill No. 863 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 869—An Act to prohibit unauthorized performances and representations of certain dramatic or musical compositions.

Read second time.

COMMITTEE AMENDMENTS.

The following committee amendments were read:

AMENDMENT No. 1.

Amend the title by striking out the words "to prohibit," in the second line thereof, and insert in lieu thereof the words "to add a new section to the Penal Code, to be numbered 367a, prohibiting"

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all of Sections 1 and 2 after the figure "1," in line 1 of Section 1, and insert in lieu thereof the following: "There is hereby added to the Penal Code a new section, to be numbered 367a, to read as follows: 367a. Any person who causes to be publicly performed or represented for profit any unpublished or undedicated dramatic or dramatic-musical composition known as an opera, without the consent of its owner or proprietor, or who, knowing that such dramatic or musical composition is unpublished or undedicated, and without the consent of its owner or proprietor, permits, aids, or takes part in such a performance or representation, or who sells a copy or a substantial copy of any unpublished, undedicated, or copyrighted dramatic composition or musical or dramatic-musical composition, known as an opera, without the consent of the author or proprietor of such dramatic or dramatic-musical composition shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty (50) dollars, and not more than three hundred (300) dollars, or be imprisoned for not less than thirty (30) days or more than three (3) months, or both such fine and imprisonment."

Amendment adopted.

Assembly Bill No. 869 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 252—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two new sections, to be numbered 1972 and 1973, relating to the rights of employes.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 253—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligation of employes.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 944—An Act concerning the expenses and costs of trials prosecuted under Sections 81, 82, 83, 84, 85, 86, 87, and 89 of the Penal Code of the State of California, or either of said sections.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 927—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 972—An Act to add a new section to the Political Code, to be numbered 2524a, relating to the powers of the Board of State Harbor Commissioners.

Read second time, ordered to engrossment and on third-reading file.

Assembly Concurrent Resolution No. 15—Relative to the appointment of a committee of the Senate and Assembly to examine into educational matters during the interim of the thirty-sixth and thirty-seventh sessions.

Ordered on third-reading file.

Assembly Bill No. 890—An Act to authorize actions against any board or commission of the State in certain cases, and regulating procedure therein.

Read second time.

#### COMMITTEE AMENDMENTS.

The following committee amendments were read:

##### AMENDMENT No. 1.

Amend by striking out of Section 2, line 2, the words "two years," and inserting in lieu thereof the words "one year."

Amendment adopted.

##### AMENDMENT No. 2.

Amend by striking out of line 5, Section 2, the words "two years," and inserting in lieu thereof the words "one year."

Amendment adopted.

##### AMENDMENT No. 3.

Amend by striking out of line 9, Section 8, page 3 of printed bill, the words "all claims," and all of lines 10 and 11 of said Section 8.

Amendment adopted.

##### AMENDMENT No. 4.

Amend by striking out of line 3, Section 8, page 3 of the printed bill, the words "with-out presentation to or," and inserting in lieu thereof the words "upon the."

Amendment adopted.

##### AMENDMENT No. 5.

Amend by striking out all of Section 9.

Amendment adopted.

Assembly Bill No. 890 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 1078—An Act providing for the selection and sale by the State of California of lands in lieu of the vacant sixteenth and thirty-sixth school sections embraced in confirmed or proposed Government forest reserves.

Read second time.

COMMITTEE AMENDMENTS.

The following committee amendments were read:

AMENDMENT No. 1.

Insert the following after Section 1 of the printed bill:

"Sec. 2. No valid location or appropriation of school lands heretofore made, and no right to purchase school land from the State of California heretofore accrued, shall be disturbed by the provisions of this Act, but all such locations or rights may be perfected as if this Act had never been passed; *provided*, nothing contained in this Act shall be construed to waive or diminish the right of the State of California to select lieu school lands in accordance with the provisions of Section 2275 of the Revised Statutes of the United States."

Amendment adopted.

AMENDMENT No. 2.

Strike out the figure "2" after the word "Sec.," in line 1 of the printed bill, page 2, and insert in lieu thereof the figure "3"

Amendment adopted.

AMENDMENT No. 3.

Strike out the figure "3" in line 1 of Sec. 3, page 2 of the printed bill, and insert in lieu thereof the figure "4."

Amendment adopted.

Assembly Bill No. 1078 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 1079—An Act forfeiting to the State of California all payments for State lands where a fraudulent title was sought to be obtained thereto.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 934—An Act to provide for a uniform system of administration for public roads and highways, and to provide for building, repairing, and maintaining the same, and to provide revenue for said purposes.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 961—An Act to provide for the survey, location, plans, and estimate of cost of a highway from San Francisco to the southern boundary of San Diego County, and making an appropriation therefor.

Passed on file.

Assembly Bill No. 1162 (Substitute for Assembly Bills Nos. 75, 549, and 868)—An Act to repeal Title XVI of Part IV of Division I of the Civil Code of the State of California, and each and every part and section of said title, and to enact and substitute a new Title XVI to take the place thereof in said Code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.

Passed on file.

Assembly Bill No. 985—An Act to establish a California State irrigation school and experiment farm, and appropriating money therefor.

MOTION TO RE-REFER ASSEMBLY BILL.

On motion of Mr. Cooper, Assembly Bill No. 985 was re-referred to the Committee on Ways and Means.

## BILL WITHDRAWN.

Assembly Bill No. 75—An Act to amend Title XVI of Part IV of Division I of the Civil Code of California, and each and every part and section of said title, and to substitute a new Title XVI to take the place thereof in said Code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.

Mr. Waste requested, and was granted, leave to withdraw Assembly Bill No. 75, and it was ordered stricken from the file.

## BILL WITHDRAWN.

Assembly Bill No. 549—An Act requiring building and loan associations, companies, or corporations, to annually distribute among their stockholders printed copies of their annual report.

Mr. Amerige requested, and was granted, leave to withdraw Assembly Bill No. 549, and it was ordered stricken from the file.

## BILL WITHDRAWN.

Assembly Bill No. 868—An Act to add a new section to the Civil Code, numbered 636a, relating to voluntary withdrawals of stockholders, members, or investors from land and building corporations (also called building and loan associations).

Mr. Waste requested, and was granted, leave to withdraw Assembly Bill No. 868, and it was ordered stricken from the file.

Assembly Bill No. 888—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered and known as Section 586.

Read second time.

## COMMITTEE AMENDMENT.

The following committee amendment was read :

Amend by striking out the period (.) at the end of the fourth line of the title in the printed bill and insert in lieu thereof a comma (,) and the words " relating to willful and malicious injury to plate-glass windows "

Amendment adopted.

Assembly Bill No. 888 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 1160—An Act to amend Section 2153a of the Political Code of the State of California, relating to the employment of women as physicians in State hospitals for the care and treatment of the insane, and in the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, Sonoma County.

## URGENCY RESOLUTION.

By Mr. Treadwell:

*Resolved*, That Assembly Bill No. 1160 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Mr. Treadwell moved the adoption of the resolution.

The roll was called, and the resolution was declared adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Hartman, Held, Johnson, Johnstone, Jones of San Francisco, King, Lucey, Lumley, Manwell, McCartney, McGowan, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Thompson, Transue, Treadwell, Walsh, Waste, Weyand, Whiting, and Wickersham—57.

NOES—None.

Assembly Bill No. 1160—An Act to amend Section 2153a of the Political Code of the State of California, relating to the employment of women as physicians in State hospitals for the care and treatment of the insane, and in the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, Sonoma County.

Read first time on a previous day.

Assembly Bill No. 1160 read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Gans, Held, Houser, Johnstone, King, Lucey, Lumley, McCartney, McGowan, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Thompson, Transue, Treadwell, Tripp, Waste, Whiting, and Wickersham—50.

NOES—None.

Title read and approved.

Assembly Bill No. 1160 ordered transmitted to the Senate.

#### REQUEST FOR INTRODUCTION OF BILL.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows: "An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session."

JONES of San Francisco.

Referred to Committee on Introduction of Bills.

#### REPORT FROM COMMITTEE ON INTRODUCTION ON BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom were referred the following bill, herewith return the same with the recommendation that the author be permitted to introduce it. The number of said bill is as follows:

Assembly Bill No. 1163—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session.

MCCARTNEY, Chairman

Mr. McCartney moved that the report of the committee be adopted, and that the author of Assembly Bill No. 1163 be permitted to introduce the same.

Motion carried by a unanimous vote.

#### INTRODUCTION OF BILL.

By Mr. Jones of San Francisco: Assembly Bill No. 1163—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session.

Bill read first time, ordered to print, and on file without reference to a committee.



## URGENCY RESOLUTION.

By Mr. McCartney:

*Resolved*, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session, without the consent of two thirds of the members thereof, be complied with, and that Assemblyman Jones be and is hereby permitted to introduce Assembly Bill No. 1163.

The roll was called, and the resolution declared adopted by the following vote:

AYES—Messrs. Amerige, Atkinson, Barnes, Bates, Beardslee, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ells, Gans, Gates, Held, Houser, Johnson, Johnstone, Jones of San Francisco, King, Lucey, Lumley, Maxwell, McCartney, McGowan, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, and Wickersham—57.

NOES—None

Mr. McCartney moved that Assembly Bill No. 1163 be sent to the printer, with a rush order, and be taken up later in the day, when bill is returned by printer.

Motion carried.

Assembly Bill No. 1032—An Act to provide for physical education in high schools.

Read second time.

Assembly Bill No. 1032 ordered to engrossment and on third-reading file.

Assembly Bill No. 723—An Act to provide for the survey, location, plans, and estimate of cost of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making an appropriation therefor.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out the words "Sonoma County," on line 10, Section 2, second page, printed bill, and insert in lieu thereof the words "San Francisco."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the word "county," on line 11, Section 2, second page, printed bill

Amendment adopted.

## MOTION.

Mr. Transue moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 723.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. T. E. Atkinson in the chair.

Assembly Bill No. 723 was considered in Committee of the Whole.

Mr. Transue moved that the Committee of the Whole rise and report back Assembly Bill No. 723, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker pro tem. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 723—An Act to provide for the survey, location, plans, and estimate of cost of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making an appropriation therefor—and do now report the same back with amendments, and recommend that the same do pass as amended.

ATKINSON, Chairman.

Report of the Committee of the Whole adopted.

Assembly Bill No. 723 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 1126—An Act to amend Section 1616 of the Code of Civil Procedure, relating to fees and allowances of executors, administrators, and their attorneys.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 1134—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities."

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 1032—An Act to provide for physical education in high schools.

Read second time, ordered to engrossment and on third-reading file.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Ways and Means was granted leave to submit a report (out of order), which was read, as follows:

## ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 554—An Act to provide for completing the survey, locating, and constructing a State highway from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river, about forty miles, to connect with an existing road in Humboldt County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with six amendments, and recommend that the same do pass as amended.

STANTON, Chairman.

Assembly Bill No. 554 ordered on second-reading file.

## SPECIAL ORDER POSTPONED.

On motion of Mr. McGowan, Senate Bill No. 150—An Act to amend Section 2 of an Act entitled "An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California located on the water front at San Francisco, California," approved March 25, 1901—a special order for this day, was postponed until to-morrow (Tuesday) at eleven o'clock and thirty minutes A. M.

## SENATE MESSAGES TAKEN UP.

Mr. Drew moved to take up Senate messages.  
Motion carried.

The following messages from the Senate were read:

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bills 619 and 26.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed Assembly Bill No. 494—An Act to amend Sections 1181, 1185, 1190, 1202, and 1203 of the Civil Code, all relating to the proof or acknowledgment of instruments in writing.

Also: Assembly Bill No. 398—An Act to amend Sections 549 and 551, and to repeal Section 550 of the Civil Code, all relating to water and canal corporations.

Also: Assembly Bill No. 337—An Act to add a Chapter IV to Title II of Part IV of Division I of the Civil Code, relating to mutual benefit and life associations.

Also: Assembly Bill No. 334—An Act to amend Sections 338, 391, 392, and 393 of the Civil Code, all relating to the sale of franchises under execution.

Also: Assembly Bill No. 383—An Act to amend Sections 360 and 362, and to repeal Sections 361 and 363 of the Civil Code, all relating to the powers of corporations.

Also: Assembly Bill No. 502—An Act to add an Article IIIa to Chapter II of Title III of Part IV of Division III of the Civil Code, relating to warehousemen  
And respectfully ask your concurrence in same.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Mr. Drew moved to take up Assembly Bill No. 494—An Act to amend Sections 1181, 1185, 1190, 1202, and 1203 of the Civil Code, relating to the proof or acknowledgment of instruments in writing.

#### SENATE AMENDMENT.

The following Senate amendment was read:

On page 2, Section 3 of the printed bill, strike out the whole of lines 9 to 17, inclusive and insert in lieu thereof the following: "me (here insert the name and quality of the officer), personally appeared \_\_\_\_\_, known to me (as proved to me on the oath of \_\_\_\_\_) to be the president (or the secretary) of the corporation that executed the within instrument (where, however, the instrument is executed in behalf of the corporation by some one other than the president or secretary, insert: known to me (or proved to me on the oath of \_\_\_\_\_) to be the person who executed the within instrument on behalf of the corporation therein named) and acknowledged to me that such corporation"

SENATE AMENDMENT CONCURRED IN.

Mr. Drew moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 494?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Estudillo, Gates, Held, Houser, Johnstone, King, Lumley, Maxwell, McCartney, McGowan, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Stanton, Strohl, Thompson, Treadwell, Tripp, Waste, Weyand, and Whiting—46.  
NOES—None.

Assembly Bill No. 494 ordered to enrollment.

TIME FOR RECESS EXTENDED.

On motion of Mr. Dorsey, at twelve o'clock and twenty-six minutes p. m., the hour for recess was extended for fifteen minutes.

## CONSIDERATION OF SENATE MESSAGES—(RESUMED).

Mr. Drew moved to take up Assembly Bill No. 398 for concurrence in the Senate amendment.

Motion carried.

Assembly Bill No. 398—An Act to amend Sections 549 and 551 and to repeal Section 550 of the Civil Code, all relating to water and canal corporations.

## SENATE AMENDMENT.

The following Senate amendment was read:

On page 2, Section 3, line 11, insert a comma after the word "county," and after the word "that" insert the words "after seven days' notice in writing to said person or corporation."

Mr. Drew moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 398?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Coghlan, Cooper, Coyle, Cullen, Devlin, Dorsey, Drew, Ellis, Gates, Held, Johnstone, King, Lucey, Lumley, Manwell, McCartney, McGowan, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Rolley, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, and Wickersham—44.

NOES—None.

Assembly Bill No. 398 ordered to enrollment.

Mr. Dorsey moved that the consideration of Senate amendments to Assembly Bills Nos. 387, 334, 383, and 502 be postponed until Wednesday evening, March 1, 1905, to be at the head of the Special Code Revision file.

Motion carried.

## SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 411—An Act to amend Section 343 of the Penal Code, relating to brokers.

Also: Senate Bill No. 155—An Act to amend Section 172 of the Penal Code, relating to selling, giving away, or exposing for sale any vinous or alcoholic liquors in public institutions or buildings, or upon the grounds upon which the same are situated, or lands adjacent thereto.

Also: Senate Bill No. 393—An Act to provide for completing the survey, locating and constructing a State highway from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles, to connect with an existing road in Humboldt County, and making an appropriation therefor.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bills Nos. 411 and 155 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 393 read first time, and referred to Committee on Roads and Highways.

## SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 392—An Act to repeal Section 494 of the Civil Code, as approved March 22, 1899, relating to the sale by any railroad company owning any railroad in this State of its property and franchises, or any part thereof, to any other railroad company, whether organized under the laws of this State, or any other State or

Territory, or under any Act of Congress, and prescribing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Also: Assembly Bill No. 389—An Act to add a Chapter VI of Title II of Part II of Division I of the Civil Code, relating to life, health, accident, and annuity or endowment insurance on the assessment plan.

Also: Assembly Bill No. 384—An Act to amend Sections 414, 415, 417, 418 of the Civil Code, all relating to insurance corporations.

Also: Assembly Bill No. 216—An Act to add four new sections to the Civil Code, to be numbered 51, 52, 53, and 54, all relating to personal rights.

Also: Assembly Bill No. 516—An Act to amend Section 3451 of the Civil Code, relating to assignments for the benefit of creditors.

Also: Assembly Bill No. 515—An Act to amend Section 3366 of the Civil Code, relating to specific and preventive relief.

Also: Assembly Bill No. 514—An Act to add a new section to the Civil Code, to be numbered 3346a, relating to damages for negligently firing woods.

Also: Assembly Bill No. 513—An Act to amend Section 3294 of the Civil Code, relating to exemplary damages.

Also: Assembly Bill No. 512—An Act to amend Sections 3131, 3176, 3197, and 3235 of the Civil Code, all relating to negotiable instruments.

Also: Assembly Bill No. 511—An Act to add five new sections to the Civil Code, to be numbered 3061, 3062, 3063, 3064, and 3065, all relating to liens on personal property.

Also: Assembly Bill No. 510—An Act to add a new section to the Civil Code, to be numbered 2973, relating to mortgages of personal property.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 392, 389, 384, 216, 516, 515, 514, 513, 512, 511, and 510 ordered to enrollment.

#### SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 479—An Act to repeal Title XI of Part IV of Division I of the Civil Code, and each and every section of said title, and to substitute a new Title XI to take the place thereof in said Code, relating to mining corporations.

Also: Assembly Bill No. 396—An Act to amend Sections 528, 529, and 530 of the Civil Code, all relating to bridge, ferry, wharf, chute, and pier corporations.

Also: Assembly Bill No. 395—An Act to add a new section to the Civil Code, to be numbered 524, relating to franchises for the construction of paths and roads for the use of horseless vehicles.

Also: Assembly Bill No. 394—An Act to amend Sections 513, 514, 517, 518, and 522 of the Civil Code, all relating to wagon road corporations.

Also: Assembly Bill No. 390—An Act to amend Sections 468, 481, and 489 of the Civil Code, and to add two new sections thereto, to be numbered 465a and 473a, all relating to railroad corporations.

Also: Assembly Bill No. 388—An Act to add a Chapter V to Title II of Part IV of Division I of the Civil Code, relating to corporations to discover fire and save property and human life from destruction thereby.

Also: Assembly Bill No. 386—An Act to repeal Sections 431 and 448 of the Civil Code, and to add thereto a new section, to be numbered 452, all relating to life, health, and accident insurance corporations.

Also: Assembly Bill No. 385—An Act to amend Section 428 of the Civil Code, relating to fire and marine insurance corporations.

Also: Senate Bill No. 436—An Act to amend Sections 470, 474, 481, and 482 of the Penal Code, relating to forgeries and counterfeiting.

Also: Assembly Bill No. 335—An Act to repeal Section 399, and to amend Sections 400 and 401 of the Civil Code, Chapter V, relating to the dissolution and extension of the term of existence of corporations.

Also: Assembly Bill No. 491—An Act to amend Section 993 of the Civil Code, relating to the transfer of the good will and name of a business.

Also: Assembly Bill No. 485—An Act to add a Title XIX to Part IV of Division I of the Civil Code, relating to cooperative business corporations.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 479, 396, 395, 394, 390, 388, 386, 385, 335, 491, and 485 ordered to enrollment.

Senate Bill No. 436 read first time, and referred to Committee on Revision and Reform of Laws.

## SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 707—An Act to authorize actions against any board or commission of the State in certain cases and regulating procedure therein.

Also: Assembly Bill No. 263—An Act to amend Sections 164 and 170 of the Civil Code, all relating to husband and wife.

Also: Assembly Bill No. 264—An Act to repeal Section 58, and to amend Sections 60, 68, 79½, and 84 of the Civil Code, all relating to marriage.

Also: Assembly Bill No. 265—An Act to repeal Sections 242, 243, 244, 245, 247, 248, 249, and 258, and to amend Section 246 of the Civil Code, all relating to guardian and ward.

Also: Assembly Bill No. 266—An Act to amend Sections 226 and 227 of the Civil Code, all relating to the adoption of children.

Also: Assembly Bill No. 331—An Act to amend Sections 299, 302, 304, 309, 310, 311, 312, 314, and 315 of the Civil Code, all relating to corporations.

Also: Assembly Bill No. 332—An Act to repeal Title IV of Part III of Division I of the Civil Code, and each and every section of said title, and to substitute a new Title IV to take the place thereof in said Code, relating to masters and apprentices.

Also: Assembly Bill No. 333—An Act to amend Sections 322, 323, and 325 of the Civil Code, all relating to stockholders in corporations.

Also: Assembly Bill No. 879—An Act to add a chapter to Title I of Part IV of Division I of the Civil Code, relating to foreign corporations.

Also: Assembly Bill No. 687—An Act to amend Section 2161 of the Civil Code, relating to the carriage of telegraph and telephone messages.

Also: Assembly Bill No. 505—An Act to amend Sections 2180 and 2195 of the Civil Code, all relating to common carriers.

Also: Assembly Bill No. 499—An Act to amend Sections 1386, 1388, 1395, 1399, 1405, and 1406 of the Civil Code, and to add a new section thereto, to be numbered 1409, all relating to succession to the property of deceased persons.

Also: Assembly Bill No. 495—An Act to add a new section to the Civil Code, to be numbered 1218, relating to the recording of certified copies of instruments in writing.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 707, on motion of Mr. Coghlan, ordered on special Senate file without reference to committee.

Assembly Bills Nos. 263, 264, 265, 266, 331, 332, 333, 879, 687, 505, 499, and 495 ordered to enrollment.

## SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, February 25, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 509—An Act to amend Sections 2903 and 2913 of the Civil Code, both relating to hens.

Also: Assembly Bill No. 503—An Act to amend Section 2541 of the Civil Code, relating to insurance of mortgaged property.

Also: Assembly Bill No. 507—An Act to amend Section 2334 of the Civil Code, relating to the liability of principals for the acts of their agents.

Also: Assembly Bill No. 506—An Act to amend Section 2236 of the Civil Code, relating to the obligations of trustees.

Also: Assembly Bill No. 504—An Act to amend Sections 1929, 1930, and 1932 of the Civil Code, all relating to the hiring of property.

Also: Assembly Bill No. 503—An Act to amend Sections 1865 and 1871 of the Civil Code, both relating to finders and savers of property.

Also: Assembly Bill No. 501—An Act to amend Sections 1624 and 1625 of the Civil Code, both relating to the manner of creating contracts.

Also: Assembly Bill No. 500—An Act to add a new section to the Civil Code, to be numbered 1468, relating to covenants running with land.

Also: Assembly Bill No. 497—An Act to add a chapter to Title V, of Part IV, of Division II of the Civil Code, relating to the homesteads of insane persons.

Also: Assembly Bill No. 496—An Act to amend Section 1263 of the Civil Code, relating to declarations of homestead.

Also: Assembly Bill No. 480—An Act to add a new title to Part IV of Division I of the Civil Code to be known as Title XIa, relating to corporations for the formation of chambers of commerce, boards of trade, mechanics' institutes, and other kindred associations.

LEWIS A. HILBORN, Secretary of Senate  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 509, 508, 507, 506, 504, 503, 501, 500, 497, 496, and 480 ordered to enrollment.

## SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 296—An Act creating a Bureau of Building and Loan Supervision, providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers, and compensation; providing for the rental of offices for the use of the bureau, and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioners to the Attorney-General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions, and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith.

Also: Senate Bill No. 755—An Act to amend Sections 771, 778, and 782 of the Political Code and to repeal Sections 779, 780, and 781 of said Code, all relating to the preparation and publication of the opinions of the Supreme Court and of the District Courts of Appeal.

Also: Senate Bill No. 749—An Act to amend Section 3881 of the Political Code of the State of California, relating to correcting of errors, omissions, defects in form or in descriptions, erroneous or double assessments in any assessment roll.

Also: Senate Bill No. 666—An Act concerning warehouse receipts, and the issuing, sale and transfer thereof, and the sale of goods, wares, and merchandise stored in public or private warehouses in other States.

Also: Senate Bill No. 879—An Act to amend Section 2153a of the Political Code, relating to the duties of medical superintendents of State hospitals.

Also: Senate Bill No. 694—An Act to authorize the deposit of State moneys in banks of this State, and to repeal all Acts or parts of Acts in conflict with this Act.

Also: Senate Bill No. 632—An Act to amend Sections 418, 419, 456, and 485 of the Political Code, relating to the salaries of appointees in the offices of the Secretary of State, of the State Treasurer, and of the Surveyor-General.

Also: Assembly Bill No. 649—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 295 read first time, and referred to Committee on Building and Loan Associations.

Senate Bill No. 755 read first time, and, on motion of Mr. Manwell, was ordered on special Senate file without reference to a committee, it being identical with an Assembly bill.

Senate Bill No. 749 read first time, and, on motion of Mr. Burke, ordered on special Senate file.

Senate Bill No. 666 read first time, and, on motion of Mr. McGowan, ordered on special Senate file.

Senate Bill No. 879 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 694 read first time, and referred to Committee on Banks and Banking.

Senate Bill No. 632 read first time, and, on motion of Mr. McCartney, ordered on special Senate file without reference to a committee.

Assembly Bill No. 649 ordered to enrollment.

## SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 486—An Act to add a Title XX to Part IV of Division I of the Civil Code, relating to cooperative building associations.

Also: Senate Bill No. 126—An Act to amend Sections 42, 45, 46, 47, 49, 50, 51, 57, 59, and 62 of the Penal Code, and to add six new sections thereto, to be numbered 42a, 49a, 54a, 54b, 55a, 57a, and 63b, all relating to crimes against the elective franchise.

Also: Senate Bill No. 453—An Act to amend Section 597 of the Penal Code, and to add eleven new sections thereto, to be numbered 597a, 597b, 597c, 597d, 597e, 597f, 599a, 599b, 599c, 599d, and 599e, all relating to cruelty to animals.

Also: Senate Bill No. 253—An Act to amend and renumber Section 653½ of the Penal Code, relating to appraisers accepting fees not allowed.

Also: Senate Bill No. 413—An Act to add a new section to the Penal Code, to be numbered 349a, relating to the prevention of fraud and imposition in the stamping and labeling of produce and manufactured goods.

Also: Assembly Bill No. 483—An Act to repeal Title XV of Part IV of Division I of the Civil Code and to substitute therefor in said Code a new Title XV, relating to corporations formed for the purpose of furnishing light for public use.

Also: Assembly Bill No. 484—An Act to repeal Section 648½ of the Civil Code, and to add a new section thereto, to be numbered 638a, all relating to land and building corporations.

Also: Assembly Bill No. 885—An Act to add a new chapter to Title IV of Part III of the Code of Civil Procedure, to be known as Chapter IV, relating to certain liens upon animals.

Also: Senate Bill No. 162—An Act to add two new sections to the Penal Code, to be numbered 269a and 269b, relating to open and notorious fornication and adultery.

Also: Senate Bill No. 163—An Act to amend Sections 270 and 272 of the Penal Code, and to add new sections thereto, to be numbered 271a, 273, 273a, 273b, 273c, 273d, and 273e, and to repeal Section 1389 thereof, all relating to crimes against children.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 486, 483, 484, and 885 ordered to enrollment.

Senate Bills Nos. 126, 453, 253, 413, 162, and 163 read first time, and referred to Committee on Revision and Reform of Laws.

#### SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 671—An Act to authorize cities owning their own lighting plants, to furnish lamps and fixtures to consumers, and to install same, and to wire buildings for electric lighting.

Also: Assembly Bill No. 765—An Act to repeal Chapter II of Title IV of the Political Code of California, and to substitute therefor a new Chapter II, relating to the State militia.

Also: Senate Bill No. 728—An Act to amend an Act entitled "An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society," approved March 25, 1901.

Also: Senate Bill No. 696—An Act to provide for the location and construction of a public highway from the General Grant Park in Fresno County, thence easterly a distance of about fifty miles to the Kings River Cañon; and making an appropriation for the construction thereof, and providing for a commission to take charge of, locate, and construct said highway.

Also: Senate Bill No. 242—An Act appropriating the sum of \$10,000 for the relief of Lawrence J. Dunnigan.

Also: Senate Bill No. 693—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and prohibiting the use of the word "trust" in combination or connection with the word "company," "corporation," "incorporation," "association," "society," "organization," or "syndicate" by any person, corporation, or association which is not subject to the provisions of the Act last mentioned.

Also: Assembly Bill No. 631—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1891, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the destruction of the Russian thistle, or salt wort.

Also: Senate Bill No. 593—An Act to create a reclamation district, to be called "Reclamation District No. 70," and providing for the control and management thereof.

Also: Senate Bill No. 506—An Act to amend Sections 1830, 1831, 1832, 1835, 1836, 1837, and 1839 of the Political Code, relating to district school tax.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 671 read first time, and referred to Committee on Corporations.

Assembly Bills Nos. 765 and 631 ordered to enrollment.



Senate Bill No. 728 read first time, and referred to Committee on Agriculture.

Senate Bill No. 696 read first time, and referred to Committee on Roads and Highways.

Senate Bill No. 242 read first time, and ordered on special Senate file.

Senate Bill No. 693 read first time, and referred to Committee on Judiciary.

Senate Bill No. 598 read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

Senate Bill No. 506 read first time, and ordered on special Senate file.

#### TIME OF RECESS EXTENDED.

On motion of Mr. McCartney, at twelve o'clock and thirty-nine minutes P. M., the hour of recess was extended for ten minutes.

#### SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 377—An Act to amend Sections 767, 771, 772, 773, and 774 of the Political Code, all relating to the reporting of the decisions of the Supreme Court and the District Courts of Appeal.

Also: Senate Bill No. 615—An Act to amend Section 497 of the Penal Code, relating to the bringing of stolen or embezzled property into this State.

Also: Senate Bill No. 614—An Act to amend Section 496 of the Civil Code, relating to the buying or receiving of stolen property.

Also: Senate Bill No. 750—An Act to amend Section 105 of the Penal Code of the State of California, relating to escapes from State prison and their punishment.

Also: Senate Bill No. 410—An Act to amend Section 315 of the Penal Code, relating to houses of ill-fame

Also: Senate Bill No. 414—An Act to amend Section 360 of the Penal Code, relating to marriages.

Also: Senate Bill No. 431—An Act to add a new section to the Penal Code, to be numbered 369b, relating to the transporting of cattle, sheep, or swine upon railroad trains.

Also: Senate Bill No. 432—An Act to amend Section 384 of the Penal Code and to add two new sections thereto, to be numbered 384a and 384b, all relating to the preventing of fires.

Also: Senate Bill No. 433—An Act to add a new section to the Penal Code, to be numbered 384c, relating to the killing, maiming, or wounding of animals while hunting upon the enclosed land of another

Also: Senate Bill No. 434—An Act to amend Sections 374, 376, 383, and 384 of the Penal Code, to renumber Sections 400 (as approved March 30, 1874), 402½, 402½, and 402¾, thereof, and to add new sections thereto to be numbered 369a, 369d, 369e, 369f, 369g, 375a, 383a, 401a, and 402a, all relating to crimes against public health and safety.

Also: Senate Bill No. 437—An Act to add a new section to the Penal Code, to be numbered 420, relating to obstructing persons from entering upon public lands of the United States.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bills Nos. 377, 615, 614, 750, 410, 414, 431, 432, 433, 434, and 437 read first time, and referred to Committee on Revision and Reform of Laws.

#### SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 493—An Act to amend Section 1161 of the Civil Code relating to the recording of instruments in writing.

Also: Assembly Bill No. 492—An Act to add a new section to the Civil Code, to be numbered 1096, relating to the mode of transferring real property.

Also: Assembly Bill No. 490—An Act to amend Section 970 of the Civil Code, relating to the rules of navigation.

Also: Assembly Bill No. 489—An Act to add Sections 842 and 843 to the Civil Code, both relating to persons associated in the use of conduits for the conveyance of water.

Also: Assembly Bill No. 488—An Act to amend Section 822 of the Civil Code, relating to the remedies of a lessor of real property against the assignees of his lessee.

Also: Assembly Bill No. 487—An Act to amend Section 793 of the Civil Code, relating to actions for the possession of real property leased or granted with a right of re-entry.

Also: Assembly Bill No. 481—An Act to add a title to Part IV of Division I of the Civil Code to be known as Title XIIa, relating to societies for the prevention of cruelty to children and animals.

Also: Assembly Bill No. 399—An Act to add a new section to the Civil Code to be numbered 583b, to repeal an Act entitled "An Act to compel all depositaries of money and commercial banks to publish a sworn statement of all unclaimed deposits," approved February 25, 1897, and to repeal an Act entitled "An Act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1893, both relating to statements to be made and notices to be given by depositaries of money.

Also: Assembly Bill No. 397—An Act to repeal Chapter VII of Title IV of Part IV of Division I of the Civil Code and each and every section of said chapter, and to substitute a new Chapter VII to take the place thereof in said Code, relating to telegraph and telephone corporations.

Also: Assembly Bill No. 393—An Act to amend Sections 497, 498, 504, and 507 of the Civil Code, all relating to street railway corporations.

Also: Assembly Bill No. 391—An Act to amend Section 493 of the Civil Code, relating to franchises for the construction of elevated and underground railroad tracks.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 493, 492, 490, 489, 488, 487, 481, 399, 397, 393, and 391 ordered to enrollment.

#### BILLS RECALLED FROM COMMITTEE.

Mr. Duryea moved that Senate Bill No. 601 be recalled from the Committee on Ways and Means and placed on the special Senate file.

Motion carried.

Mr. Gans moved that Senate Bill No. 237 be recalled from committee and ordered on the special Senate file.

Motion carried.

Mr. Pyle moved that Senate Bill No. 736 be recalled from the Committee on County and Township Governments and placed on the special Senate file.

Motion carried.

#### BILL RE-REFERRED.

Mr. Wickersham moved that Assembly Bill No. 1022 be recalled from the Committee on Commerce and Navigation and referred to the Committee on Commissions and Public Expenditures.

Motion carried.

#### RECESS.

The Speaker pro tem., on motion of Mr. McCartney, at twelve o'clock and fifty minutes P. M., declared a recess until two o'clock and thirty minutes P. M.

#### REASSEMBLED.

The Assembly reconvened at two o'clock and thirty minutes P. M.

The Speaker, Hon. Frank C. Prescott, in the chair.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Rules and Regulations submitted the following report, which was read:

#### ASSEMBLY URGENCY FILE TO BE MADE UP.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: Your Committee on Rules and Regulations hereby report the following temporary rule relating to bills on third-reading file:

Resolved, That Monday and Tuesday evenings of this week be devoted to the consideration of a special urgency file of third reading and final passage of Assembly bills,

and each member, as his name is called, may take up a bill on the third-reading file, introduced by himself only. The roll shall be called by alternating first at the top of the roll call, and then at the bottom. Not more than five minutes shall be devoted to discussion upon any one bill.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

McCARTNEY, Chairman.

RULE ADOPTED.

Mr. McCartney moved the adoption of the report and rule as recommended by the committee.

On being put to vote, the report and rule as recommended were declared adopted by a unanimous vote.

SPECIAL SENATE FILE.

Bills on special Senate file were taken up and considered, as follows:  
Senate Bill No. 104—An Act to amend Sections 1 and 7 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Mr. Cromwell withdrew Senate Bill No. 104, which was ordered stricken from the file, and gave the place on the file to Mr. Devlin to call up Senate Bill No. 667 (No. 474 on the file).

Senate Bill No. 667—An Act to amend Section 580 of the Civil Code of the State of California, relating to banking corporations.

Read second time, and ordered to third reading on the special Senate file.

Senate Bill No. 260 (identical with Assembly Bill No. 618)—An Act to authorize the appointment of an interpreter of the Spanish language, in criminal proceedings, in counties, and cities and counties of one hundred thousand inhabitants and over.

Read third time on a previous day.

On motion of Mr. Transue, Senate Bill No. 260 was ordered placed at the head of the special file for Thursday, March 2, 1905.

Senate Bill No. 417—An Act to amend Section 17 of the Political Code of the State of California, relating to definitions of certain terms used in said Code.

Read third time.

The question being on the final passage of the bill.

The roll was called, and Senate Bill No. 417 finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Beckett, Branstetter, Burge, Chandler, Coghlan, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, McGowan, McNamara, Mencke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffie, Pryor, Pyle, Rolley, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Whiting, Wickersham, and Mr. Speaker—58

NOES—None.

Title read and approved.

SPECIAL FILE OF SENATE BILLS—(RESUMED).

Senate Bill No. 225—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Read second time.

## COMMITTEE AMENDMENT.

The following committee amendment was read:

Amend by striking out the numerals "1905," on line 1, Section 4, page 1 of printed bill, and inserting in lieu thereof the numerals "1906."

Amendment adopted.

Senate Bill No. 225 was ordered to print, third reading, and on special Senate file.

Senate Bill No. 223—An Act to provide for the completion of certain buildings at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and Senate Bill No. 223 finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Beckett, Branstetter, Burge, Busick, Chandler, Coyle, Cromwell, Cullen, Drew, Ellis, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, McGowan, McNamara, Meincke, Mindham, Mitchelltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Strohl, Transue, Treadwell, Tripp, Weyand, Whiting, Wickersham, and Mr. Speaker—50.

NOES—None.

Title read and approved.

## SPECIAL ORDER CONSIDERED.

The hour having arrived for the consideration of pending Senate amendments to Assembly Bill No. 472, the Speaker called up the bill.

Assembly Bill No. 472—An Act to amend Section 1242 of the Code of Civil Procedure of California, relating to rights of way for public uses.

## SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 472 were read:

## AMENDMENT No. 1.

Amend as follows: By striking out of Section 1, page 2, the words contained in lines 27 to 44, both inclusive, and inserting in lieu thereof the following: "No railroad main-track crossing, outside the limits of any incorporated town, city, or city and county, shall be at grade, unless the party proposing such crossing at grade shall, at its own sole cost and expense, protect such crossing by the construction, operation, and maintenance of an interlocking plant, with suitable signals and derails; but either party to such crossing may insist upon a separation of grades, in which case the cost of constructing such crossing with separate grades shall be equally divided between the railroad companies concerned; and, provided further, that where any crossing has been constructed at grade, either company may, at any time thereafter, require a separation of the grades at such crossing, each company paying one half of the expense of such separation; and, provided further, that the foregoing provisions shall not be construed as requiring a separation of grades where such separation is physically impracticable, and in case of any dispute or controversy as to the physical practicability of any under-grade or overhead crossing, the same shall be determined by the superior court of the county in which such crossing is situated, in an action or proceeding brought by either party for that purpose."

## AMENDMENT No. 2.

Amend as follows: By inserting in Section 1, line 36, after the word "any," the word "such."

## SENATE AMENDMENTS CONCURRED IN.

Mr. Cromwell moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 472?"

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs Amerige, Anthony, Atkinson, Barnes, Beardslee, Beckett, Branstetter, Burge, Busick, Chandler, Coghlan, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Estudillo, Gates, Hartman, Held, Houser, Jarvis, John, Johnson, Jones of Tuolumne, Jury, Lumley, Lynch, McGowan, McNamara, Meincke, Mindham, Mitchell-tree, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Strohl, Transue, Treadwell, Tripp, Walsh, Weyand, Whiting, and Mr. Speaker—52.

NOES—None.

Assembly Bill No. 472 ordered to enrollment.

Mr. Dorsey moved that Assembly Bill No. 313—An Act to add a new section, to be known as Section 2186½, to the Civil Code of the State of California, relating to common carriers of oil—set as a special order for this day, be continued until to-morrow, Tuesday, at four o'clock and thirty minutes P. M.

Motion carried.

#### SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 228—An Act to provide for the completion of the main building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Read second time.

#### COMMITTEE AMENDMENTS.

The following committee amendments were read:

##### AMENDMENT No. 1.

Amend by striking out the numerals "55" on line 1, Section 1, page 1, printed bill, and inserting in lieu thereof the numerals "43."

Amendment adopted.

##### AMENDMENT No. 2.

Amend by striking out the numerals "50" on line 1, Section 2, page 1, printed bill, and inserting in lieu thereof the numerals "40."

Amendment adopted.

##### AMENDMENT No. 3.

Amend by striking out the numeral "5," on line 1, Section 3, page 2, printed bill, and inserting in lieu thereof the numeral "3."

Amendment adopted.

Senate Bill No. 228 ordered to print and to third reading on special Senate file.

Senate Bill No. 226—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Read second time.

#### COMMITTEE AMENDMENTS.

The following committee amendments were read:

##### AMENDMENT No. 1.

Amend the title by striking out after the word "children" on line 3 of title, page 1, printed bill, and inserting in lieu thereof the following: "for equipping and furnishing the same."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the numeral "8," on line 1, Section 1, first page, printed bill, and inserting in lieu thereof the numeral "3."

Amendment lost.

## AMENDMENT No. 3.

Amend by striking out the words "thirty male" on line 4, Section 1, first page, printed bill.

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out the words "and for equipping and furnishing the same," in lines 5 and 6, Section 1, first page, printed bill.

Amendment adopted.

## AMENDMENT No. 5.

Amend by striking out "Section 2," first page, printed bill

Amendment adopted.

## AMENDMENT No. 6.

Amend by striking out "Section 3," first page, printed bill.

Amendment adopted.

## AMENDMENT No. 7.

Amend by striking out the numeral "4," on line 1, Section 4, first page, printed bill, and inserting in lieu thereof the numeral "2."

Amendment adopted.

## MOTION.

Mr. Cromwell moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No 226.

So ordered

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 226 was considered in Committee of the Whole.

Mr. Cromwell moved that the Committee of the Whole rise and report back Senate Bill No. 226, with a recommendation that it do pass as amended.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

## ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 226—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor—and do now report the same back, with amendments, and recommend that it do pass as amended.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 226 ordered to print and to third reading on special Senate file.

Senate Bill No. 229—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and Senate Bill No. 229 finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Beckett, Branstetter, Burge, Busick, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Devlin, Drew, Ellis, Estudillo, Goodrich, Hartman, Held, Houser, Jarvis, John, Jones of Tuolumne, Jury, King, McGowan, McNamara, Meincke, Mitchellree, Moore, O'Brien, Olmsted, Perkins, Pfaffie, Pryor, Pyle, Rolley, Severance, Strohl, Treadwell, Tripp, Walsh, Weyand, Whiting, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Senate Bill No. 225—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Read second time.

#### COMMITTEE AMENDMENT.

The following committee amendment was read:

Amend by striking out the numerals "1905" on line 1, Section 4, first page of printed bill, and inserting in lieu thereof the following numerals: "1906"

Amendment adopted.

#### MOTION.

Mr. Cromwell moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 225.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 225 was considered in Committee of the Whole.

Mr. Cromwell moved that the Committee of the Whole rise and report back Senate Bill No. 225 as amended.

Motion carried.

#### IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 225—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor—and do now report the same back, with one amendment, and recommend that the same do pass as amended.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 225 ordered to print and to third reading on special Senate file.

Senate Bill No. 257—An Act to provide for the fencing and improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor.

Read second time.

#### COMMITTEE AMENDMENT.

The following committee amendment was read:

Amend by striking out the word "seven," on line 1, Section 1, first page, printed bill, and inserting in lieu thereof the word "four."

Amendment adopted.

## MOTION.

Mr. Held moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 257.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 257 was considered in Committee of the Whole.

Mr. Held moved that the Committee of the Whole rise and report back that Senate Bill No. 257 do pass as amended.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 257—An Act to provide for the fencing and improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor—and do now report the same, with amendments, and recommend that the same do pass as amended.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 257 ordered to print and to third reading on special Senate file.

Senate Bill No. 378—An Act to appropriate \$7,500 to sink artesian wells and to develop artesian water on the lands of the Mendocino State Hospital.

Read second time.

## MOTION.

Mr. Held moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 378.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 378 was considered in Committee of the Whole.

Mr. Held moved that the Committee of the Whole rise and report back Senate Bill No. 378, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 378—An Act to appropriate \$7,500 to sink artesian wells, and to develop artesian water on the lands of the Mendocino State Hospital—and do now report the same back, and recommend that the same do not pass.

PRESCOTT, Chairman.

Report of Committee of the Whole adopted.

Senate Bill No. 378 ordered to third reading on the special Senate file.



## NOTICE OF RECONSIDERATION.

Mr. Coyle gave notice that on the next legislative day he would move to reconsider the vote whereby the Assembly this day concurred in Senate amendments to Assembly Bill No. 472.

Senate Bill No. 189—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Read third time.

The question being on the final passage of the bill.

The roll was called, and Senate Bill No. 189 finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Beckett, Branstetter, Burge, Busick, Coghlan, Cooper, Creighton, Devlin, Drew, Duryea, Ellis, Estudillo, Goodrich, Held, Houser, Jarvis, John, Jones of Tuolumne, Jury, King, Lynch, McCartney, McGowan, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Stanton, Strohl, Thompson, Treadwell, Tripp, Walsh, Weyand, Whiting, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Senate Bill No. 402—An Act to promote the better education of practitioners of nursing the sick in the State of California; to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation thereof.

Read third time on a previous day.

The question being on the final passage of the bill.

The roll was called, and Senate Bill No. 402 finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Beckett, Branstetter, Burge, Busick, Cleveland, Coghlan, Coyle, Creighton, Devlin, Drew, Duryea, Ellis, Goodrich, Hartman, Held, Jarvis, John, Jones of Tuolumne, King, Lucey, Lumley, Lynch, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Strohl, Tripp, Walsh, Whiting, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Senate Bill No. 415—An Act to add a new section to the Civil Code of the State of California, to be numbered 328, relating to lost or destroyed certificates of stock or of shares in a corporation.

Read third time.

The question being on the final passage of the bill.

The roll was called, and Senate Bill No. 415 finally passed by the following vote:

AYES—Messrs. Anthony, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Busick, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Drew, Duryea, Ellis, Gates, Goodrich, Hartman, Held, Jarvis, John, Jones of Tuolumne, King, Lucey, Lumley, Lynch, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Weyand, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Senate Bill No. 269—An Act to authorize and provide for the transfer of the Veterans' Home of California, its property, management, control, and support to the Government of the United States, its officers, and authorities, to be conducted as a National home under such laws as now exist or which may hereafter be enacted by Congress; and for the conveying of the property of said home, both real and personal, belonging

to the State of California, situate in Napa County, to the Government of the United States for such purpose.

Read third time.

The question being on the final passage of the bill.

The roll was called, and Senate Bill No. 269 finally passed by the following vote:

AYES—Messrs. Anthony, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Busick, Cooper, Creighton, Cromwell, Drew, Duryea, Ells, Gans, Gates, Goodrich, Held, Jarvis, John, Jones of Tuolumne, King, Lucey, Lumley, McCartney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Thompson, Treadwell, Tripp, Waste, Weyand, Whiting, and Mr. Speaker—44.

NOES—Mr. Cleveland—1.

Title read and approved.

Senate Bill No. 406—An Act to amend Section 312 of the Civil Code of the State of California, relating to elections by stockholders in corporations.

Read third time.

The question being on the final passage of the bill.

The roll was called, and Senate Bill No. 406 finally passed by the following vote:

AYES—Messrs. Atkinson, Barnes, Bates, Bliss, Branstetter, Burge, Burke, Busick, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Drew, Duryea, Ells, Gans, Gates, Goodrich, Held, Jarvis, John, Johnson, Jury, King, Lucey, Lumley, McGowan, McNamara, Meincke, Mitcheltree, Moore, Olmsted, Perkins, Pfaffle, Pyle, Stanton, Strobridge, Strohl, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Senate Bill No. 405—An Act to amend Section 3650 of the Political Code of the State of California, relating to how the assessor must prepare an assessment book, and list therein all property within the county.

Read third time.

The question being on the final passage of the bill.

The roll was called, and Senate Bill No. 405 finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Bliss, Branstetter, Burge, Burke, Busick, Cooper, Coyle, Cullen, Drew, Duryea, Ells, Held, Jarvis, John, Johnson, Jones of Tuolumne, Jury, Lucey, Lumley, McCartney, McNamara, Meincke, Mitcheltree, Moore, Perkins, Pfaffle, Pyle, Stanton, Strobridge, Strohl, Thompson, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Senate Bill No. 35—An Act making an appropriation for repairs and improvements on the buildings and grounds of the Woman's Relief Corps Home (located at Evergreen, Santa Clara County), for ex-army nurses and indigent widows, wives, mothers, and dependent maiden daughters and sisters of Union veterans who served honorably in the War of the Rebellion.

Read third time.

The question being on the final passage of the bill.

The roll was called, and Senate Bill No. 35 finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Bates, Beckett, Bliss, Branstetter, Burke, Coghlan, Cooper, Coyle, Creighton, Cromwell, Drew, Duryea, Ells, Gates, Held, John, Johnson, Jury, King, Lumley, McCartney, McKenney, McNamara, Meincke, Mitcheltree, Moore, Olmsted, Perkins, Pfaffle, Pyle, Severance, Stanton, Strobridge, Strohl, Thompson, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Senate Bill No. 261—An Act transferring the sum of \$80,000 from the General Fund to the Estate of Deceased Persons Fund.

Read second time.

MOTION.

Mr. Cromwell moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 261.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 261 was considered in Committee of the Whole.

Mr. Cromwell moved that the Committee of the Whole rise and report back Senate Bill No. 261, with a recommendation that it do pass.

Motion carried.

IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 261—An Act transferring the sum of \$80,000 from the General Fund to the Estate of Deceased Persons Fund—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

Report of the Committee of the Whole adopted.

Senate Bill No. 261 ordered to third reading on special Senate file.

ASSEMBLY BILL CALLED UP.

Mr. Stanton obtained unanimous consent to call up Assembly Bill No. 1163, the same having been returned from the printer.

URGENCY RESOLUTION.

By Mr. Jones of San Francisco:

*Resolved*, That Assembly Bill No. 1163 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

RESOLUTION ADOPTED.

The roll was called and the resolution to suspend the provision of the Constitution was declared adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Busick, Coghlan, Cooper, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Eells, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, McCartney, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Severance, Stanton, Strobbridge, Thompson, Transue, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—55.

NOES—None.

Assembly Bill No. 1163 was read the first time at the morning session this day.

Assembly Bill No. 1163—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session.

Read second time.

## MOTION.

Mr. Stanton moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 1163.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 1163 was considered in Committee of the Whole.

Mr. Stanton moved that the Committee of the Whole rise and report Assembly Bill No. 1163 back, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

GENTLEMEN: Your Committee of the Whole have had under consideration Assembly Bill No. 1163—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 1163—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Busick, Coghlan, Cooper, Covle, Creighton, Cromwell, Devlin, Drew, Duryea, Ellis, Gans, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnson, Jones of Tuolumne, Jury, Lucey, Lynch, McCartney, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Severance, Stanton, Strobl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Mr. Jones of San Francisco moved that Assembly Bill No. 1163 be immediately transmitted to the Senate.

So ordered.

## SPEAKER PRO TEM. CALLED TO THE CHAIR.

At four o'clock P. M., the Speaker called Hon. T. E. Atkinson, Speaker pro tem., to the chair.

## SPECIAL FILE OF SENATE BILLS—(RESUMED).

Senate Bill No. 10—An Act to provide for the appointment of the California Cereal Improvement Commission, defining the purpose of said commission, and providing an appropriation to pay the expenses thereof.

Read second time.

## MOTION.

Mr. Stanton moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Senate Bill No. 10.

So ordered.

## IN COMMITTEE OF THE WHOLE.

T. E. Atkinson, Speaker pro tem., in the chair.

Senate Bill No. 10 was considered in Committee of the Whole.

Mr. Stanton moved that the Committee of the Whole rise and report back Senate Bill No. 10, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

T. E. Atkinson, Speaker pro tem., in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 10—An Act to provide for the appointment of the California Cereal Improvement Commission, defining the purpose of said commission, and providing for an appropriation to pay the expenses thereof—and do now report the same back, and recommend that the same do pass.

ATKINSON, Chairman.

Report of Committee of the Whole adopted.

Senate Bill No. 10 ordered to third reading on the special Senate file.

Senate Bill No. 285—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out all of the title following the words "An Act," and in lieu thereof insert the following: "to add a new section to the Political Code, to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out all of Section 1, and insert in lieu thereof the following:

"SECTION 1. A new section is hereby added to the Political Code, to be numbered 758, to read as follows:

"Section 758 Each of the three District Courts of Appeal may employ and appoint the following officers of their respective courts, and whose salaries shall be as follows: One clerk at twenty-four hundred dollars per annum, one stenographer, who shall be a deputy clerk, at eighteen hundred dollars per annum; one bailiff at twelve hundred dollars per annum."

Amendment adopted.

Senate Bill No. 285 ordered to print and to third reading on the special Senate file.

Senate Bill No. 438—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals, relating to the acquisition and disposal of property, real and personal."

Read third time.

The question being on the final passage of the bill.

The roll was called, and Senate Bill No. 438 finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Busick, Coghlan, Cooper, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Ellis, Gans, Hartman, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lumley, Lynch, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Perkins, Pfaeffe, Pyle, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, and Wickersham—52.

NOES—None.

Title read and approved.

Senate Bill No. 620—An Act providing for authority to use the tide waters of the entrance to "False Bay" in San Diego County, and certain lands adjacent thereto, to propel machinery, and to permit the erection and maintenance of structures for the installation, maintenance, and operation of such machinery and fixing the charge therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and Senate Bill No. 620 finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Burke, Busick, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ells, Gans, Goodrich, Hartman, Held, Jarvis, John, Johnson, Johnstone, Jury, King, Lumley, Lynch, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Paeffle, Pyle, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, and Wickersham—53.

NOES—Mr. Houser—1.

Title read and approved.

Senate Bill No. 171—An Act providing for the purchase of a university farm for the use of the College of Agriculture of the University of California; providing for the appointment of a commission to select and purchase said farm; providing for a school of agriculture, and a system of instruction on said farm, and appropriating money therefor.

Read second time.

#### MOTION.

Mr. Waste moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Senate Bill No. 171.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

T. E. Atkinson, Speaker pro tem., in the chair.

Senate Bill No. 171 was considered in Committee of the Whole.

Mr. Waste moved that the Committee of the Whole rise and report back Senate Bill No. 171, with a recommendation that it do pass.

Motion carried.

#### IN ASSEMBLY.

T. E. Atkinson, Speaker pro tem., in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905

GENTLEMEN: Your Committee of the Whole have had under consideration Senate Bill No. 171—An Act providing for the purchase of a university farm for the use of the College of Agriculture of the University of California; for the appointment of a commission to select and purchase said farm; providing for a school of agriculture, and a system of instruction on said farm, and appropriating money therefor—and do now report the same back, and recommend that the same do pass.

ATKINSON, Chairman.

Report of Committee of the Whole adopted.

Senate Bill No. 171 ordered to third reading on special Senate file.

Senate Bill No. 309—An Act to amend Section 3817 of the Political Code, in reference to redemption of property sold to the State for delinquent taxes.

Read third time.

The question being on the final passage of the bill.

The roll was called, and Senate Bill No. 309 finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Beckett, Burke, Busick, Coghlan, Cooper, Creighton, Cullen, Devlin, Dorsey, Drew, Duryea, Ells, Gans, Goodrich,

Hartman, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lumley, Lynch, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, and Wickersham—48.

NOES—None.

Title read and approved.

Senate Bill No. 308—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution.

Read third time.

The question being on the final passage of the bill.

The roll was called, and Senate Bill No. 308 finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Beckett, Bliss, Burke, Busick, Coghlan, Cooper, Coyle, Creighton, Cullen, Devlin, Drew, Duryea, Ellis, Estudillo, Goodrich, Hartman, Held, John, Johnson, Johnstone, Lumley, Lynch, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pfaffle, Pyle, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, and Wickersham—46.

NOES—Mr Pryor—1.

Title read and approved.

Senate Bill No. 591—An Act to amend Sections 285, 290, 292, and 305 of the Civil Code, all relating to formation of corporations.

Read third time.

The question being on the final passage of the bill.

The roll was called, and Senate Bill No. 591 finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Burke, Busick, Coghlan, Cooper, Coyle, Cullen, Drew, Duryea, Ellis, Estudillo, Gans, Hartman, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Lynch, McGowan, McKenney, Meincke, Olmsted, Pfaffle, Pyle, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, and Whiting—43.

NOES—None.

Title read and approved.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Commissions and Public Expenditures submitted the following report, which was read:

##### OPPOSED TO HARBOR COMMISSION FOR SAN PEDRO.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, pursuant to resolution adopted February 23d, and pursuant to Rule 30 of the Standing Rules of the Assembly, requiring said committee to ascertain what commissions can be abolished, or consolidated, with advantage to the public, in view of a more economical administration of State affairs, respectfully report that they visited the harbor of San Pedro to inquire into the advisability of creating a State Board of Harbor Commissioners for said harbor, as contemplated by Assembly Bill No. 1022, and, as a result of such investigation, beg leave to report that the committee is of the opinion that the establishment of such a commission would be unwise at this time, for the following reasons:

1. Large sums of money are being expended in the improvement of said harbor by the United States Government, and nothing should be done at this time which might interfere with that work by causing a conflict of authority.

2. The lines of said harbor have not as yet been definitely located by the United States Government, and until that be done it is impossible to determine what, if any, land surrounding said harbor could be placed under the control of the said commission.

3. The most of the land surrounding said harbor is owned, or controlled, by private individuals.

4. The only thing which at this time could be advantageously done by a State commission would be the fixing of tolls, but this matter is being satisfactorily attended to by the Board of Supervisors of the County of Los Angeles.

5. Persons engaged in shipping at said port are entirely satisfied with the manner in which said harbor is now being conducted, and do not desire the establishment of a commission for the control thereof at this time.

6. The establishment of such a commission at this time would be an additional burden upon the State, or upon shipping at said port, which, under all the circumstances, is unnecessary.

Respectfully submitted.

TREADWELL, Acting Chairman.

#### RESOLUTION.

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was granted leave of absence to visit San Pedro Harbor, have visited the same as in their report.

The following members are entitled to mileage for the same, to wit—Total, 1,206 miles.

M. Vogel .....	\$120 60
E. K. Amerige .....	120 60
E. F. Treadwell .....	120 60
L. Strohl .....	120 60
S. H. Beckett (substitute for A. M. Drew) .....	120 60
T. E. Atkinson .....	120 60
R. H. Jury .....	120 60
Total .....	\$844 20

And we ask the adoption of the following resolution, without reference to the committee:

*Resolved*, That the Controller be and is hereby directed to draw his warrant in favor of E. F. Treadwell, acting chairman of said committee, for the sum of \$844.20, as per above statement, said warrant to be drawn upon the fund for the contingent expenses of the Assembly, and the Treasurer be directed to pay the same.

TREADWELL, Acting Chairman.

#### RESOLUTION ADOPTED.

Mr. Treadwell moved the adoption of the resolution.

The roll was called, and the resolution declared adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beckett, Branstetter, Burke, Busick, Coghlan, Coyle, Cullen, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, McCartney, McGowan, McKenney, Meincke, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strobridge, Strohl, Treadwell, Tripp, Waste, Weyand, Whiting, and Wickersham—49.

NOES—None.

#### SPECIAL SENATE FILE.

Senate Bill No. 373 (identical with Assembly Bill No. 520)—An Act to appropriate money to protect the banks of Eel River from erosion, by means of riprap and jetty work along the banks thereof.

Read second time.

#### MOTION.

Mr. Rolley moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Senate Bill No. 373.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

T. E. Atkinson, Speaker pro tem., in the chair.

Senate Bill No. 373 was considered in Committee of the Whole.

Mr. Rolley moved that the Committee of the Whole rise and report back Senate Bill No. 373, with a recommendation that it do pass.

Motion carried.

#### IN ASSEMBLY.

T. E. Atkinson, Speaker pro tem., in the chair.



## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 373—An Act to appropriate money to protect the banks of Eel River from erosion by means of riprap and jetty work along the banks thereof—and do now report the same back, and recommend that the same do pass.

ATKINSON, Chairman.

Report of Committee of the Whole adopted.

Senate Bill No. 373 ordered to third reading on the special Senate file.

Senate Bill No. 498—An Act making an appropriation for the erection and construction of buildings and equipping the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society, for exposition and State Fair purposes, and for the payment of other expenses incidental and relating thereto, and providing that certain moneys now in the State Treasury may be used in connection with this appropriation for such purposes.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Insert in line 6 of title of printed bill after the word "thereto," the following: "prohibiting gambling of all kinds upon the grounds and premises under the control of said California State Agricultural Society, and providing a penalty for gambling or gaming thereon."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out Section 1, printed bill, and inserting in lieu thereof the following:

"Section 1. The sum of sixty thousand dollars is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to be paid to the Board of Directors of the California State Agricultural Society, and to be expended on, in and about the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society for the purpose of equipping the said fair grounds for exposition and State fair uses for the purposes hereinafter specified: For the construction of a swine exhibit building; the construction of a sheep building; the construction of cattle exhibit barns; the construction of exhibit buildings for mules, horses and ponies; the construction of a poultry building; the construction of a dairy building; the construction of carriage sheds; the construction of a main fence around the grounds; the purchase of decomposed granite for roads; the grading of roads; the grading and filling around barns; the installation of a water system and piping the grounds; the construction of a steel tower and of a barrel tank; the installation of a sewerage system; the construction of an implement exhibit building; painting such structures; necessary fees of architects and superintendents, foremen and workmen, and for the payment of all other expenses appurtenant to the carrying out of this Act. The State Controller is hereby ordered and directed to draw the necessary warrant or warrants therefor, and the State Treasurer is hereby directed to pay the same. *Provided*, that if the appropriation made by this Act shall be insufficient to provide for the erection and construction of all the buildings heretofore enumerated, the Board of Directors of the said California State Agricultural Society, in their discretion, may erect and construct such buildings named herein as in their discretion can be erected and constructed by the appropriations provided for by this Act."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out all of Section 2, page 3, printed bill, after the word "material," on line 11

## AMENDMENT No. 4.

Insert after Section 5 another section to be known as Section 6, and to read as follows: "Section 6. The Board of Directors, officers and employes of the California State Agricultural Society are hereby prohibited from permitting any person or persons, or any corporation, within the grounds or premises owned by or under the control of the said California State Agricultural Society, to sell, or offer for sale, buy, or offer to buy, issue, or offer to issue, or in any manner dispose of, purchase, or acquire, any interest in any pool, or in any pool ticket, certificate, writing, or other evidence of payment, acceptance or deposit of money, or other thing of value, staked upon the result of

any running, pacing, or trotting race or contest between horses, mares or geldings, or to make any bet or hazard on the result of such race or contest, or to act as a stakeholder of any bet or hazard laid on the result of any such race or contest, or to receive or pay over any money, or article or thing of value, the ownership or right to possession of which has been, is, or is to be, determined by any such race or contest, or to permit any gambling or gaming prohibited by Section 330 of the Penal Code of the State of California. And every person, officer and employé of said Board of Directors of the California State Agricultural Society permitting any of the acts herein prohibited, and every person who shall, within the confines of the land and premises of the said California State Agricultural Society, sell, or offer to sell, buy, or offer to buy, issue, or offer to issue, or in any manner dispose of, purchase or acquire any interest in any pool, or in any pool ticket, certificate, writing, or other evidence of payment, acceptance or deposit of money, or other thing of value, staked upon the result of any running, pacing or trotting race or contest between horses, mares or geldings, or to make any bet or hazard on the result of such race or contest, or to act as stakeholder of any bet or hazard laid on the result of any such race or contest, or receive or pay over any money or article or thing of value, the ownership or right to possession of which has been, is, or is to be, determined by any such race or contest, or to permit any gambling or gaming prohibited by Section 330 of the Penal Code of the State of California, is guilty of a misdemeanor, and shall be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not exceeding six months."

Amendment adopted.

#### AMENDMENT No. 5.

Amend by striking out Section 6, and adding a new section, to be known as Section 7, to read as follows:

"Section 7. Of the sum of money appropriated by Section 1 of this Act, the sum of \$60,000 shall not be payable to the said directors of the California State Agricultural Society, and the appropriation therefor shall not be available, until the first day of January, 1906, and the remainder shall not be payable, and the appropriation therefor shall not be available, until the first day of January, 1905."

Amendment adopted.

#### AMENDMENT No. 6.

Strike out the numeral 7 in line 1 of Section 7, and insert in lieu thereof the numeral 8.

Amendment adopted.

#### AMENDMENT No. 7.

Strike out the numeral 8 on line 1 of Section 8, and insert in lieu thereof the numeral 9.

Amendment adopted.

#### ASSEMBLY BILL TAKEN UP.

Mr. Busick was granted leave to call up Assembly Bill No. 608—An Act making an appropriation for the erection and construction of buildings and equipping the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society, for exposition and State Fair purposes, and for the payment of other expenses incidental and relating thereto, and providing that certain moneys now in the State Treasury may be used in connection with this appropriation for such purposes.

#### AMENDMENTS.

Mr. Busick offered the following amendments:

##### AMENDMENT No. 1.

In line 5 of the title strike out the word "or" and insert in lieu thereof the word "for."

Amendment adopted.

##### AMENDMENT No. 2.

Insert in line 6 of title, after the word "thereto," the following: "Prohibiting gambling of all kinds upon the grounds and premises under the control of said California State Agricultural Society, and providing a penalty for gambling or gaming thereon."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out all of Section 1 and inserting in lieu thereof the following:

"Section 1. The sum of sixty thousand dollars is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to be paid to the Board of Directors of the California State Agricultural Society and to be expended on, in and about the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society for the purposes hereinafter specified: For the construction of a swine exhibit building; the construction of a sheep building, the construction of cattle exhibit barns; the construction of exhibit buildings for mules, horses and ponies; the construction of a poultry building; the construction of a dairy building; the construction of carriage sheds; the construction of a main fence around the grounds; the purchase of decomposed granite for roads, the grading of roads; the grading and filling around barns; the installation of a water system and piping the grounds; the construction of a steel tower and of a barrel tank, the installation of a sewerage system; the construction of an implement exhibit building; painting such structures; necessary fees of architects and superintendents, foremen, and workmen, and for the payment of all other expenses appurtenant to the carrying out of this Act. The State Controller is hereby directed to draw the necessary warrant or warrants therefor, and the State Treasurer is hereby directed to pay the same. *Provided*, That if the appropriation made by this Act shall be insufficient to provide for the erection and construction of all the buildings hereinafter enumerated, the Board of Directors of the said California State Agricultural Society, in their discretion, may erect and construct such of the buildings named herein as in their discretion can be erected and constructed by the appropriations provided for by this Act."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out all of lines 12, 13, 14, 15, 16, and 17, Section 2, page 2, printed bill, and inserting in lieu thereof the words: "supplying such materials."

Amendment adopted.

## AMENDMENT No 5

Amend by striking out the period after the word "Act" on line 32, Section 1, page 2 of the printed bill, and inserting in lieu thereof a semicolon and the following:

"*Provided*, that, if the appropriation made by this Act shall be insufficient to provide for the erection and construction of all the buildings hereinbefore enumerated, the Board of Directors of the said California State Agricultural Society, in their discretion, may erect and construct such of the buildings enumerated herein, as in their discretion, can be erected and constructed by the appropriations provided for by this Act."

Insert after Section 5 another section, to be known as Section 6, and to read as follows:

"Section 6. The Board of Directors, officers and employes of the California State Agricultural Society are hereby prohibited from permitting any person or persons, or any corporation, within the grounds or premises owned by or under the control of the said California State Agricultural Society, to sell, or offer for sale, buy, or offer to buy, issue, or offer to issue, or in any manner dispose of, purchase, or acquire any interest in any pool, or in any pool ticket, certificate, writing, or other evidence of payment, acceptance or deposit of money, or other thing of value, staked upon the result of any running, pacing or trotting race or contest between horses, mares or geldings, or to make any bet or hazard on the result of such race or contest, or to act as a stakeholder of any bet or hazard laid on the result of any such race or contest, or receive or pay over any money or article or thing of value, the ownership or right to possession of which has been, or is to be determined by any such race or contest, or to permit any gambling or gaming prohibited by Section 330 of the Penal Code of the State of California. And every person, officer, and employe of said Board of Directors of the California State Agricultural Society permitting any of the acts herein prohibited, and every person who shall, within the confines of the land and premises of the said California State Agricultural Society, sell, or offer to sell, buy, or offer to buy, issue, or offer to issue, or in any manner dispose of, purchase or acquire any interest in any pool, or in any pool ticket, certificate, writing, or other evidence of payment, acceptance or deposit of money, or other thing of value staked upon the result of any running, pacing or trotting race or contest between horses, mares or geldings, or to make any bet or hazard on the result of such race or contest, or to act as a stakeholder of any bet or hazard laid on the result of any such race or contest, or receive or pay over any money or article or thing of value, the ownership or right to possession of which has been, is, or is to be determined by any such race or contest, or to permit any gambling or gaming prohibited by Section 330 of the Penal Code of the State of California, is guilty of a misdemeanor and shall be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not exceeding six months."

Amendment adopted.

## AMENDMENT No 6.

Amend by striking out Section 6, page 4, printed bill, and inserting in lieu thereof the following:

"Sec. 7. Of the sum of money appropriated by Section 1 of this Act, the sum of \$60,000

shall not be payable to the said directors of the California State Agricultural Society, and the appropriation therefor shall not be available until the first day of July, 1905."

Amendment adopted.

#### AMENDMENT No. 7.

Strike out the numeral "7" in line 1 of Section 7, and insert in lieu thereof the numeral "8."

Amendment adopted.

#### AMENDMENT No. 8.

Strike out the numeral "8" in line 1 of Section 8, and insert in lieu thereof the numeral "9."

Amendment adopted.

Assembly Bill No. 608 ordered to print, engrossment, and on third-reading file.

#### MOTION.

Mr. Busick moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Senate Bill No. 498.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

Senate Bill No. 498 was considered in Committee of the Whole.

Mr. Busick moved that the Committee of the Whole rise and report back that Senate Bill No. 498 do pass as amended.

Motion carried.

#### IN ASSEMBLY.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

GENTLEMEN. The Committee of the Whole have had under consideration Senate Bill No. 498—An Act making an appropriation for the erection and construction of buildings, and equipping the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society, for exposition and State fair purposes, and for the payment of other expenses incidental and relating thereto, and providing that certain moneys now in the State Treasury may be used in connection with this appropriation for such purposes—and do now report the same back, with amendments, and recommend that the same do pass as amended.

ATKINSON, Chairman

Senate Bill No. 498 ordered to print, with a rush order, and to third-reading special Senate file.

#### TIME FOR RECESS EXTENDED.

On motion of Mr. Anthony, at four o'clock and thirty-five minutes P. M., the hour of recess was extended to five o'clock P. M.

#### REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following report, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly engrossed:

Assembly Bill No. 689—An Act to amend Sections 1238, 1240, 1241, 1244, 1247, and 1248 of the Code of Civil Procedure, all relating to eminent domain.

DEVLIN, Chairman.

Assembly Bill No. 689 was ordered on third-reading file.

## ASSEMBLY BILL CALLED UP.

Mr. Duryea was granted leave to call up Assembly Bill No. 689—An Act to amend Section 1238 of the Code of Civil Procedure, relating to eminent domain.

Read third time.

## SELECT COMMITTEE AMENDMENT.

Mr. Duryea moved that a select committee of one be appointed to amend Assembly Bill No. 689, as follows:

Insert in line 48, page 2 of printed bill, after the word "telegraph," "and telephone"

Amendment adopted.

Also: Insert at the end of Section 1, the following, "15. Cemeteries for the burial of the dead, and enlarging and adding to the same and the grounds thereof."

Amendment adopted.

Mr. Duryea was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 689—An Act to amend Section 1238 of the Code of Civil Procedure, relating to eminent domain—with instructions, does now report that the instructions of the Assembly have been carried out.

DURYEA, Select Committee.

The report of the select committee of one was adopted.

Assembly Bill No. 689 ordered to print with a rush order, and on file for passage.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

Reports from standing committees were submitted (out of order) and read, as follows:

## ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 958—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 21, 1901, by amending Section 178 thereof, relating to the compensation of officers of counties of the twenty-first class.

Also: Assembly Bill No. 1156—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," by adding a new section to said Act, to be known as Section 33½, relating to the power of the board of supervisors to appropriate from the general fund of the county moneys to aid in and carry on the work of the preservation of forests, reforestation, and the protection of forests against fire.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 982—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

BURKE, Chairman.

Assembly Bills Nos. 958, 1156, and 982 were ordered on second-reading file.

## ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 676—An Act to pay the claim of S. P. Maslin against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SEVERANCE, Chairman.

Senate Bill No. 676 ordered to second reading on the special Senate file.

## ON BANKS AND BANKING.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Assembly Bill No. 1139—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and prohibiting the use of the word "trust" in combination or connection with the word "company," "corporation," "incorporation," "association," "society," "organization," or "syndicate," by any person, corporation, or association which is not subject to the provisions of the Act last mentioned—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PERKINS, Chairman.

Assembly Bill No. 1139 ordered on second-reading file.

## ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 547—An Act relating to revenue and taxation, providing for a license tax upon corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

GOODRICH, Chairman.

Senate Bill No. 547 ordered to second reading on special Senate file.

## SPECIAL ORDER.

Mr. Stanton was granted leave to call up Assembly Bill No. 1159, which had been set as a special order for this day—An Act appropriating \$15,000 to complete and equip the building known as the President's house of the University of California at Berkeley.

Read second time.

## MOTION.

Mr. Stanton moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 1159.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

Assembly Bill No. 1159 was considered in Committee of the Whole.

Mr. Stanton moved that the Committee of the Whole rise, and report back Assembly Bill No. 1159, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1159—An Act appropriating \$15,000 to complete and equip the building known as the President's house of the University of California at Berkeley—and do now report the same back, and recommend that the same do pass.

ATKINSON, Chairman.

Report of Committee of the Whole adopted.

Assembly Bill No. 1159, on motion of Mr. Stanton, ordered to third reading on the special file.

## BILL RE-REFERRED.

On motion of Mr. Branstetter, Assembly Bill No. 907 (No. 204 on file) was ordered referred to the Committee on Judiciary.

## SPECIAL ORDER CONTINUED.

On motion of Mr. Goodrich, Assembly Concurrent Resolution No. 3, continued to this day, was made a special order for to-morrow (Tuesday) at eleven o'clock A. M.

## SPECIAL FILE OF SENATE BILLS.

Senate Bill No. 385—An Act to amend Section 1723 of the Code of Civil Procedure of the State of California, relating to the disposition of life estates or homesteads or community property in certain cases.

Read second time.

Senate Bill No. 385 ordered to third reading on special Senate file.

Senate Bill No. 40—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatement of private and public nuisances.

Read second time.

Senate Bill No. 40 ordered to third reading on special Senate file.

Senate Bill No. 646—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking by deposition of the testimony of witnesses in the State.

Read second time.

Senate Bill No. 646 ordered to third reading on special Senate file.

Senate Bill No. 192—An Act to amend Section 855 of the Code of Civil Procedure, relating to the defendant's pleadings in justices' courts.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out all after the word "him," in line 11, down to and including the word "peace," in line 13

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out all after the word "him," in line 15, down to and including the word "peace," in line 17

Amendment adopted.

Senate Bill No. 192 ordered to print and third reading on special Senate file.

Senate Bill No. 208—An Act to amend Section 853 of the Code of Civil Procedure, relating to plaintiff's pleading in justices' courts.

Read second time.

Senate Bill No. 208 ordered to third reading on special Senate file.

Senate Bill No. 316—An Act to amend an Act to amend the Political Code, by repealing Sections 1357 to Section 1380 thereof, both inclusive, and adding certain new sections to said Code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, concerning primary elections.

Read second time.

Senate Bill No. 316 ordered to third reading on special Senate file.

Senate Bill No. 245—An Act appropriating the sum of \$12,000 for the purchase and installment of a heating plant for the use of the State Normal School at Chico.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out the word "twelve" of the title and inserting in lieu thereof the word "ten"

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the word "twelve" on line 1, Section 1, of printed bill, and inserting in lieu thereof the word "ten."

Amendment adopted.

## MOTION.

Mr. Creighton moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Senate Bill No. 245.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

Senate Bill No. 245 was considered in Committee of the Whole.

Mr. Creighton moved that the Committee of the Whole rise and report back Senate Bill No. 245, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 245—An Act appropriating the sum of \$12,000 for the purchase and installment of a heating plant for the use of the State Normal School at Chico—and do now report the same back with amendments, and recommend that it do pass as amended.

ATKINSON, Chairman.

Report of Committee of the Whole adopted.

Senate Bill No. 245 ordered to print and to third reading on special Senate file.

## REQUEST TO INTRODUCE A BILL.

In compliance with the requirement of the Constitution, the fiftieth day of the session having passed, Mr. Gates submitted the following:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows:

An Act to amend Section 611 of the Civil Code, relating to the issuance of bonds by cemetery corporations.

GATES, Member 7th District.

Referred to Committee on Introduction of Bills.

## SENATE MESSAGES TAKEN UP.

Mr. Olmsted moved to take up Senate messages.

Motion carried.

## SENATE MESSAGES.

The following messages from the Senate were read:

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendment to Senate Bill No. 691; also Senate Bill No. 182.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary.



Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 412—An Act to add a new section to the Penal Code, to be numbered 347a, relating to the sale of poisons.

Also: Senate Bill No. 551—An Act to provide for the better protection of wild deer and to provide for game preserves for that purpose.

Also: Assembly Bill No. 677—An Act to add a new section to the Penal Code to be numbered Section 526, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theatre or other place of amusement for more than the original price thereof.

Also, adopted: Assembly Concurrent Resolution No. 23—A resolution relative to Special Joint Rule No. 1, providing for consideration of Assembly bills in Senate and Senate bills in Assembly.

Also, adopted: Senate Joint Resolution No. 9—A resolution relative to the retention of the old Spanish names given to cities, towns, and villages in this State.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 412 read first time, and referred to Committee on Revision and Reform of the Law.

Senate Bill No. 551 read the first time, and referred to Committee on Fish and Game.

Assembly Concurrent Resolution No. 23 ordered to enrollment.

Senate Joint Resolution No. 9 ordered on file of unfinished business.

#### SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 178—An Act confirming the organization of school districts.

Read second time.

Senate Bill No. 178 ordered to third reading on special Senate file.

Senate Bill No. 600—An Act to regulate the operation of motor vehicles on public highways.

Read second time.

Senate Bill No. 600 ordered to third reading on special Senate file.

Senate Bill No. 48—An Act to pay the claim of E. A. Dulip as administrator of the estate of John P. Dulip, deceased, against the State of California, and making an appropriation therefor.

Read second time.

#### MOTION.

Mr. Strohl moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Senate Bill No. 48.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

Senate Bill No. 48 was considered in Committee of the Whole.

Mr. Strohl moved that the Committee of the Whole rise and report back Senate Bill No. 48, with a recommendation that it do pass.

Motion carried.

#### IN ASSEMBLY.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 48—An Act to pay the claim of E. A. Dulip as administrator of the estate of John

P. Dulip, deceased, against the State of California, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass.

ATKINSON, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 48 ordered to third reading on special Senate file.

Senate Bill No. 445—An Act to amend Sections 4 and 6 of an Act entitled "An Act to provide for the maintenance of public libraries within municipalities," approved March 23, 1901.

Read second time.

Senate Bill No. 445 ordered to third reading on special Senate file.

Senate Bill No. 741—An Act to amend Section 622a of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to taxation of insurance companies.

Read second time.

Senate Bill No. 741 ordered to third reading on special Senate file.

Senate Bill No. 426—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to the compensation of county officers in counties of the fourteenth class.

Read second time.

Senate Bill No. 426 ordered to third reading on special Senate file.

Senate Bill No. 682—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Read second time.

Senate Bill No. 682 ordered to third reading on special Senate file.

Senate Bill No. 715—An Act to amend Sections 13, 15, 20, 23, and 24 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, relating to power of the Bank Commissioners to appoint a secretary, prescribe his duties and fix his compensation; to secure an office, provide stationery, fuel, and other conveniences; to provide for printing their annual report, and limiting the expenditure therefor; to provide for the maintenance of the Bank Commission and the establishment of the Bank Commissioners' Fund; to provide for the reports of private persons engaged in banking; to limit the indebtedness that may be incurred by any bank or banker; and to regulate the security to be taken for any loan or discount; and to fix the amount of cash on hand required of banks other than savings banks.

Read second time.

Senate Bill No. 715 ordered to third reading on special Senate file.

Senate Bill No. 736—An Act to amend an Act entitled an Act to amend an Act entitled "An Act to establish a uniform system of county and township governments, approved April 1, 1897, by amending certain sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 21 thereof.

Read second time.

Senate Bill No. 736 ordered to third reading on special Senate file.

Senate Bill No. 148—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out the words "twenty-five" on line 1, Section 1, first page, printed bill, and inserting in lieu thereof the word "fifteen."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the numerals "25" on line 1, Section 1, first page, printed bill, and inserting in lieu thereof the numerals "15."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out the word "nineteen," on line 8, Section 1, first page, printed bill, and inserting in lieu thereof the word "nine."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out the numerals "19" on line 8, Section 1, first page of printed bill, and inserting in lieu thereof the numeral "9."

Amendment adopted.

## MOTION.

Mr. John moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Senate Bill No. 148.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

Senate Bill No. 148 was considered in Committee of the Whole.

Mr. John moved that the Committee of the Whole rise and report back Senate Bill No. 148, with a recommendation that it do pass as amended.

Motion carried.

## IN ASSEMBLY.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

## ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 148—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor—and do now report the same back, with amendments, and recommend the same do pass as amended.

ATKINSON, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 148 ordered to reprint, and to third reading on the special Senate file.

Senate Bill No. 133—An Act making an appropriation for the construction and furnishing of a domestic science building at the California Polytechnic School.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read :

## AMENDMENT No. 1.

Amend by striking out the words "thirty-five" on line 3, Section 1, first page, printed bill, and inserting in lieu thereof the word "thirty."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the numerals "35" on line 3, Section 1, first page, printed bill, and inserting in lieu thereof the numerals "30."

Amendment adopted.

## MOTION.

Mr. John moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Senate Bill No. 133.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

Senate Bill No. 133 was considered in Committee of the Whole.

Mr. John moved that the Committee of the Whole rise and report back Senate Bill No. 133, with a recommendation that same do pass as amended.

Motion carried.

## IN ASSEMBLY.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 133—An Act making an appropriation for the California Polytechnic School—and do now report the same back, with amendments, and recommend that same do pass as amended.

ATKINSON, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 133 was ordered to print, and to third reading on special Senate file.

## TIME FOR RECESS EXTENDED.

Mr. McCartney, at four o'clock and fifty minutes P. M., moved to extend hour for recess fifteen minutes.

Motion carried.

## SENATE AMENDMENTS CONCURRED IN.

Mr. Lumley was granted leave to call up Assembly Bill No. 187 for the purpose of concurring in Senate amendments.

Assembly Bill No. 187—An Act to amend an Act entitled "An Act relating to estrays, providing for taking up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by amending the second section thereof.

## SENATE AMENDMENTS.

The following Senate amendments were read:

On page 1, Section 2, line 8, strike out the word "and," and insert in lieu thereof the following: "and shall notify the owner thereof in writing if known or if the owner is unknown."

## SENATE AMENDMENT CONCURRED IN.

Mr. Lumley moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 187?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burke, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Ellis, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lumley, McCartney, McGowan, Meincke, Mindham, Moore, Olmsted, Perkins, Pfaele, Pryor, Pyle, Rolley, Stanton, Stobridge, Strohl, Thompson, Treadwell, Tripp, Waste, Weyand, Whiting, and Wickersham—53.

NOES—None.

Assembly Bill No. 187 ordered to enrollment.

Senate Bill No. 264 (identical with Assembly Bill No. 629)—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Read second time.

## MOTION.

Mr. Creighton moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Senate Bill No. 264.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

Senate Bill No. 264 was considered in Committee of the Whole.

Mr. Creighton moved that the Committee of the Whole rise and report back Senate Bill No. 264, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 264—An Act to aid the County of Modoc in construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass.

ATKINSON, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 264 ordered to third reading on special Senate file.

## ASSEMBLY BILL CALLED UP.

Mr. Bliss, on motion, was granted leave to call up Assembly Bill No. 1158, which had been set as a special order for this day.

Assembly Bill No. 1158 (Substitute for Assembly Bill No. 128)—An Act to amend an Act entitled "An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a board of directors for the government thereof, and appropriating the sum of \$65,000 for the support of said home," approved March 17, 1887, relating to the Industrial Home of Mechanical Trades for the Adult Blind of the State of California by amending Sections 15 and 20 of Article III thereof.

Read second time.

## MOTION.

Mr. Bliss moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 1158.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

Assembly-Bill No. 1158 was considered in Committee of the Whole.

Mr. Bliss moved that the Committee of the Whole rise and report back Assembly Bill No. 1158, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1158—An Act to amend an Act entitled "An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a board of directors for the government thereof, and appropriating the sum of \$65,000 for the support of said home," approved March 17, 1887, relating to the Industrial Home of Mechanical Trades for the Adult Blind of the State of California, by amending Sections 15 and 20 of Article III thereof—and do now report the same back, and recommend that the same do pass.

ATKINSON, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 1158 ordered to third reading.

## RECESS.

At five o'clock and ten minutes p. m., on motion of Mr. Dorsey, the Speaker pro tem. declared a recess until eight o'clock p. m.

## EVENING SESSION.

The Assembly reconvened at eight o'clock p. m.

Speaker Hon. Frank C. Prescott in the chair.

## WITHDRAWAL OF NOTICE OF MOTION TO RECONSIDER.

Mr. Coyle withdrew his notice of motion to reconsider the vote whereby Senate amendments to Assembly Bill No. 472 were passed this day.

Assembly Bill No. 472 ordered to enrollment.

## MOTION TO RE-REFER ASSEMBLY BILL.

On motion of Mr. Cleveland, Assembly Bill No. 369 (No. 236 on the file) was withdrawn from the Committee on Engrossment and re-referred to the Committee on Judiciary.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Introduction of Bills submitted the following report, which was read:

## ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom were referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The numbers of said bills are as follows:

Assembly Bill No. 1164 (Substitute for Assembly Bill No. 996)—By Assemblyman Vogel: An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation," which became a law under the constitutional provision without the Governor's approval February 24, 1901, by amending Section 16 thereof, relating to the definition of what persons shall be deemed as practicing medicine or surgery within the meaning of that Act.

Assembly Bill No. 1165—By Assemblyman Waste: An Act appropriating the sum of \$25,000 for constructing a building, and supporting and maintaining a University School of Observation and Practice, and providing for the drawing of a warrant therefor by the Controller in favor of the Regents of the University of California, and the payment of said warrant by the State Treasurer.

Assembly Bill No. 1166—By Committee on Universities, as a substitute for Assembly Bill No. 1136: An Act providing for the establishment and maintenance of a pathological laboratory for the investigation of tree and plant diseases and pests, and branch agricultural experiment station, and making an appropriation therefor.

Assembly Bill No. 1167—By Assemblyman Gates: An Act to amend Section 611 of the Civil Code, relating to the issuance of bonds by cemetery corporations.

McCARTNEY, Chairman.

Mr. McCartney moved that Assembly Bills Nos. 1164, 1165, 1166, and 1167 be placed on file for unfinished business.

Motion carried.

#### BILLS FOR FINAL PASSAGE ACTED UPON.

Under the rule adopted this day, the Speaker declared in order the calling up of Assembly bills for final passage.

The Speaker called the names of members, commencing with the first name on the roll, then taking the last name on the roll, and alternating until about half the roll of members was called, and the following bills were considered:

#### THIRD-READING FILE.

Assembly Bill No. 381—An Act to provide for the manner of establishing heirship in cases where property is granted to the heirs of a deceased person without naming them.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cullen, Devlin, Estudillo, Gans, Gates, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Lucey, Lynch, McCartney, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Strohl, Thompson, Treadwell, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—46.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 807—An Act to repeal an Act entitled "An Act to regulate fees in City and County of San Francisco," approved February 9, 1866. (Stats. of Cal. 1865-6, Chap. XCI, pp. 66-68.)

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Busick, Chandler, Cleveland, Coghlan, Creighton, Cullen, Devlin, Ellis, Estudillo, Gans, Gates, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Lucey, Lynch, Manwell, McCartney, McKenney, McNamara, Meincke, Mitcheltree, Moore, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Strohl, Thompson, Transue, Treadwell, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 829—An Act authorizing the judges of the superior court in all counties, and cities and counties having a population of two hundred thousand inhabitants and over, to appoint a secretary, and fixing the term and manner of appointment of such secretary.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Atkinson, Barnes, Bates, Beckett, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cullen, Devlin, Drew, Gans, Gates, Hartman, Held, Houser, Jarvis, Johnson, Jones of Tuolumne, Lucey, Lynch, Manwell, McCartney, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Strohl, Thompson, Transue, Treadwell, Walsh, Weyand, Wickersham, and Mr Speaker—48.

NOES—None.

Title read and approved.

#### NOTICE OF RECONSIDERATION.

Mr. Hartman gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 829 was passed this day.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 746—An Act to amend Section 427 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cullen, Devlin, Dorsey, Drew, Estudillo, Gans, Gates, Held, Houser, Jarvis, Johnson, Johnstone, Lucey, Lynch, McCartney, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Strohl, Thompson, Transue, Treadwell, Walsh, Weyand, Whiting, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 855—An Act to amend Section 213 of the Penal Code, and to add a new section thereto, to be numbered 214, relating to the crime of robbery, and punishment therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Busick, Chandler, Cleveland, Coghlan, Cooper, Creighton, Cullen, Devlin, Dorsey, Drew, Ellis, Gans, Gates, Hartman, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Lynch, Manwell, McCartney, McKenney, McNamara, Meincke, Mitcheltree, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Weyand, Whiting, Wickersham, and Mr. Speaker—48.

NOES—Messrs. Coyle and Estudillo—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 402—An Act to appropriate the sum of \$520 to pay the claim of William Saunders against the State of California.

Read third time.



The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Busick, Cleveland, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Ellis, Estudillo, Gans, Gates, Hartman, Held, Houser, Jarvis, Johnson, Johnstone, Lynch, McCartney, McKenney, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Slaven, Stanton, Strohl, Thompson, Transue, Treadwell, Weyand, Whiting, Wickersham, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 614—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities, to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burke, Busick, Cleveland, Devlin, Dorsey, Drew, Ellis, Estudillo, Gans, Gates, Jarvis, Johnson, Johnstone, Lucey, Lynch, McCartney, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Walsh, Weyand, Whiting, and Wickersham—45.

NOES—Messrs. Coyle, Creighton, Held, and Manwell—4.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 921—An Act to amend Section 1368 of the Penal Code, relating to doubts as to sanity of the defendant, and how determined.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burke, Busick, Cleveland, Cooper, Coyle, Creighton, Cullen, Devlin, Dorsey, Drew, Ellis, Estudillo, Gans, Gates, Held, Houser, Jarvis, Johnson, Johnstone, Lucey, Lynch, Manwell, McCartney, McKenney, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Strohl, Thompson, Treadwell, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 850—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery, and wagons, buggies, vehicles, and other articles, providing for the collection thereof, and making the violation of this Act a misdemeanor.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burke, Busick, Cleveland, Cooper, Coyle, Creighton, Cullen, Devlin, Dorsey, Drew, Ellis, Estudillo, Gans, Gates, Hartman, Held, Jarvis, Johnstone, Lynch, McKenney, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Strohl, Walsh, Weyand, and Whiting—43.

NOES—Messrs. Houser, Thompson, and Wickersham—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 372—An Act to amend Section 382 of the Penal Code, relating to adulteration of foods and liquids.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Dorsey, Drew, Ellis, Estudillo, Gans, Gates, Hartman, Held, Johnson, Jury, Manwell, McCartney, Meincke, Olmsted, Pfaffle, Pryor, Pyle, Severance, Strohl, Thompson, Transue, Walsh, Weyand, Whiting, and Wickersham—42

NOES—Messrs. Anthony, Burke, Cullen, Devlin, Houser, Johnstone, Lucey, O'Brien, Perkins, and Rolley—10.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 164—An Act to appropriate \$640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Ellis, Estudillo, Gans, Gates, Hartman, Held, Houser, Johnson, Johnstone, Jury, Lucey, Lynch, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Strohl, Thompson, Transue, Treadwell, Manwell, McCartney, McKenney, McNamara, Meincke, Moore, O'Brien, Olmsted, Weyand, Whiting, Wickersham, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 828—An Act to amend Section 315 of the Penal Code of the State of California, relating to the keeping of and residing in a house of ill-fame.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Chandler, Coyle, Creighton, Cromwell, Devlin, Drew, Ellis, Estudillo, Gans, Held, Houser, Johnson, Johnstone, Jury, Lynch, Manwell, McCartney, McKenney, McNamara, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Rolley, Stanton, Thompson, Transue, Treadwell, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—43.

NOES—Messrs. Burke, Cleveland, Coghlan, Cooper, Cullen, Dorsey, Hartman, Lucey, Lumley, Meincke, Pfaffle, Severance, and Strohl—13

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 564—An Act making an appropriation for traveling and contingent expenses of the Department of Highways for the remainder of the fifty-sixth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Ellis, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, Johnson, Johnstone, Jury, Lumley, Lynch, McCartney, McKenney, McNamara,

Meincke, Moore, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Stanton, Strohl, Thompson, Treadwell, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RESOLUTION—(OUT OF ORDER).

Mr. Bliss was granted leave to introduce the following resolution (out of order), which was read:

(To pay Sergeant-at-Arms for services to committee.)

*Resolved*, That for and by reason of services rendered by the Sergeant-at-Arms of the Assembly to Committee on State Prisons and Reformatory Institutions, and mileage claimed by him upon its recent visit and investigation of the Whittier State Reform School, the Controller of State is hereby directed to draw his warrant upon the appropriation for the contingent expenses of the Assembly in favor of John T. Stafford, Sergeant-at-Arms of the Assembly, for the sum of ninety-eight dollars (\$98.00), and the State Treasurer is hereby directed to pay the same.

Mr. Bliss moved the adoption of the resolution, without reference to a committee.

The roll was called, and the resolution declared adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Branstetter, Burke, Busick, Chandler, Cleveland, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Ellis, Estudillo, Gans, Gates, Hartman, Held, John, Johnson, Jury, Lucey, Lumley, McCartney, McGowan, McKenney, McNamara, Meincke, Moore, O'Brien, Perkins, Pfaeffe, Pryor, Pyle, Severance, Stanton, Strohl, Thompson, Treadwell, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—52.

NOES—None.

SECOND-READING FILE.

On motion of Mr. Atkinson, Assembly Bill No. 968 (No. 204 on file) was taken up for consideration.

Assembly Bill No. 968—An Act to amend Section 770 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeals from judgments or removal from office.

Read second time.

Assembly Bill No. 968 ordered to engrossment and on third-reading file.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 952—An Act to amend Section 374 of the Penal Code of the State of California, relating to public health.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Ellis, Gans, Gates, Hartman, Held, John, Johnson, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Severance, Stanton, Strohl, Thompson, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

Reports from standing committees were submitted, as follows:

## ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1077—An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said court and to fix the compensation of certain officers thereof.

Also: Senate Bill No. 374—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the powers of boards of supervisors.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass, by majority vote.

BURKE, Chairman.

Assembly Bill No. 1077 ordered to second-reading file.

Senate Bill No. 374 ordered to second reading on special Senate file.

## SELECT COMMITTEE ON ELECTIONS AND ELECTION LAWS

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER. Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 426—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

ROLLEY, Chairman.

The following committee amendment was read from the select Committee on Elections and Election Laws, to whom was referred, on February 24, 1905, Assembly Bill No. 426 for the purpose of amendment:

Amend by striking out of page 2 of printed bill, lines 17, 18, 19, 20 and 21, the following: "It shall be the duty of the board of supervisors in case of general elections to attach to said proclamation a list of polling places, a description of the boundaries of precincts and the names of election officers appointed to conduct such election in the county."

Mr. Waste moved the adoption of the report and amendment.

Motion carried.

Amendment adopted.

Assembly Bill No. 426 ordered to reprint, with rush order to printer, reengrossment, and on file for final passage.

## ON REVISION AND REFORM OF LAWS

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER Your Committee on Revision and Reform of Laws, to whom was referred Senate Bill No. 453—An Act to amend Section 597 of the Penal Code, and to add eleven new sections thereto, to be numbered 597a, 597b, 597c, 597d, 597e, 597f, 599a, 599b, 599c, 599d, and 599e, all relating to cruelty to animals.

Also: Senate Bill No. 162—An Act to add two new sections to the Penal Code, to be numbered 269a and 269b, relating to open and notorious fornication and adultery.

Also: Senate Bill No. 163—An Act to amend Sections 270 and 272 of the Penal Code, and to add new sections thereto, to be numbered 271a, 273, 273a, 273b, 273c, 273d, and 273e, and to repeal Section 1389 thereof, all relating to crimes against children.

Also: Senate Bill No. 377—An Act to amend Sections 767, 771, 772, 773, and 774 of the Political Code, all relating to the reporting of the decisions of the Supreme Court and the District Courts of Appeal.

Also: Senate Bill No. 615—An Act to amend Section 497 of the Penal Code, relating to the bringing of stolen or embezzled property into this State.

Also: Senate Bill No. 614—An Act to amend Section 496 of the Penal Code, relating to the buying or receiving of stolen property.

Also: Senate Bill No. 750—An Act to amend Section 105 of the Penal Code of the State of California, relating to escapes from State prison and their punishment.

Also: Senate Bill No. 410—An Act to amend Section 315 of the Penal Code, relating to houses of ill-fame.

Also: Senate Bill No. 414—An Act to amend Section 360 of the Penal Code, relating to marriages.

Also. Senate Bill No. 431—An Act to add a new section to the Penal Code, to be numbered 369b, relating to the transporting of cattle, sheep, or swine upon railroad trains

Also: Senate Bill No. 432—An Act to amend Section 384 of the Penal Code, and to add two new sections thereto, to be numbered 384a and 384b, all relating to the preventing of fires.

Also: Senate Bill No. 433—An Act to add a new section to the Penal Code, to be numbered 384c, relating to the killing, maiming, or wounding of animals while hunting, upon the inclosed land of another.

Also: Senate Bill No. 434—An Act to amend Sections 374, 376, 383, and 384 of the Penal Code, to renumber Section 400 (as approved March 30, 1874), 402½, 402¾, and 402¾ thereof, and to add new sections thereto, to be numbered 369a, 369d, 369e, 369f, 369g, 375a, 383a, 401a, and 402d, all relating to crimes against public health and safety.

Also: Senate Bill No. 437—An Act to add a new section to the Penal Code, to be numbered 420, relating to obstructing persons from entering upon public lands of the United States

Also: Senate Bill No. 411—An Act to amend Section 343 of the Penal Code, relating to pawnbrokers.

Also: Senate Bill No. 155—An Act to amend Section 172 of the Penal Code, relating to selling, giving away, or exposing for sale, any vinous or alcoholic liquors in public institutions or buildings, or upon the ground upon which the same are situated, or lands adjacent thereto.

Also: Senate Bill No. 436—An Act to amend Sections 470, 474, 481, and 482 of the Penal Code, relating to forgeries and counterfeiting

Also: Senate Bill No. 126—An Act to amend Sections 42, 45, 46, 47, 49, 50, 51, 57, 59, and 82 of the Penal Code, and to add six new sections thereto, to be numbered 42a, 49a, 54a, 54b, 55a, 57a, and 63b, all relating to crimes against the elective franchise

Also: Senate Bill No. 253—An Act to amend and renumber Section 653½ of the Penal Code, relating to appraisers accepting fees not allowed.

Also: Senate Bill No. 413—An Act to add a new section to the Penal Code, to be numbered 349t, relating to the preventing of fraud and imposition in the stamping and labeling of produce and manufactured goods

Also: Senate Bill No. 412—An Act to add a new section to the Penal Code, to be numbered 347a, relating to the sale of poisons

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

DREW, Chairman.

Senate Bills Nos. 453, 162, 163, 377, 615, 614, 750, 410, 414, 431, 432, 433, 434, 437, 411, 155, 436, 126, 253, 413, and 412 ordered placed on Code Revision file.

#### ASSEMBLY BILL TAKEN UP FOR AMENDMENT.

Mr. Olmsted moved that he be permitted to take up Assembly Bill No. 897 for the purpose of correcting an amendment.

Motion carried.

Amendment of Mr. Olmsted to Assembly Bill No. 879 was read, as follows:

Amend by adding to the end of Section 2 the following. "The State Controller is hereby ordered and directed to draw the necessary warrants therefor, and the State Treasurer is hereby directed to pay the same."

On motion of Mr. Olmsted, the amendment was adopted.

Assembly Bill No. 897 ordered to reprint, reëngrossment, and on third-reading file.

#### THIRD-READING FILE—(RESUMED).

On motion of Mr. Stanton, Assembly Bill No. 808 (No. 167 on the file) was taken up for consideration.

Assembly Bill No. 808—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Beckett, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Ellis, Gans, Gates, Goodrich, Hartman, Held, John, Johnson,

Johnstone, Jones of San Francisco, Jury, Lucey, Lumley, Lynch, McCartney, McGowan, McKenney, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—54

Noes—Messrs. Coghlan, Houser, Jarvis, McNamara, Meincke, and Walsh—6.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 168—An Act amending Section 170 of the Code of Civil Procedure.

Read third time.

#### SELECT COMMITTEE AMENDMENT.

Mr. Jury moved that a select committee of one be appointed to amend Assembly Bill No. 168, as follows:

In line 13 of page 1 of printed bill, after the word "referee," insert the words "or attorney for a party in all special proceedings of a civil or criminal nature."

Motion carried.

Amendment adopted.

Mr. Jury was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 168—An Act amending Section 170 of the Code of Civil Procedure—with instructions, does now report that the instructions of the Assembly have been carried out

JURY, Committee.

Report of select committee of one adopted.

Assembly Bill No. 168 ordered to reprint, reengrossment, and on file for passage.

#### SPECIAL FILE.

On motion of Mr. Dorsey, Assembly Bill No. 320 (No. 70 on file) was taken up for the purpose of amendment.

Assembly Bill No. 320—An Act to amend Section 3821 of the Political Code of the State of California, relating to the collection of taxes.

Read second time.

#### COMMITTEE AMENDMENT.

The following committee amendment was read:

Amend by striking out the word "August" on line 6, page 1, printed bill, and inserting in lieu thereof the word "July."

Amendment lost.

Assembly Bill No. 320 ordered to engrossment and on third-reading file.

Mr. Cooper was granted leave to call up Assembly Bill No. 876 (No. 44 on the file) for passage.

Assembly Bill No. 876—An Act to amend Section 20 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to county and township officers of counties of the sixteenth class, and providing for the compensation of such officers and their deputies.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Ells, Gans, Gates, Goodrich, Hartman, Held, John, Johnstone, Jury, Lumley, Maxwell, McCartney, McGowan, McKenney, Olmsted, Pfaffle, Pyle, Rolley, Strohl, Transue, Treadwell, Whiting, Wickersham, and Mr. Speaker—42

NOES—Mr. Jones of San Francisco—1.

Title read and approved.

Bill ordered transmitted to the Senate.

### THIRD-READING FILE—(RESUMED).

Mr. Atkinson was granted leave to call up Assembly Bill No. 895 for the purpose of amendment.

Assembly Bill No. 895—An Act to add a new section to the Code of Civil Procedure, the said section to be designated 1166a, relating to actions for obtaining possession of real property upon default in payment of rent, to the manner in which tenants may be ejected, and providing a summary proceeding therefor.

Read third time.

### SELECT COMMITTEE AMENDMENT.

Mr. Atkinson moved that a select committee of one be appointed to amend Assembly Bill No. 895, as follows:

In line 9 of the printed bill, strike out after the word "application," the words "shall constitute a special proceeding, and,"

Also: In line 17 of the printed bill, strike out the words "interest of the applicant in the property, the"

Also: In line 20 of the printed bill, after the word "specify," insert the words "if known"

Also: In line 45 of the printed bill, after the word "action" insert the words "raising questions of law or fact or both and," and in lines 45 and 46 strike out after the word "denying" the words "generally the allegation or"

Also: In line 48 strike out after the word "defense" the words "or counter claim," and after words "such defense" the word "or."

Also: In line 49 the word "counter-claim," and in the same line insert after the word "establish," the word "only."

Also: Strike out all of line 50 and insert in lieu thereof the words "in the trial of the action, except as in this section otherwise provided"

Also: In line 51, in the beginning thereof, strike out the words "of an action."

Also: In line 93, strike out the words "counsel fee and."

Also: In line 102 strike out the period and insert a comma, and the words "unless otherwise ordered by the judge or justices"

Motion carried.

Amendments adopted.

Mr. Atkinson was appointed such select committee of one.

### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 895—An Act to add a new section to the Code of Civil Procedure, the said section to be designated eleven hundred and sixty-six a (1166a), relating to actions for obtaining possession of real property upon default in payment of rent, to the manner in which tenants may be ejected, and providing a summary proceeding therefor—with instructions, does now report that the instructions of the Assembly have been carried out

ATKINSON, Committee.

Report of select committee of one adopted.

Assembly Bill No. 895 ordered to reprint with rush order to printer, reëngrossment, and on file for passage.

## MESSAGES FROM THE SENATE.

Mr. Atkinson moved to take up Senate messages.

Motion carried.

The following messages from the Senate were read:

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 1055—An Act to amend an Act entitled "An Act to amend 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 23, 1895," approved March 25, 1903, by amending Section 9 thereof, relating to the tenure of such commission.

Also: Senate Bill No. 778—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 2466 and 2468 thereof, relating to rates of pilotage at San Francisco.

Also: Senate Bill No. 734—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the several Acts amendatory thereof and supplemental thereto.

Also: Senate Bill No. 332—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, relating to advertising estrays and the costs and expenses of redeeming them.

Also: Senate Bill No. 51—An Act to add an additional section to the Code of Civil Procedure, to be numbered 583, relating to the dismissal of actions.

Also: Senate Bill No. 499—An Act making an appropriation to the Board of Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against the said society.

Also: Senate Bill No. 821—An Act to amend an Act entitled "An Act to protect stockholders and persons dealing with corporations in this State," approved March 29, 1878, and all Acts amendatory thereof, and to repeal all laws in conflict therewith.

Also: Senate Bill No. 640—An Act to amend Section 1671 of the Political Code of the State of California, relating to the establishment of high schools.

Also: Amended, and passed as amended, Assembly Bill No. 291—An Act making an appropriation to pay the claim of John Burr.

Also: Passed Senate Bill No. 3—An Act to amend the Penal Code of the State of California, by adding a new section thereto to be numbered 687½, relating to the payment of fees to attorneys assigned by courts to defend persons unable from lack of means to procure counsel.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bill No. 1055 ordered to enrollment.

Senate Bill No. 778 read first time, and referred to Committee on Commerce and Navigation.

Senate Bill No. 734 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 332 read first time, and, on motion of Mr. Olmsted, ordered on special Senate file without reference to a committee.

Senate Bill No. 51 read first time, and referred to Committee on Judiciary.

Senate Bill No. 499 read first time, and referred to Committee on Agriculture.

Senate Bill No. 821 read first time, and referred to Committee on Corporations.

Senate Bill No. 640 read first time, and referred to Committee on Education.

Assembly Bill No. 291 ordered on file of unfinished business.

Senate Bill No. 3 read first time, and referred to Committee on Judiciary.



## SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed—

Senate Bill No. 408—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be numbered 66a, relating in the amendments to the boards of supervisors of the several counties of the State, and making it their duty to furnish the Secretary of the State Agricultural Society with certain statistical information, and declaring the same to be a county charge.

Also: Senate Bill No. 501—An Act authorizing the Governor of the State of California to set apart one day each year to be designated as "Arbor and Bird Day."

Also: Senate Bill No. 669—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents.

Also: Senate Bill No. 592—An Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting said office."

Also: Senate Bill No. 217—An Act to amend an Act entitled an Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof, approved March 23, 1901, by amending Section 191 thereof.

Also: Senate Bill No. 608—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, by amending Section 194 thereof, relating to the compensation of officers of counties of the thirty-seventh class.

Also: Senate Bill No. 399—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln, and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of \$3,000 therefor.

Also: Senate Bill No. 769—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 207 thereof, relating to the compensation of officers of counties of the fiftieth class.

LEWIS A. HILBORN, Secretary of Senate  
By J. W. HARPER, Assistant Secretary.

Senate Bills Nos. 408, 217, 608, and 769 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 501 read first time, and referred to Committee on Judiciary.

Senate Bill No. 669 read first time, and referred to Committee on Education.

Senate Bill No. 399 read first time, and referred to Committee on Claims.

Senate Bill No. 592 read first time, and ordered on special Senate file.

## SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed—

Assembly Bill No. 821—An Act amending an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalty therefor," approved February 12, 1903.

Also: Assembly Bill No. 450—An Act to validate the organization and incorporation of municipal corporations.

Also: Assembly Bill No. 769—An Act to repeal Section 443, Title XII of the Penal Code.

Also: Assembly Bill No. 770—An Act to amend Section 442, Title XII of the Penal Code, relating to crimes against the revenue and property of this State.

Also: Assembly Bill No. 40—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Also: Assembly Bill No. 363—An Act amending an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to

make an appropriation therefor," approved March 11, 1889, and adding certain sections thereto, and repealing a certain section thereof

Also: Assembly Bill No. 294—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 377c, making it a misdemeanor to refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health concerning the pollution of ice used or intended for public consumption.

Also: Assembly Bill No. 295—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 377b, making it a misdemeanor to refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health concerning the pollution of water used or intended to be used for human or animal consumption.

Also: Assembly Bill No. 605—An Act to amend Section 241 of the Code of Civil Procedure, relating to the impaneling of grand juries.

Also: Assembly Bill No. 606—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking of depositions in this State.

LEWIS A. HILBORN, Secretary of Senate  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 821, 450, 769, 770, 40, 363, 294, 295, 605, and 606 ordered to enrollment.

#### SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed—

Assembly Bill No. 476—An Act to amend Section 1564 of the Political Code of California, in regard to teachers' institutes.

Also: Assembly Bill No. 583—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, and adding thereto a new section to be numbered and known as Section 1163, relating to the recording of a certificate of residence

Also: Assembly Bill No. 584—An Act to amend Section 412 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the publication of summons when the defendant is absent from the State, concealed, or is a foreign corporation having no agent in this State, or is a person who cannot be found within the State.

And respectfully ask your concurrence in same.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 476, 583, and 584 ordered on unfinished business file.

#### SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as a case of urgency, Assembly Bill No. 700—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections and adding certain sections thereto," approved March 16, 1903, by adding Section 23 thereof.

Also: Passed, as a case of urgency, Assembly Bill No. 900—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1894, and amended March 23, 1901, and amended March 19, 1903, by amending Section 186 thereof, relating to the compensation of officers of the counties of the twenty-ninth class.

Also: Passed, as a case of urgency, Senate Bill No. 810—An Act to amend an Act entitled "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employes of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employes," approved March 18, 1903; to provide for the appointment and compensation of certain additional assistants, stenographers, and clerks for county officers, in counties of the second class.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 700 and 900 ordered to enrollment.

Senate Bill No. 810 read first time, and ordered on special Senate file.

## SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to—

Assembly Bill No. 668—An Act to amend an Act entitled "An Act to repeal Chapter II, of Title VI, Part III, of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, and each and every section of said Chapter II, and to enact a new Chapter II, of Title VI, of Part III, of said Code, and substitute the same in place of said repealed Chapter II in said Code, relating to roads and highways," approved February 23, 1883.

Also: Passed Assembly Bill No. 914—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 14 thereof, relating to the compensation of officers of counties of the ninth class.

Also: Return as per request Senate Bill No. 459—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties, and providing for their compensation.

Also: Passed Senate Bill No. 207—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof, in relation to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices.

Also: Assembly Bill No. 536—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 177 of the said Act, relating to salaries of officers of counties of the twentieth class.

Also: Senate Bill No. 448—An Act to amend Section 169 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bill No. 914 ordered to enrollment.

Senate Bill No. 459 read first time, and ordered on special Senate file.

Assembly Bills Nos. 207 and 448 read first time, and referred to Committee on County and Township Governments.

Assembly Bill No. 536 ordered to enrollment.

## TITLE TO SENATE BILL AMENDED.

Mr. McGowan moved that the title to Senate Bill No. 459 be reconsidered as approved.

Motion carried.

Senate Bill No. 459—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties, and providing for their compensation.

Mr. McGowan submitted the following amendment to the title of Senate Bill No. 459:

Amend the title as follows: After the word "secretary," on line 5 of the printed bill, strike out the word "and."

Also: After the word "harbormaster," on line 5, insert the words "and attorney, and."

Amendment read.

On motion of Mr. McGowan, the amendment to the title of Senate Bill No. 459 was adopted.

## BILL WITHDRAWN FROM COMMITTEE.

On motion of Mr. Drew, Senate Bill No. 696 was ordered withdrawn from the Committee on Roads and Highways and placed on special Senate file.

## ADJOURNMENT.

Mr. McCartney moved that the Assembly do now adjourn until ten o'clock to-morrow morning.

At eleven o'clock and five minutes P. M., Speaker Hon. F. C. Prescott declared the Assembly adjourned until Tuesday, February 28, 1905, at ten o'clock A. M.

## IN ASSEMBLY.

## ASSEMBLY CHAMBER,

Tuesday, February 28, 1905. }

The Assembly met at ten o'clock A. M., pursuant to adjournment.

Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Ellis, Espey, Gans, Gates, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McKenney, Meincke, Mitchelltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Whiting, Wickersham, and Mr. Speaker—64.

Quorum present.

## LEAVES OF ABSENCE.

Leave of absence for the day was granted to Messrs. Vogel, Severance, and McNamara.

Messrs. Gates, Hawkins, Pfaeffe, Burke, and Lucey were excused for this afternoon.

Mr. Mitchelltree was excused for this afternoon and Wednesday.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Bliss, its further reading was dispensed with.

## APPROVAL OF JOURNALS.

The Journals of Thursday, February 23, 1905, and Friday, February 24, 1905, were corrected, and, as corrected, approved.

## BILL RE-REFERRED.

Mr. King moved that Assembly Bill No. 550 be re-referred to the Committee on Ways and Means, and retain its place on file.

Motion carried.

## SPECIAL ORDER CONTINUED.

Mr. Amerige moved that Assembly Bill No. 899 (No. 6 on file of special orders), set for this forenoon, be continued until this afternoon at four o'clock and thirty minutes, after the consideration of Special Order No. 4.

Motion carried.

## PETITIONS.

The Speaker presented the following petitions relative to reading the Bible in the public schools:

REDLANDS, CAL., February 20, 1905.

HON. FRANK C. PRESCOTT, *Speaker of the House of Representatives, State of California*

DEAR SIR: We desire to express to you, as our Representative, our hearty approval of the bill introduced by Hon. H. S. G. McCartney of Los Angeles, to amend Section 672 of the Political Code, so as to prevent any construction of that section that would not permit the use of the Bible in the public schools of our State, for any purpose not inconsistent with said section; and we further most respectfully request you to use your influence and your utmost endeavors in favor of the passage of said amendment.

We should oppose most strenuously any effort to introduce into our public schools any denominational or sectarian teaching whatever. On the other hand, to deny our teachers the privilege of reading in the schools from the book containing the highest code of morals known to the world—that code which forms the basis of human character, and upon which the perpetuity of civilized government rests—tends directly to subvert one of the fundamental reasons for the existence of our public school system, viz.: the culture of the truest and noblest citizenship.

Furthermore, to rule the Bible out of our public school libraries, as a book of reference, is to discriminate against what is admitted by educated men of every religious belief, and of no religious belief, to be a copy of the best literature ever produced, and for which there is no possible substitute.

For these two reasons, therefore, in the interest of good morals, both in private and public life, and in the interest of the highest culture, we wish to see no discrimination against the proper use of the Bible in the public schools of our State.

Hoping that you will agree with us as to the importance of the matter, we are,

Respectfully,

W. F. HARPER, First Baptist Church.

The membership of this church is 475. There was present an audience of about 500 on Sunday morning, February 19th, when this letter was read and unanimously approved.

W. F. HARPER

FIRST METHODIST EPISCOPAL CHURCH, }  
REDLANDS, CAL., February 21, 1905. }

HON. FRANK C. PRESCOTT, *Speaker of the House, Sacramento, Cal.*

DEAR SIR: Our congregation of nearly a thousand last Sunday morning voted most heartily to request me to importune you to use your earnest endeavor to further the amendment now up for consideration by our State Legislature, in favor of introducing the Bible into our public schools. The sentiment in Redlands is that you will aid this cause.

We thank you, therefore, in advance for your cooperation.

I am, yours respectfully,

GILBERT P. FERGUSON.

REDLANDS, CAL., February 21, 1905

HON. FRANK PRESCOTT, *Speaker of the House, Sacramento, Cal.*

DEAR SIR: We desire to express to you our hearty approval of the bill introduced by Hon. H. S. G. McCartney, to amend Section 1872 of the Political Code, so as to prevent any construction of that section that would permit the use of the Bible in the public schools of our State, for any purpose not inconsistent with said section; and we further most respectfully request you to use your influence and your utmost endeavors in favor of the passage of said amendment.

We should oppose most strenuously any effort to introduce into our public schools any denominational or sectarian teaching whatever. On the other hand, to deny our teachers the privilege of reading in the schools from the book containing the highest code of morals known to the world—that code which forms the basis of human character, and upon which the perpetuity of civilized government rests—tends directly to subvert one of the fundamental reasons for the existence of our public school system, viz.: the culture of the truest and noblest citizenship.

Furthermore, to rule the Bible out of our public school libraries, as a book of reference, is to discriminate against what is admitted by educated men of every religious belief,

and of no religious belief, to be a copy of the best literature ever produced, and for which there is no possible substitute.

For these two reasons, therefore, in the interest of good morals, both in private and public life, and in the interest of the highest culture, we wish to see no discrimination against the proper use of the Bible in the public schools of our State.

Hoping that you will agree with us as to the importance of this matter, we are,

Respectfully,

GILBERT P. FERGUSON,  
Pastor and Chairman.

B. H. JACOBS, Secretary.

Official board of the First M. E. Church, Redlands, California.

The petitions were ordered printed in full in the Journal.

#### REPORTS OF STANDING COMMITTEES.

Reports from standing committees were submitted and read, as follows:

##### ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Senate Bill No. 551—An Act to provide for the better protection of wild deer, and to provide for game preserves for that purpose—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

O'BRIEN, Chairman.  
BRANSTETTER.  
CREIGHTON.  
DREW.  
ELLS.  
JOHNSON.  
McNAMARA.  
STROHL.  
WICKERSHAM.

Senate Bill No. 551 ordered on special Senate file.

##### ON BANKS AND BANKING

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 694—An Act to authorize the deposit of State moneys in banks of this State, and to repeal all Acts or parts of Acts in conflict with this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PERKINS, Chairman.

Senate Bill No. 694 ordered on special Senate file.

##### ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 26—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XIV by adding a new section thereto, to be known as Section No. 3, relating to levees and drainage—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

HOUSER, Chairman.

Assembly Constitutional Amendment No. 26 ordered on special file.

##### ON STATE PRISONS AND REFORMATORIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: Your Committee on State Prisons and Reformatories, to whom was referred Senate Bill No. 353—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by adding a new section thereto, to be numbered 7½, relating to the release of prisoners confined in State prisons and the restoration of them to citizenship, either at the time of, or after, release—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McKENNEY, Chairman.

Senate Bill No. 353 ordered on special Senate file.

## RESOLUTION IN FAVOR OF THE INTRODUCTION OF BILLS.

The Committee on Introduction of Bills submitted the following resolution, which was read :

*Resolved*, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereto, be complied with, and that Assemblyman Vogel be and is hereby permitted to introduce Assembly Bill No. 1164; Assemblyman Waste, Assembly Bill No. 1165; the Committee on Universities, Assembly Bill No. 1166, and Assemblyman Gates, Assembly Bill No. 1167.

McCARTNEY, Chairman.

Mr. McCartney moved the adoption of the resolution.

The roll was called, with the following result:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Beckett, Bliss, Braustetter, Burge, Burke, Cleveland, Coyle, Creighton, Cullen, Devlin, Drew, Espey, Estudillo, Gans, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lumley, McCartney, McGowan, McKenney, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Whiting, Wick-ersham, and Mr. Speaker—57.

NOES—None.

The resolution was declared adopted.

## INTRODUCTION OF BILLS.

In accordance with resolution by Committee on Introduction of Bills, as above, the following bills were introduced :

By Mr. Vogel: Assembly Bill No. 1164 (Substitute for Assembly Bill No. 996)—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," which became a law under constitutional provision without Governor's approval, February 24, 1901, by amending Section 16 thereof, relating to the definition of what persons shall be deemed as practicing medicine or surgery within the meaning of this Act.

Bill read first time, and ordered placed on special file.

By Mr. Waste: Assembly Bill No. 1165—An Act appropriating the sum of twenty thousand dollars for construction of a building and supporting and maintaining a University School of Observation and Practice, and providing for the drawing of a warrant therefor by the Controller in favor of the Regents of the University of California, and the payment of said warrant by the State Treasurer.

Read first time, and referred to Committee on Ways and Means.

By Committee on Universities: Assembly Bill No. 1166 (Substitute for Assembly Bill No. 1136)—An Act providing for the establishment and maintenance of a pathological laboratory for the investigation of tree and plant diseases and pests, and branch agricultural experiment station, and making an appropriation therefor.

Read first time, and ordered on file as substitute for Assembly Bill No. 1136

By Mr. Gates: Assembly Bill No. 1167—An Act to amend Section 611 of the Civil Code, relating to issuance of bonds by cemetery corporations.

Read first time, and referred to Committee on Judiciary.

## CONSTITUTIONAL AMENDMENT RE-REFERRED.

On motion of Mr. Goodrich, Senate Constitutional Amendment No. 9 was recalled from the Committee on Revenue and Taxation, and referred to Committee on Constitutional Amendments.

## SENATE MESSAGE.

The following message from the Senate was read:

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No 787—An Act making an appropriation to pay the claims for services, subsistence, supplies, and transportation of the National Guard of California, called into service by order of the Governor in the month of July, 1903.

Also: Senate Bill No. 786—An Act to add a new section to the Political Code, to be numbered 2524a, relating to the powers of the Board of State Harbor Commissioners.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 787 read first time, and referred to the Committee on Military Affairs.

Senate Bill No. 786 read first time, and referred to Committee on Commerce and Navigation.

## REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

Requests were presented, as follows, for the introduction of bills, in compliance with the provisions of the Constitution, after the fiftieth day of the session:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: I ask permission to introduce the accompanying proposed constitutional amendment to Section 17 of Article VI of the Constitution, in relation to the compensation of judicial officers.

GEO. A. MCGOWAN.

Referred to Committee on Introduction of Bills.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: I ask permission to introduce the accompanying bills, the titles of which read as follows:

"An Act to amend Section 791 of the Political Code, relating to the number of notaries public."

"An Act relating to Section 710 of the Code of Civil Procedure of the State of California, providing a procedure by which money or credits of a judgment debtor in the hands of the State of California, or a public or municipal corporation, or public officers, may obtain in satisfaction of judgment, and relating to the duty of courts upon the receipt of money received into court under such procedure."

NATHAN C. COGHLAN.

Referred to Committee on Introduction of Bills.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows: "An Act to amend an Act to establish a uniform system of county and township government."

C. V. JONES.

Referred to Committee on Introduction of Bills.

## BILL RE-REFERRED.

On motion of Mr. Lumley, Senate Bill 605 (No. 445 on file) was re-referred to the Committee on Ways and Means.



## BILL RECALLED FROM COMMITTEE.

Mr. Pfaeffle moved that Assembly Bill No. 169 be recalled from the Committee on Ways and Means and placed on the special file.

Motion carried.

## REQUEST TO SUBSTITUTE BILL FOR ONE LOST.

Mr. Jones of Tuolumne requested that, as the original Assembly Bill No. 518 had been lost, the Committee on Public Health and Quarantine be permitted to return as a substitute in place of the original bill a true printed copy.

On motion of Mr. Treadwell, the question raised was ordered on the unfinished business file for further consideration.

## REQUEST TO INTRODUCE JOINT RESOLUTION.

Mr. Busick requested permission to introduce an Assembly joint resolution, entitled "Assembly Joint Resolution No. —, relative to parcels post."

Under the rules requiring permission to be granted, under the Constitution, for the introduction of bills after the fiftieth day of the session, the resolution was referred to the Committee on Introduction of Bills.

## SPECIAL ORDER ACTED ON.

Mr. Goodrich was granted leave to call up Assembly Concurrent Resolution No. 8, which was set as a special order for eleven o'clock A. M. of this day.

Assembly Concurrent Resolution No. 8—A resolution expressing the need that, in the judgment of the Legislature, exists for a revision of the State Constitution to be called for that purpose, and recommending to the electors of the State that the subject be voted upon by them at the next ensuing general election.

Assembly Concurrent Resolution No. 8 was read.

## ASSEMBLY CONCURRENT RESOLUTION No. 8.

A resolution expressing the need that, in the judgment of the Legislature, exists for a revision of the State Constitution to be called for that purpose, and recommending to the electors of the State that the subject be voted upon by them at the next ensuing general election.

*Resolved by the Assembly, the Senate concurring,* That the Legislature, two thirds of the members elected to each house concurring, deems it necessary that the Constitution be revised and hereby recommends to the electors of the State that they vote at the next ensuing general election upon the subject of calling a convention for that purpose.

Mr. Goodrich moved adoption of Assembly Concurrent Resolution No. 8.

The roll was called on the motion to adopt the resolution, with the following result:

AYES—Messrs. Amerige, Arnerich, Barnes, Beardslee, Cleveland, Cooper, Creighton, Ellis, Estudillo, Gans, Goodrich, Held, Houser, Johnson, Jones of Tuolumne, Jury, King, Lumley, Lynch, Maxwell, McKenney, Moore, Olmsted, Perkins, Pryor, Thompson, Transue, Treadwell, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—33.

NOES—Messrs. Anthony, Atkinson, Bates, Beckett, Bliss, Branstetter, Burke, Chandler, Coghlan, Coyle, Cromwell, Devlin, Drew, Hartman, Jarvis, John, Johnstone, Lucey, McCartney, McGowan, Meincke, Mindham, Mitcheltree, O'Brien, Pfaeffle, Pyle, Rolley, Stanton, Sirohl, and Tripp—30.

The resolution was declared lost.

## REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following report, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following have been correctly engrossed:

Assembly Constitutional Amendment No. 19—Proposed amendment to Article XII of the Constitution, relative to the extension of the franchise or charter of any corporation now or hereafter existing under the laws of this State for a period not exceeding fifty years.

Assembly Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 23 of Article IV of said Constitution, limiting the expenses of the Legislature, and regulating the salaries of the members thereof.

DEVLIN, Chairman.

## BILL RE-REFERRED.

Senate Bill No. 766 was recalled from the Committee on Commerce and Navigation, and referred to the Committee on Commissions and Public Expenditures.

## SPECIAL ORDERS.

Bills on file of special orders were considered, as follows:

Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employés of the Senate and Assembly.

Passed on file.

Senate Bill No. 150—An Act to amend Section 2 of an Act entitled "An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California located on the water front at San Francisco, California," approved March 25, 1901.

Read third time on a previous day.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Arnerich, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burke, Busick, Coghlan, Cooper, Coyle, Drew, Ellis, Gans, Gates, Hartman, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, Lynch, Maxwell, McCartney, McGowan, Meincke, Mindham, Mitcheltree, Olmsted, Pfaffle, Pyle, Rolley, Stanton, Strohl, Transue, Treadwell, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—44.

NOES—Messrs. Amerige, Anthony, Burge, Chandler, Espey, King, McKenney, Moore, Perkins, Strobridge, Thompson, and Walsh—12.

Title read and approved.

## UNFINISHED BUSINESS.

Bills on the unfinished business file were considered, as follows:

Assembly Bill No. 468—An Act to amend Section 626m of the Penal Code of the State of California, relating to hunting at night-time.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cooper, Coyle, Drew, Ellis, Espey, Estudillo, Johnstone, McCartney, McKenney, Moore, Perkins, Strohl, Treadwell, Tripp, Walsh, Waste, Weyand, Wickersham and Mr. Speaker—28.

NOES—Messrs Amerige, Anthony, Atkinson, Barnes, Cleveland, Gans, Gates, Goodrich, Held, Houser, Johnson, Jones of Tuolumne, Jury, King, Lucey, Lynch, Manwell, McGowan, Meincke, Olmsted, Pryor, Pyle, Rolley, Stanton, Strobridge, Thompson, and Whiting—27

Assembly Bill No. 219—An Act to repeal Sections 3824 and 3825 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Passed on file.

Assembly Bill No. 24—An Act to add a new section to the Code of Civil Procedure, to be known as Section 637, relating to causes in the superior court in equity and at law, without a jury, in which testimony shall at request of a party be reduced to writing, and upon appeal be heard *de novo*.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Atkinson, Barnes, Bates, Beardslee, Bliss, Branstetter, Busick, Espey, Houser, John, Johnson, Jones of Tuolumne, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Rolley, Stanton, Thompson, Transue, Walsh, Waste, Weyand, Wickersham, and Mr. Speaker—29.

NOES—Messrs Amerige, Anthony, Arnerich, Beckett, Burge, Burke, Chandler, Cleveland, Coyle, Creighton, Devlin, Drew, Gans, Goodrich, Held, Johnstone, Jury, King, Lucey, Meincke, O'Brien, Pryor, Pyle, Strobridge, Treadwell, Tripp, and Whiting—17

Assembly Bill No. 145—An Act to provide for the payment by the State, or counties, or cities and counties, of the premium or charge on official bonds.

Passed on file.

#### CONSIDERATION OF ASSEMBLY BILLS-AMENDED BY THE SENATE.

Assembly Bill No. 339—An Act to amend Sections 2978, 2979, and 2982, and to repeal Section 2983 of the Political Code of the State of California, relating to the State Board of Health.

Senate amendments pending.

#### SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 339 were read:

##### AMENDMENT No. 1.

Amend by striking out of Section 2, lines 18, 19, and 20, the words "and may provide and enforce sanitary regulations for trades or occupations when required in the interests of public health."

##### AMENDMENT No. 2.

Also: Strike out of Section 2, beginning on line 22, all the words after "State" down to and including "condition," on line 30.

##### AMENDMENT No. 3.

Also: Amend Section 2, line 47, after the word "to" insert the words "prepare or."

##### AMENDMENT No. 4.

Also: Amend by striking out of Section 2, line 66, the words "prevent and."

##### AMENDMENT No. 5.

Also: Amend by striking out of Section 2, lines 81 and 82, the words "for its government" and inserting in lieu thereof the following: "and regulations for the execution of its duties under this section."

## SENATE AMENDMENTS CONCURRED IN.

Mr. Waste moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 339?"

The roll was called, and the Senate amendments concurred in by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Devlin, Drew, Espey, Gans, Gates, Goodrich, Held, Houser, John, Johnson, Johnstone, Jury, King, Lucey, Lynch, Maxwell, McCartney, McGowan, Meincke, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Rolley, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—56.

**NOES**—None.

Assembly Bill No. 339 ordered to enrollment.

Assembly Bill No. 542—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeal. Senate amendments pending.

## SENATE AMENDMENTS.

The following Senate committee amendments to Assembly Bill No. 542 were read:

On page 1, Section 1, line 8, strike out the word "such," and insert in lieu thereof the word "each."

Strike out Section 2.

## SENATE AMENDMENTS CONCURRED IN.

Mr. Waste moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 542?"

The roll was called, and the Senate amendments concurred in by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, John, Johnson, Johnstone, Jones of San Francisco, Jury, King, Lynch, Maxwell, McCartney, McGowan, McKenney, Meincke, Moore, O'Brien, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, Wickersham, and Mr. Speaker—56.

**NOES**—None.

Assembly Bill No. 542 ordered to enrollment.

Assembly Bill No. 302—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377a, making it a misdemeanor to violate, or refuse, or neglect to conform to the rules, orders, and regulations of the State Board of Health respecting the quarantine, disinfection, or isolation of persons, animals, things, or places, or the prevention or abatement of contagious or infectious diseases.

Senate amendments pending.

## SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 302 were read:

Amend by inserting in Section 1 the words "after notice," between the words "person who" and "shall."

Also: By inserting in lieu of said section the word "or," after the word "quarantine"

Also: By striking out the word "or" at the end of said line 7, and the words "isolating and" or "any rule," in line 8.

Also: All of line 9 of Section 1, and all of line 10 of said section down to the word "shall," therein.

## SENATE AMENDMENTS CONCURRED IN.

Mr. Cromwell moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 302?"

The roll was called, and the Senate amendments concurred in by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beckett, Bliss, Branstetter, Burge, Busick, Chandler, Cooper, Coyle, Cromwell, Devlin, Drew, Ellis, Espey, Goodrich, Hartman, Held, Houser, John, Johnson, Johnstone, Jones of San Francisco, Lynch, McCartney, McGowan, Meincke, Moore, Olmsted, Perkins, Pryor, Stanton, Strobbridge, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—45.

**NOES**—None.

Assembly Bill No. 302 ordered to enrollment.

Assembly Bill No. 476—An Act to amend Section 1564 of the Political Code of California in regard to teachers' institutes.

Senate amendments pending

## SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 476 were read:

On page 1, Section 1, of Assembly Bill No. 476, insert before the word "section" the word and figure "Section 1."

Also: Insert on same line after the figures "1564" the words "of the Political Code of California."

## SENATE AMENDMENTS CONCURRED IN.

Mr. Manwell moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 476?"

The roll was called, and the Senate amendments concurred in by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Devlin, Drew, Ellis, Espey, Estudillo, Gates, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Manwell, McCartney, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Pyle, Stanton, Strobbridge, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—50.

**NOES**—None.

Assembly Bill No. 476 ordered to enrollment.

Assembly Bill No. 583—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered and known as Section 1163, relating to the recording of a certificate of residence.

Senate amendment pending.

## SENATE AMENDMENT.

The following Senate amendment to Assembly Bill No. 583 was read:

On page 2, Section 1, line 14, after the word "acknowledgment," insert the following: "Such person, firm, or corporation may upon a change of place of residence file affidavit as herein provided, and such last affidavit filed shall be the place designated as the place where service of summons may be made, as herein provided."

## SENATE AMENDMENT CONCURRED IN.

Mr. Held moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 583?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Busick, Chandler, Coyle, Cromwell, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, McCartney, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Pyle, Stanton, Strohl, Thompson, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—47.

NOES—None

Assembly Bill No. 583 ordered to enrollment.

Assembly Bill No. 584—An Act to amend Section 412 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the publication of summons when the defendant is absent from the State, concealed, or is a foreign corporation having no agent in this State, or is a person who can not be found within this State.

Senate amendment pending.

#### SENATE AMENDMENT.

The following Senate amendment to Assembly Bill No. 584 was read:

On page 2, line 27, after the word "person" insert the words "in the county where such action is pending."

#### SENATE AMENDMENT CONCURRED IN.

Mr. Held moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 584?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Creighton, Cromwell, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, McCartney, McGowan, Meincke, Moore, Olmsted, Perkins, Pryor, Pyle, Strohl, Thompson, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—49

NOES—None.

Assembly Bill No. 584 ordered to enrollment.

Assembly Bill No. 291—An Act making an appropriation to pay the claim of John Burr.

Senate amendments pending.

Passed on file.

Assembly Bill No. 540—An Act to provide for the appointment and employment of the officers in the District Courts of Appeal, and providing for their salaries.

Senate amendments pending.

#### SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 540 were read:

##### AMENDMENT No. 1.

Amend by striking out the word "twelve" in line 7, printed bill, and inserting in lieu thereof the word "eighteen."

##### AMENDMENT No. 2.

On page 1, Section 2, strike out Section 2.

## AMENDMENT No. 3.

Amend by striking out all of lines 3 to 9, inclusive, and inserting in lieu thereof the following: "Section 758. Each of the three District Courts of Appeal may employ and appoint the following officers of their respective courts, whose salaries shall be as follows: One clerk, at twenty-four hundred dollars per annum; one deputy clerk, at eighteen hundred dollars per annum; one stenographer, at eighteen hundred dollars per annum; and one bailiff, at twelve hundred dollars per annum."

## TIME FOR RECESS EXTENDED.

On motion of Mr. Cleveland, at twelve o'clock and twenty-eight minutes P. M., the hour for recess was extended fifteen minutes.

## SENATE AMENDMENTS CONCURRED IN.

Mr. Waste moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 540?"

The roll was called, and the Assembly refused to concur in the Senate amendments by the following vote:

AYES—Messrs. Beckett, Coghlan, Hartman, and McGowan—4.

NOES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Branstetter, Burke, Busick, Chandler, Cleveland, Coyle, Cromwell, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, McCartney, Moore, Olmsted, Perkins, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Whiting, Wickersham, and Mr Speaker—47.

## SENATE REQUESTED TO RECEDE FROM AMENDMENTS.

Mr. Waste moved that Assembly Bill No. 540 be returned to the Senate, and the Senate be requested to recede from its amendments to that bill.

Motion carried.

## BILL TAKEN UP FOR AMENDMENT.

Mr. Moore was granted leave to call up Assembly Bill No. 153, for the purpose of consideration of amendments recommended by the select committee, consisting of the Committee on Ways and Means, who had been named as a select committee on February 17, 1905, and reported back on February 28, 1905.

Assembly Bill No. 153—An Act establishing a bureau of information for the purpose of disseminating knowledge of nature study, agriculture, and related subjects (applicable to conditions in California), to the public schools of the State, to be known as "The Central Bureau of Information"; indicating the method of disseminating such knowledge; fixing the location of said bureau; designating and naming the members of the board to control said bureau; indicating the powers of such board and the time for its first meeting; and appropriating the sum of \$10,000 to pay the expenses of said bureau for the fiscal years 1905 and 1906.

Read third time.

## SELECT COMMITTEE AMENDMENTS.

The Committee on Ways and Means, as the select committee, reported that it had made the following amendments to Assembly Bill No. 153, which were read:

## AMENDMENT No. 1.

Amend by striking out the word "ten," on line 10 of title first page, printed bill and inserting in lieu thereof the word "two."

## AMENDMENT No. 2.

Amend by striking out all of subdivision 2 of Section 5 on lines 5, 6, and 7, second page, printed bill.

## AMENDMENT No. 3.

Amend by striking out the numeral "3" on line 8, Section 5, second page, printed bill, and inserting in lieu thereof the numeral "2"

## AMENDMENT No. 4.

Amend by striking out all of line 1, Section 7, second page, printed bill, and inserting in lieu thereof the following: "Sec 7. The sum of two thousand dollars (\$2,000) is hereby"

Report of committee and amendments adopted.

Assembly Bill No. 153 ordered to print, with a rush order, and on file for passage.

## BILLS ORDERED ON SPECIAL FILE.

Mr. Busick moved that Senate Bill No. 499 be recalled from Committee on Agriculture, and placed on the special Senate file, it being identical with Assembly Bill No. 799 (No. 369 on file).

Motion carried.

Mr. Busick moved that Senate Bill No. 598 be recalled from the Committee on Swamp and Overflowed Lands and Drainage, and placed on special Senate file, it being identical with Assembly Bill No. 728 (No. 411 on file).

Motion carried.

## MADE A SPECIAL ORDER.

Mr. Hartman moved that Assembly Bill No. 734 (No. 146 on file) be made a special order for Thursday, March 2, 1905, at four o'clock and thirty minutes P. M.

Motion carried.

## RECESS.

At twelve o'clock and forty-five minutes P. M., the Speaker, on motion of Mr. Transue, declared a recess until two o'clock and thirty minutes P. M.

## REASSEMBLED.

The Assembly reconvened at two o'clock and thirty minutes P. M. Speaker Hon. Frank C. Prescott in the chair.

## RESOLUTION TO TEMPORARILY SUSPEND RULE—(OUT OF ORDER).

Mr. Treadwell offered the following resolution, which was read:

*Resolved*, That the rule requiring bills carrying appropriations to be considered in Committee of the Whole on second reading be suspended so far as it could or can relate to Assembly Bill No. 153 (96 on the file).

Mr. Treadwell moved the adoption of the resolution.

On being put to vote, the resolution was unanimously adopted.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The Committee on Municipal Corporations was granted leave to submit the following report (out of order), which was read:

## ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No 626—An Act to amend Sections 3335, 3337, 3338, and 3339 of the Political



Code, relating to fires and firemen—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, by majority vote.

BEARDSLEE, Chairman.

Senate Bill No. 626 ordered to second reading on special Senate file.

#### ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 607—An Act to amend Section 1671 of the Political Code of the State of California, relating to the establishment of high schools.

Also: Senate Bill No. 640—An Act to add a new section to the Political Code, to be known as Section 1576a, providing for clerks of school boards in certain cases, and for payment of their salaries.

Also: Senate Bill No. 669—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CREIGHTON, Acting Chairman.

Assembly Bill No. 607 ordered on second-reading file.

Senate Bills Nos. 640 and 669 ordered to second reading on special Senate file.

The Committee on State Prisons and Reformatories submitted the following report, which was read:

#### ON STATE PRISONS AND REFORMATORIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905

MR. SPEAKER: Your Committee on State Prisons and Reformatories, to whom was referred Senate Bill No. 510—An Act to amend an Act entitled "An Act fixing the price and conditions of sale at which jute goods shall be sold by the State," approved February 27, 1893—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

McKENNEY, Chairman

Senate Bill No. 510 ordered to second reading on special Senate file.

#### RECOMMENDATIONS ON PRISONS AND REFORMATORIES.

The Committee on State Prisons and Reformatories submitted the following special report:

MR. SPEAKER: Your Committee on State Prisons and Reformatories begs leave to report that, in compliance with a resolution adopted by the Assembly, they have visited the State School at Whittier, the State Prison at San Quentin, and the State Prison at Folsom; that they have thoroughly inspected the same, and beg leave to make the following report and recommendations:

#### *Whittier.*

We found the State School at Whittier in good condition and well managed, except that there seems to be too much politics entering into the affairs of the institution, causing needless disagreements and difficulties and seriously interfering with the management of the school. Your committee would therefore strongly recommend that the question of politics be entirely eliminated from the institution, and from the appointment of the employees, and that they be appointed solely for their efficiency and ability to make the school what it should be—an institution for the reformation of wayward children of both sexes.

Your committee would also suggest that more attention be given to teaching the children trades and occupations, by which they can be made self-supporting when they leave the school, and become decent and respectable members of society. While it may be too late at this session to prepare a comprehensive scheme of improvement in this direction, we suggest that the trustees and the superintendent carefully study out the question of how best to use the labor of the inmates for their own improvement, and economically manage the school; and that at the next session of the Legislature they report a full and complete series of plans on this subject, giving in detail what they propose to do, and what the exact cost will be for the necessary machinery, implements and other material necessary to make this school, as it should be—a thorough industrial establishment.

Your committee would recommend the purchase of five inches of water at a cost not to exceed \$3,907 50, for the reason that the State is now paying \$1,000 a year for this water, as rental, and by the purchase of stock equivalent for these five inches this annual

payment will be done away with, and in less than four years the water will have paid for itself.

The committee also recommends the furnishing of the new girls' cottage, and the building of the water tower. They also recommend the sewing machines asked for, for the girls, and the extra type and printing material desired for the boys. It is very evident that, if the children are to be taught to be self-sustaining, they must be taught to employ the most modern methods in their work.

We join the Governor in recommending that, so far as possible, the girls be placed in homes or in charitable or benevolent institutions where they can receive care and attention, which is impossible in a public institution of this character.

#### *San Quentin.*

Your committee strongly recommends the appropriations asked for by the State Board of Prison Directors for the purpose of increasing the cell room at San Quentin. The need of a separate room for each inmate has been so often insisted upon, by past committees, that it is unnecessary, in this report, to reiterate what they have said. Unless California desires to fall far behind the progressive States of the Union in the matter of prison discipline and management, she must greatly improve her prisons, which are now, with the exception of those of some of the Southern States, the worst in the Union. The question of employing the labor of the convicts so as to keep them, on the one hand, fully employed, and as near self-sustaining as possible, and, on the other hand, to prevent their labor coming into competition with free labor, is a very serious question. We would, however, recommend that the bills introduced by Assemblyman Olmsted on this subject, be passed and become laws. This matter of the employment of prisoners is one that should be carefully considered during the next eighteen months and some satisfactory plan, if possible, suggested to the next Legislature for its action.

We earnestly recommend that the prison develop its own power for electric lighting, and running the jute mill, which will accomplish a saving of \$1,500 a month in the expenses of the institution. It is obvious that to allow the prisoners to remain idle has anything but a reformatory influence upon them, and is in direct opposition to the wording of their sentences, which condemns them to "hard labor." The several bills which have been introduced by the hold-over committee from the last Assembly will, if adopted, do much toward improving the condition of the prisons in this State, and putting them upon a better and more modern footing, and we strongly recommend their adoption by the Legislature and their approval by the Governor.

#### *Folsom.*

At Folsom there is the same need for cell room as at San Quentin, and we indorse the proposed appropriation asked for by the State Prison Directors for that purpose. As the rock at Folsom will be exhausted in a few months, the question of employing the Folsom prisoners is even more pressing than that at San Quentin, and unless the necessary legislation, as suggested in the Olmsted and McKenney bills, is enacted, very serious trouble may arise at the State Prison at Folsom, if a large number of desperate men are allowed to remain for a long time in utter idleness.

#### *Preston School of Industry.*

Your committee also visited the Preston School of Industry, at Ione, and was very much pleased with the management of the institution. The Assembly Hall is badly needed, and we earnestly recommend the appropriation asked for. The Trades Building, which was destroyed by fire, should be rebuilt, and we also recommend the appropriation for that purpose.

The suggestions of the committee in the matter of the Whittier State School also apply to the Preston School of Industry, and your committee would therefore recommend that the trustees and superintendent prepare, for the next Legislature, a comprehensive scheme for the industrial work in connection with the institution.

Finally your committee would suggest that as the special committee appointed at the last session of the Legislature to study prison reform was so successful and has been, by general consent, acknowledged to have accomplished more in a practical way in every respect than any other committee that has been created in the past, due very largely to the fact that it had ample time to study the questions that arose without being complicated in any way by other matters of importance, as in the case when the Legislature is in session, we recommend that this Assembly appoint a similar committee to sit during the time between the adjournment of this Legislature and the convening of the next one, to continue the study of the prison question, to study the jail system of the State, including both county and city jails, for the purpose of recommending, when the Legislature reconvenes, such laws and regulations as may seem to it wise in the premises.

All of which is very respectfully submitted

McKENNEY, Chairman.  
OLMSTED.  
AMERIGE  
WICKERSHAM.  
ELLS  
BECKETT.  
BLISS.

The report was ordered printed in the Journal.

## RESOLUTION.

The following resolution was offered by Mr. McCartney, which was read:

(To print evidence in investigation against Hon. Lucas F. Smith.)

*Resolved*, That the State Printer be and he is hereby authorized and directed to print one thousand copies of all the proceedings and evidence taken before the special investigation committee of the Assembly appointed to investigate the charges of misdemeanors in office preferred against Hon. Lucas F. Smith, Judge of the Superior Court of Santa Cruz County, California, and the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the costs of said printing in favor of said State Printer, W. W. Shannon.

Mr. McCartney moved the adoption of the resolution.

Motion carried, and resolution declared adopted.

## RESOLUTION.

Mr. McCartney offered the following resolution, which was read:

(To pay stenographer for services rendered.)

*Resolved*, That the Controller be, and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of \$1,025 in favor of E. F. Duden, for services as shorthand reporter in the matter of the hearing and investigation of the charges against Lucas F. Smith, Superior Court Judge of Santa Cruz County, California, and the same being the payment of the following bills attached:

Special investigation committee of the Assembly appointed for the purpose of investigating the charges preferred against Hon. Lucas F. Smith, Judge of the Superior Court of Santa Cruz County, State of California, to E. F. Duden for services as shorthand reporter:

Per diems—February 16, 17, 18, and 19, 1905.....	\$40 00
Transcript of testimony and proceedings—11,250 folios at 8 cents per folio.....	900 00
Copying documents at Santa Cruz and introduced in evidence.....	85 00
	<hr/> \$1,025 00

Referred to Committee on Contingent Expenses and Accounts.

## SPECIAL SENATE FILE.

Bills on the special Senate file were considered, as follows:

Senate Bill No. 226—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Passed on file.

Senate Bill No. 171—An Act providing for the purchase of a university farm for the use of the College of Agriculture of the University of California; providing for the appointment of a commission to select and purchase said farm; providing for a school of agriculture, and a system of instruction on said farm, and appropriating money therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Barnes, Bates, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Cleveland, Creighton, Cronwell, Devlin, Drew, Durvea, Ellis, Estudillo, Gans, Goodrich, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lumley, Maxwell, Mencke, Moore, Perkins, Pyle, Rolley, Stanton, Strohl, Thompson, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—44

NOES—Messrs. Amerige, Held, McGowan, Olmsted, and Pryor—5.

Title read and approved.

Senate Bill No. 601—An Act making an appropriation to pay the claim of the County of El Dorado against the State of California.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendment to Senate Bill No. 601 was read :

Amend by striking out the words "twenty-five hundred dollars," on line 3, first page, printed bill, and inserting in lieu thereof the following: "twenty-four hundred dollars and ten cents."

Amendment adopted.

## MOTION.

Mr. Duryea moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 601.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 601 was considered in Committee of the Whole.

Mr. Duryea moved that the Committee of the Whole rise and report back Senate Bill No. 601, with a recommendation that it do pass as amended.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 601—An Act making an appropriation to pay the claim of the County of El Dorado against the State of California—and do now report the same back, with amendments, and recommend the same do pass as amended.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 601 ordered to print and to third reading on the special Senate file.

## REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following report, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined and found correctly enrolled the following Assembly bills:

Assembly Bill No. 766—An Act to repeal Chapter I of Title IV of the Political Code of California, and to substitute therefor a new Chapter I, relating to the State militia.

Assembly Bill No. 346—An Act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration and fixing penalties for the violation of this Act.

Assembly Bill No. 347—An Act to amend Sections 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, and 3083, and to repeal Section 3084 of the Political Code of the State of California, relating to the State Board of Health and the registration of births, marriages, and deaths, and providing for the compensation of a State Statistician and assistants.

Assembly Bill No. 268—An Act directing the Commissioner of the Bureau of Labor Statistics to collect certain statistics, and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this Act.

Assembly Bill No. 978—An Act to provide for an investigation of the nature of the diseases known as pear blight and walnut blight, and to prevent, eradicate, and procure a cure for the same and to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Assembly Bill No. 287—An Act providing for the payment of the claim of A. G. Knight for conveying the election returns of Presidential Electors to Sacramento, and making an appropriation therefor.



## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 242 was considered in Committee of the Whole.

Mr. Anthony moved that the Committee of the Whole rise and report back Senate Bill No. 242, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 242—An Act appropriating the sum of \$10,000 for the relief of Lawrence J. Dunnigan—and do now report the same back, and recommend that the same do pass as amended.

PRESCOTT, Chairman.

Report of the Committee of the Whole adopted.

Senate Bill No. 242 ordered to third reading on special Senate file.

Senate Bill No. 667—An Act to amend Section 580 of the Civil Code of the State of California, relating to banking corporations.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Coghlan, Coyle, Cromwell, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Manwell, McCartney, McGowan, McKenney, Meincke, Moore, Olmsted, Pryor, Pyle, Rolley, Stanton, Strohl, Thompson, Treadwell, Tripp, Waste, Weyand, Whiting, and Mr. Speaker—49.

NOES—None

Title read and approved.

Senate Bill No. 10—An Act to provide for the appointment of the California Cereal Improvement Commission, defining the purpose of said commission, and providing an appropriation to pay the expenses thereof.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Coghlan, Coyle, Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Manwell, McCartney, McGowan, McKenney, Meincke, Moore, Perkins, Pryor, Pyle, Rolley, Stanton, Strohl, Thompson, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—49.

NOES—Mr. Olmsted—1.

Title read and approved.

Senate Bill No. 325—An Act making an appropriation of \$668.65 to pay the claim of Edward W. Lehner against the State of California, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Read second time.

## MOTION.

Mr. Waste moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 325.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. F. C. Prescott in the chair.

Senate Bill No. 325 was considered in Committee of the Whole.

Mr. Waste moved that the Committee of the Whole do rise and report back Senate Bill No. 325, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. F. C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

GENTLEMEN. The Committee of the Whole have had under consideration Senate Bill No. 325—An Act making an appropriation of \$668.65 to pay the claim of Edward W. Lehner against the State of California, and prescribing the duties of the Controller and Treasurer of State in relation thereto—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

Report of the Committee of the Whole adopted.

Senate Bill No. 325 ordered to third reading on special Senate file.

Senate Bill No. 605—An Act for the relief of E. D. McCabe, and to appropriate money therefor.

Passed on file

Senate Bill No. 282—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeal.

Bill, on motion of Mr. Waste, taken off the file, being identical with Assembly Bill No. 542, which had been passed by both houses of the Legislature at this session.

Senate Bill No. 373—An Act to appropriate money to protect the banks of Eel River from erosion, by means of riprap and jetty work along the banks thereof.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Busick, Coghlan, Coyle, Cromwell, Devlin, Duryea, Ells, Espey, Estudillo, Gans, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Manwell, McCartney, Meincke, Moore, Olmsted, Perkins, Fryor, Pyle, Rolley, Stanton, Strohl, Thompson, Treadwell, Tripp, Waste, Weyand, Whiting, Wickeisham, and Mr. Speaker—45.

NOES—None.

Title read and approved.

## LEAVES OF ABSENCE.

Leaves of absence were granted at their own request to Messrs. Cullen and Burke.

## SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 264—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Passed on file.

Senate Bill No. 385—An Act to amend Section 1723 of the Code of Civil Procedure of the State of California, relating to the disposition of life estates or homesteads or community property in certain cases.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote.

**AYES**—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Burge, Busick, Chandler, Coghlan, Coyle, Cromwell, Devlin, Duryea, Ellis, Espey, Estudillo, Gans, Held, John, Johnson, Johnstone, Jury, King, Manwell, McCartney, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pyle, Rolley, Stanton, Strohl, Thompson, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—45.

**NOES**—None.

Title read and approved.

Senate Bill No. 40—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatement of private and public nuisances.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Ellis, Gans, Goodrich, Held, John, Johnstone, Jones of Tuolumne, Jury, King, Lumley, McCartney, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—49.

**NOES**—None.

Title read and approved.

Senate Bill No. 646—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking by deposition of the testimony of witnesses in the State.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

**AYES**—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Busick, Chandler, Coghlan, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Manwell, McCartney, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pyle, Stanton, Strohl, Thompson, Transue, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—49.

**NOES**—Mr. Pryor—1.

Title read and approved.

Senate Bill No. 316—An Act to amend an Act to amend the Political Code, by repealing Sections 1357 to Section 1380 thereof, both inclusive, and adding certain new sections to said Code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, concerning primary elections.

Read third time.

#### SELECT COMMITTEE AMENDMENT.

Mr. Walsh moved that a select committee of one be appointed to amend Senate Bill No. 316, as follows:

Strike out all words in title of said bill after word "amend," on line 2 of said title, and insert in lieu thereof the following: "section thirteen hundred and sixty-one of the Political Code, relating to primary elections"

Motion carried.

Amendment adopted.

Mr. Walsh was appointed such select committee of one.



## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 316—An Act to amend an Act to amend the Political Code, by repealing Sections 1357 to Section 1363, both inclusive, and adding certain new sections to said Code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, concerning primary elections—with instructions, does now report that the instructions of the Assembly have been carried out.

WALSH, Committee.

The report of the select committee of one was adopted.

Senate Bill No. 316 ordered to print and to third reading on special Senate file.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on County and Township Governments was granted leave to submit (out of order) the following report, which was read:

## ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1035—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known and numbered Section 181½, relating to damages caused to sheep, cashmere and angora goats by the ravages of dogs—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

BURKE, Chairman.

Assembly Bill No. 1035 ordered on second-reading file.

Senate Bill No. 188—An Act to amend Section 1 of an Act entitled "An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribing his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCIV of the Laws of 1891," approved March 26, 1903.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Beardslee, Beckett, Branstetter, Burge, Busick, Cleveland, Coghlan, Coyle, Cromwell, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Held, John, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, McCartney, McGowan, McKenney, Meincke, Moore, Perkins, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Senate Bill No. 178—An Act confirming the organization of school districts.

Passed on file.

## BILL WITHDRAWN.

Mr. Cleveland requested, and was granted, leave to withdraw Assembly Bill No. 150, it being identical with Senate Bill No. 188.

Senate Constitutional Amendment No. 38—Providing for the deposit of State, county, and municipal funds in National and State banks.

Passed on file.

Senate Bill No. 600—An Act to regulate the operation of motor vehicles on public highways.

Read third time.

SELECT COMMITTEE AMENDMENTS.

Mr. Coghlan moved that a select committee of one be appointed to amend Senate Bill No. 600, as follows:

AMENDMENT No. 1.

Amend the title by striking out the period at the end thereof, and adding thereto the following: "And making an appropriation for the purpose of carrying out the objects of this Act."

AMENDMENT No. 2.

In line 52, Section 6, Subdivision 2, page 10 of engrossed bill, after the period at the end thereof, add the following:

"SEC. 7. The amount of fees received by the Secretary of State, as in this Act provided, shall be paid into the State Treasury, to be paid into the General Fund of the State."

"SEC. 8. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of twenty thousand dollars (\$20,000) for the purpose of carrying out the objects of this Act, to be used by the Secretary of State in the employment of the necessary clerk or clerks; the purchase of the necessary stationery, books, and postage; for the necessary incidental expenses; for the purchase of the necessary seals and badges; for printing, ruling, binding, and all other work performed and materials used by the State Printing Office, to be used during the balance of the fifty-sixth, and during the fifty-seventh and fifty-eighth fiscal years. The State Controller is hereby directed to draw his warrant for any claim against said sum, the same having been approved by the State Board of Examiners, and the State Treasurer is hereby directed to pay the same."

AMENDMENT No. 3.

In line 1, Section 7, page 10 of engrossed bill, strike out the figure "7," and insert in lieu thereof the figure "9."

AMENDMENT No. 4.

In line 1, Section 8, page 10 of engrossed bill, strike out the figure "8," and insert in lieu thereof the figures "10."

Motion carried.

Amendments adopted.

Mr. Coghlan was appointed such select committee of one.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 600—An Act to regulate the operation of motor vehicles on public highways—with instructions, does now report that the instructions of the Assembly have been carried out.

COGHLAN, Committee.

The report of the select committee of one was adopted.

Senate Bill No. 600 ordered to print and to third reading on the special Senate file.

Senate Bill No. 48—An Act to pay the claim of E. A. Dulip as administrator of the estate of John P. Dulip, deceased, against the State of California, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Coghlan, Creighton, Cromwell, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lumley, Manwell, McKenney, Meincke, Moore, Perkins, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—42

NOES—None.

Title read and approved.

Senate Bill No. 555—An Act to amend Section 1 of an Act entitled "An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom," approved March 20, 1889. (Stats. 1889, p. 433.)

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Chandler, Coghlan, Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Held, John, Johnson, Jury, Manwell, McGowan, McKenney, Meincke, Moore, Olmsted, Pyle, Stanton, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—42.

NOES—None.

Title read and approved.

#### REPORTS OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following reports, which were read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reengrossed:

Assembly Bill No. 852—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903

Assembly Bill No. 317—An Act to amend Section 813 of "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof.

Assembly Bill No. 318—An Act to amend an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof.

Assembly Bill No. 191—An Act to appropriate \$12,245 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs The State of California," numbered 9608 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 932—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

Assembly Bill No. 458—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,'" approved March 12, 1885," approved March 23, 1901, repealing Section 11 thereof, relating to the issuance of temporary licenses

Assembly Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 61 of said Act, relative to county officers.

Assembly Bill No. 965—An Act to amend Section 437 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, relating to mutual life, health, and accident insurance corporations.

Assembly Bill No. 1145—An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers.

Assembly Bill No. 619—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.

DEVLIN, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 370—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered Section 381b.

Assembly Bill No. 911—An Act to add a new section to the Political Code of the State of California, to be numbered 629a, providing for the appointment of a clerk and stenographer to the Insurance Commissioner, and fixing the compensation thereof.

Assembly Bill No. 696—An Act to amend an Act entitled "An Act to provide for the marking, branding, or labeling the boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions," approved March 20, 1903, by amending Sections 1 and 2 thereof.

Assembly Bill No. 823—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices.

Assembly Bill No. 736—An Act to amend Section 347 of the Penal Code, relating to the willfully poisoning of food, medicine, or drink.

Assembly Bill No. 894—An Act to amend an Act to encourage and provide for a general vaccination in the State of California, relating to the vaccination of school children.

Assembly Bill No. 794—An Act providing for the payment by the State of certain fees, costs and expenses.

Assembly Bill No. 655—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1899, relating to the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities.

Assembly Bill No. 1036—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 654a, relating to the taking of fees by persons obtaining employment for others.

Assembly Bill No. 716—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, by amending Section 194 thereof, relating to the compensation of officers of counties of the thirty-seventh class.

Assembly Bill No. 936—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 207 thereof, relating to the compensation of officers of counties of the fiftieth class.

Assembly Bill No. 973—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Assembly Bill No. 181—An Act to create and regulate public warehouses.

DEVLIN, Chairman.

#### SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 174—An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing other conflicting Acts.

Read second time.

Senate Bill No. 174 ordered to third reading on special Senate file.

BILL WITHDRAWN.

Mr. Wickersham requested, and was granted, leave to withdraw Assembly Bill No. 655, it being identical with Senate Bill No. 555.

Senate Bill No. 445—An Act to amend Sections 4 and 6 of an Act entitled "An Act to provide for the maintenance of public libraries within municipalities," approved March 23, 1901.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lumley, Manwell, McCartney, Meincke, Moore, Olmsted, Perkins, Pryor, Pyle, Strohl, Thompson, Transue, Tripp, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Senate Bill No. 741—An Act to amend Section 622a of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to taxation of insurance companies.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Chandler, Coghlan, Coyle, Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, Houser, John, Johnstone, Jones of Tuolumne, Jury, Manwell, McCartney, McGowan, Meincke, Moore, Olmsted, Pryor, Pyle, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Senate Bill No. 426—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to the compensation of county officers in counties of the fourteenth class.

Passed on file.

Senate Bill No. 682—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Burge, Chandler, Cleveland, Coghlan, Cromwell, Devlin, Drew, Espey, Gans, Goodrich, Held, Houser, John, Jones of Tuolumne, Jury, King, Manwell, McCartney, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Pyle, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Senate Bill No. 715—An Act to amend Sections 13, 15, 20, 23, and 24 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, relating to power of the Bank Commissioners to appoint a secretary, prescribe his duties and fix his compensation; to secure an office, provide stationery, fuel, and other conveniences; to provide for printing their annual report, and limiting the expenditure therefor; to provide for the maintenance of the Bank Commission and the establishment of the Bank Commissioners' Fund; to provide for the reports of private persons engaged in banking; to limit the indebtedness that may be incurred by any bank or banker; and to regulate the security to be taken for any loan or discount; and to fix the amount of cash on hand required of banks other than savings banks.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Bliss, Branstetter, Burge, Chandler, Cleveland, Coghlan, Drew, Espey, Gans, Goodrich, Houser, John, Johnson, Jones of Tuolumne, King, Manwell, McCartney, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Pyle, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—42.

NOES—None.

Title read and approved.

## MOTION TO TAKE UP BILL LOST.

Mr. Manwell moved to be permitted to take up Senate Bill No. 755 for second reading.

Motion lost.

## SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 736—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 21 thereof.

Read second time.

## AMENDMENTS.

Mr. Pyle submitted the following amendments, which were read:

Strike out the words "three thousand" and insert in lieu thereof, the words "twenty-five hundred."

Also: After the words "one hundred," strike out the words "and twenty-five."

Also: On page 2, line 23 of the printed bill, strike out the words "three thousand" and insert in lieu thereof the words "twenty-eight hundred."

Also: On page 2, line 32 of the printed bill, strike out the words "one hundred and twenty-five" and insert the word "ninety"

Also: On page 2, line 36 of the printed bill, strike out the words "two thousand" and insert the words "twenty-two hundred."

Also: On page 2, line 47 of the printed bill, strike out the words "three thousand" and insert in lieu thereof the words "twenty-five hundred"

Also: On page 3, lines 67 and 68 of the printed bill, strike out the words "two hundred."

Also: On page 3, line 70 of the printed bill, strike out the word "eighteen" and insert in lieu thereof the word "twelve"

Also: On pages 3 and 4 of the printed bill, strike out all the words in lines 82 to 108 inclusive and insert in lieu thereof the following:

"Constables such fees as are now or may be hereafter allowed by law; *provided*, that in townships having a population of over six thousand, as shown by the United States census of nineteen hundred, in lieu of fees in criminal cases and in full compensation of all services rendered in criminal cases, constables shall receive a salary of seventy-five dollars per month, payable at the same time and in the same manner as salaries of other county officers, *provided further*, that in addition to the monthly salary herein allowed, constables of townships of over six thousand inhabitants shall also be allowed all necessary expense actually incurred outside of their townships, in pursuing and conveying prisoners to court or to prison, and said expense shall be audited and allowed by board of supervisors and paid out of the county treasury."

Amendments adopted.

Senate Bill No. 736 ordered to print and to third reading on special Senate file.

Senate Bill No. 771—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to county officers and their compensation in counties of the fourteenth class.

Read second time.

Senate Bill No. 771 ordered to third reading on special Senate file.

Senate Bill No. 238—An Act to amend Sections 270 and 271 of the Penal Code of the State of California, relating to the abandonment and neglect of children.

Read second time.

Senate Bill No. 238 ordered to third reading on special Senate file.

Senate Bill No. 311—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered 2370, relating to the duties of factors.

Read second time.

Senate Bill No. 311 ordered to third reading on special Senate file.

Senate Bill No. 369—An Act to amend Section 948 of the Code of Civil Procedure of the State of California.

Read second time.

COMMITTEE AMENDMENTS.

The following committee amendments were read:

AMENDMENT No. 1.

Amend by inserting in line 9, after the word "after," the words "notice of."

AMENDMENT No. 2.

Amend by striking out all of line 4 after the figures "948."

AMENDMENT No. 3.

Amend by striking out all of Section 2

Amendments adopted.

Senate Bill No. 369 ordered to print and to third reading on special Senate file.

Senate Bill No. 508—An Act to appropriate \$40,000 for the purchase of additional land for the use of the Stockton State Hospital.

Passed on file.

Senate Bill No. 62—An Act to appropriate the sum of \$20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon the Sonora and Mono road, a State highway.

Read second time.

MOTION.

Mr. Drew moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 62.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hon. F. C. Prescott in the chair.

Senate Bill No. 62 was considered in Committee of the Whole.

Mr. Drew moved that the Committee of the Whole do now rise and report Senate Bill No. 62 back, with a recommendation that it do pass.

Motion carried.

IN ASSEMBLY.

Speaker Hon. F. C. Prescott in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

GENTLEMEN. The Committee of the Whole have had under consideration Senate Bill No. 62—An Act to appropriate the sum of \$20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon the Sonora and Mono road, a State highway—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

Report of the Committee of the Whole adopted.

Senate Bill No. 62 ordered to third reading on special Senate file.

Senate Bill No. 215—An Act to appropriate the sum of \$25,000 for the erection of a workshop on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind in Alameda County by the Board of Directors thereof, and to provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Read second time.

## MOTION.

Mr. Drew moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 215.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. F. C. Prescott in the chair.

Senate Bill No. 215 was considered in Committee of the Whole.

Mr. Drew moved that the Committee of the Whole do now rise and report Senate Bill No. 215 back, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. F. C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905

GENTLEMEN. The Committee of the Whole have had under consideration Senate Bill No. 215—An Act to appropriate the sum of \$25,000 for the erection of a workshop on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind in Alameda County, by the Board of Directors thereof, and to provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman

The report of the Committee of the Whole was adopted.

Senate Bill No. 215 ordered to third reading on special Senate file.

Senate Bill No. 7—An Act to provide for the erection of a State historical building to be located in the City of Los Angeles; to provide for the purchase of a site therefor; to provide for the acquisition, maintenance, and display of historical and educational exhibit and for the collection and preservation of historical records and all objects of interest connected with the history of California; to provide within such building rooms for the Supreme Court of California, for the Court of Appeals of the Second District, and for an armory and other rooms for the accommodation of the National Guard of California located at Los Angeles; to provide for the appointment of trustees as a body corporate for the management, control, and care of said building and its uses, its archives, exhibits, and appurtenances, and making an appropriation for the purposes above stated.

Read second time.

## MOTION.

Mr. Transue moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 7.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. F. C. Prescott in the chair.

Senate Bill No. 7 was considered in Committee of the Whole.

Mr. Transue moved that the Committee of the Whole do now rise and report Senate Bill No. 7 back, with recommendation that it do pass.

Motion carried.



## IN ASSEMBLY.

Speaker Hon. F. C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 7—An Act to provide for the erection of a State historical building to be located in the City of Los Angeles, to provide for the purchase of a site therefor; to provide for the acquisition, maintenance, and display of historical and educational exhibit and for the collection and preservation of historical records and all objects of interest connected with the history of California; to provide within such building rooms for the Supreme Court of California, for the Court of Appeals of the Second District, and for an armory and other rooms for the accommodation of the National Guard of California located at Los Angeles; to provide for the appointment of trustees as a body corporate for the management, control, and care of said building and its uses, archives, exhibits, and appurtenances, and making an appropriation for the purposes above stated—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman

The report of the Committee of the Whole was adopted.

Senate Bill No. 7 ordered to third reading on special Senate file.

Senate Bill No. 297—An Act to provide for the appointment of a board of trustees to be known as the "Trustees of Fort Humboldt," for the acquisition of the Fort Humboldt property, and provide for an appropriation for the purchase thereof by the State, and for the preservation, protection, and improvement of the said property.

Read second time.

## MOTION.

Mr. Drew moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 297.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. F. C. Prescott in the chair.

Senate Bill No. 297 was considered in Committee of the Whole.

Mr. Drew moved that the Committee of the Whole do now rise and report Senate Bill No. 297 back, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. F. C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 297—An Act to provide for the appointment of a board of trustees to be known as the "Trustees of Fort Humboldt," for the acquisition of the Fort Humboldt property, and provide for an appropriation for the purchase thereof by the State and for the preservation, protection, and improvement of the said property—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman

Report of the Committee of the Whole adopted.

Senate Bill No. 297 ordered to third reading on special Senate file.

Senate Bill No. 334—An Act to provide for an appropriation for the preservation, protection, and improvement of the Monterey Custom House property.

Read second time.

## MOTION.

Mr. Drew moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 334.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. F. C. Prescott in the chair.

Senate Bill No. 334 was considered in Committee of the Whole.

Mr. Drew moved that the Committee of the Whole do now rise and report Senate Bill No. 334 back, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. F. C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 334—An Act to provide for an appropriation for the preservation, protection, and improvement of the Monterey Custom House property—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

Report of the Committee of the Whole adopted.

Senate Bill No. 334 ordered to third reading on special Senate file.

## TIME FOR RECESS EXTENDED.

On motion of Mr. McCartney, at four o'clock and thirty minutes P. M., the hour for recess was extended for fifteen minutes.

## SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 440—An Act to prevent the spread of contagious diseases among animals.

Read second time.

Senate Bill No. 440 ordered to third reading on special Senate file.

Senate Bill No. 673—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628a, 628b, 628c, 628d, and 632a, all relating to the protection and preservation of fish.

Read second time.

Senate Bill No. 673 ordered to third reading on special Senate file.

Senate Bill No. 17—An Act permitting all ex-Union soldiers and sailors honorably discharged from the military or marine service of the United States, the right to vend, hawk, and peddle goods, wares, fruit, or merchandise not prohibited by law, in any county, town, village, incorporated city, or municipality in the State of California, without paying a license.

Read second time.

Senate Bill No. 17 ordered to third reading on special Senate file.

Senate Bill No. 707—An Act to authorize actions against any board or commission of the State in certain cases, and regulating procedure therein.

Read second time.

## AMENDMENTS.

Mr. Coghlan submitted the following amendments, which were read:

## AMENDMENT No. 1.

Line 2, Section 2, page 1 of printed bill, strike out the words "two years" and insert the words "one year."

## AMENDMENT No. 2.

Line 5, Section 2, page 2 of printed bill, strike out the words "two years" and insert the words "one year."

## AMENDMENT No. 3.

Line 3, Section 3, page 3 of printed bill, strike out the words "without presentation to or" and insert the word "upon."

## AMENDMENT No. 4.

Line 9, Section 3, page 3 of printed bill, strike out the words "all claims" and strike out all of lines 10 and 11 following.

Amendments adopted.

Senate Bill No. 707 was ordered to print with rush order, and to third reading on special Senate file.

Senate Bill No. 506—An Act to amend Sections 1830, 1831, 1832, 1835, 1836, 1837, and 1839 of the Political Code, relating to district school tax.

Read second time.

Senate Bill No. 506 ordered to third reading on special Senate file.

Senate Bill No. 749—An Act to amend Section 3881 of the Political Code of the State of California, relating to correcting of errors, omissions, defects in form or in descriptions, erroneous or double assessments in any assessment roll.

Read second time.

Senate Bill No. 749 ordered to third reading on special Senate file.

Senate Bill No. 666—An Act concerning warehouse receipts, and the issuing, sale, and transfer thereof, and the sale of goods, wares, and merchandise stored in public or private warehouses in other States.

Read second time.

Senate Bill No. 666 ordered to third reading on special Senate file.

Senate Bill No. 237—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 211 thereof, relating to the compensation of officers of counties of the fifty-fourth class.

Read second time.

Senate Bill No. 237 ordered to third reading on special Senate file.

Senate Bill No. 547—An Act relating to revenue and taxation, providing for a license tax upon corporations.

Read second time.

## AMENDMENTS.

Mr. Goodrich submitted the following amendments, which were read:

## AMENDMENT No. 1.

In the title strike out the period after the word "corporation" and insert the following: "and making an appropriation for the purpose of carrying out the object of this Act."

## AMENDMENT No. 2.

In line 6, Section 2, page 1, printed bill, after the word "paid" strike out the words "on the first Monday in July" and insert in lieu thereof the following: "between the first Monday in July and the first Monday in August."

## AMENDMENT No. 3.

In line 7, Section 2, page 1, printed bill, strike out the period, and insert the following: "who shall pay the same into the State Treasury, to be paid into the General Fund of the State."

## AMENDMENT No. 4.

In line 1, Section 3, page 1, printed bill, strike out the word "such" and insert after the word "corporation" in said line the following: "formed under the laws of this State."

## AMENDMENT No. 5.

In line 3, Section 3, page 1, printed bill, strike out the period after the word "State," and insert the following: "and any foreign corporation which shall fail to pay the tax provided for in the last two sections, shall, because of such failure, forfeit the right to do business in this State."

## AMENDMENT No. 6.

In line 2, Section 4, page 2, printed bill, strike out the word "August" and insert in lieu thereof the word "October."

## AMENDMENT No. 7.

In line 6, Section 4, page 2, printed bill, strike out the word "these" and insert in lieu thereof the word "domestic."

## AMENDMENT No. 8.

In line 7, Section 4, page 2, printed bill, strike out the word "repealed" and insert in lieu thereof the words "forfeited and the right of foreign corporations to do business in this State will be forfeited."

## AMENDMENT No. 9.

In line 2, Section 6, page 2, printed bill, after the word "all" insert the word "domestic."

## AMENDMENT No. 10.

In line 2, Section 6, page 2, printed bill, after the word "corporation" strike out the word "aforesaid."

## AMENDMENT No. 11

In line 4, Section 6, page 2, printed bill, after the word "California" strike out the period and insert the following: "and all foreign corporations who have not complied with the provisions of this Act and paid said tax, shall forfeit the right to do business in this State"

## AMENDMENT No. 12.

In line 3, Section 8, page 2, printed bill, after the word "the" insert the word "domestic."

## AMENDMENT No. 13.

In line 3, Section 8, page 2, printed bill, after the comma insert the following: "and of the foreign corporations whose right to do business in this State has been forfeited."

## AMENDMENT No. 14.

In line 2, Section 9, page 2, printed bill, strike out the word "such" and insert in lieu thereof the word "domestic."

## AMENDMENT No. 15.

In line 3, Section 9, page 2, printed bill, after the word "State" insert the following: "and any person or persons who shall exercise any powers of a foreign corporation which shall have forfeited its right to do business in this State."

## AMENDMENT No. 16.

In line 4, Section 9, page 2, printed bill, after the period following the word "misdeemeanor," insert the following:

"Sec. 10 There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of twenty-seven thousand (\$27,000) dollars, for the purpose of carrying out the objects of this Act, to be used by the Secretary of State in the employment of a license superintendent and cashier, one permanent clerk; such other clerks from time to time as may be necessary; for the purpose of the necessary desks, furniture, stationery, books, postage, and for the necessary printing, ruling, binding, and materials furnished by the State Printing Office and for all other necessary incidental expenses, to be used and expended during the balance of the fifty-sixth, and during the fifty-seventh and fifty-eighth fiscal years, and the State Controller is hereby directed to draw his warrant for any claim against said amount, and the same having been approved by the State Board of Examiners, and the Treasurer is hereby directed to pay the same.

"Sec. 11. This Act shall take effect and be in force from and after its passage."

On motion of Mr. Goodrich, all the amendments were adopted.

Senate Bill No. 707 ordered to print, with rush order, and to third reading on special Senate file.

Senate Bill No. 879—An Act to amend Section 2163a of the Political Code, relating to the duties of medical superintendents of State hospitals.  
Read second time.

Senate Bill No. 879 ordered to third reading on special Senate file.

Senate Bill No. 374—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the powers of boards of supervisors.

Read second time.

#### AMENDMENTS.

Mr. Waste submitted the following amendment, which was read:

On page 1, strike out the entire title and insert in lieu thereof the following: "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1901, by amending Section 25 thereof, relating to powers of boards of supervisors."

Amendment adopted.

Mr. Johnstone submitted the following amendment, which was read:

Amend by striking out of amended printed bill on lines 499 and 500, page 14, the words "outside of any incorporated city or town" and strike out in lines 503 and 504 the words "in the several road districts, in proportion to the amount collected from such districts" and insert after the period "The board of supervisors shall, by order duly made and entered upon the minutes of the board, designate such road or roads within the county as shall be known as main public roads within the meaning of this subdivision."

Amendment adopted.

Senate Bill No. 374 ordered to print and to third reading on special Senate file.

Senate Bill No. 332—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays; providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, relating to advertising estrays, and the costs and expenses of redeeming them.

Read second time.

Senate Bill No. 332 ordered to third reading on special Senate file.

Senate Bill No. 592—An Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers, providing for the appointment of a clerk of said bureau, and fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting said office."

Read second time.

Senate Bill No. 592 ordered to third reading on special Senate file.

#### RESOLUTION—(OUT OF ORDER).

Mr. Weyand was granted leave to offer (out of order) the following resolution, which was read:

(To print proceedings on Judge Torrance investigation.)

*Resolved*, That the State Printer be and he is hereby authorized and directed to print 1,000 copies of all proceedings and evidence taken before the special investigating committee of the Assembly appointed to investigate the charges of misdemeanor in office preferred against the Hon. E. S. Torrance, Judge of the Superior Court of the County of San Diego, California; and the Controller be and he is hereby authorized to draw his

warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the costs of said printing, in favor of said State Printer W. W. Shannon.

Mr. Weyand moved the adoption of the resolution.  
Motion carried and resolution declared adopted.

#### RESOLUTION—(OUT OF ORDER).

Mr. Weyand was granted leave to offer (out of order) the following resolution, which was read:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the said Treasurer is hereby authorized and directed to pay the same for the sum of thirteen hundred and thirty and forty-six one-hundredths dollars (\$1,330.46) in favor of Ed. de St. Maurice for services as shorthand reporter in the matter of the hearing and investigation of the charges against Hon. E. S. Torrance, Superior Judge of San Diego County, California, and the same being a payment of the following bills attached:

In the Assembly of the thirty-sixth session of the Legislature of the State of California—In the matter of the memorial presented to the Assembly on the 16th day of January, 1905, by Mr. McCartney, wherein Honorable Elisha S. Torrance, Judge of the Superior Court of the State of California, in and for San Diego County, is accused by the Los Angeles Bar Association of misconduct in office.

#### *The State of California, Dr., to Fred H. Robinson:*

To taking the depositions of T. J. Fisher, J. F. Maloney, L. T. Slade, Oscar Thieme, and Fred Fanning, 112 folios at 30 cents.....	\$33 80
Swearing five witnesses, at 50 cents.....	2 50
Two certificates, at \$1.....	2 00
	<hr/>
Per diem \$10, and testimony at Los Angeles, 72 folios at 33 cents.....	\$38 10
	38 76
	<hr/>
	\$71 86

#### *State of California, Dr., to W. E. Doane*

February 20, 1905, 1 per diem.....	\$10 00
Forty folios, 3 copies at 33 cents.....	13 20
	<hr/>
	\$23 20

#### *State of California, Dr., to Ed de St. Maurice:*

Twelve per diems at \$10.....	\$120 00
3380 folios at 33 cents.....	1,115 40
	<hr/>
	\$1,235 40

Referred to Committee on Contingent Expenses and Accounts.

#### SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 231—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 755—An Act to amend Sections 771, 778, and 782 of the Political Code, and to repeal Sections 779, 780, and 781 of said Code, all relating to the preparation and publication of the opinions of the Supreme Court and the District Courts of Appeal.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 632—An Act to amend Sections 418, 419, 456, and 485 of the Political Code, relating to the salaries of appointees in the offices of the Secretary of State, of the State Treasurer, and of the Surveyor-General.

Read second time, and ordered to third reading on special Senate file.

## SPECIAL ORDERS CONTINUED.

On motion of Mr. Amerige, Assembly Bill No. 899 was ordered continued as a special order for to-morrow morning.

On motion of Mr. Dorsey, Assembly Bill No. 313 was ordered continued until Thursday, March 2, 1905, at four o'clock and thirty minutes P. M., under the head of special orders.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Judiciary was granted leave to submit (out of order) the following report, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Senate Bill No. 781—An Act amending an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens of mechanics and others—reports the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 369—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered Section 404—reports the same back, without recommendation.

Also: Assembly Bill No. 1146—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 755 thereof, relating to the salary of the Clerk of the Supreme Court—reports the same back, with two amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 809—An Act concerning warehouse receipts and the issuing, sale, and transfer thereof, and the sale of goods, wares, and merchandise stored in public or private warehouses in other States—reports the same back, with the recommendation that it do pass.

Also: Senate Bill No. 675—An Act amending an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1307 thereof—reports the same back, with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 967—An Act to provide for the formation, functions, government, operation, and dissolution of water-supply districts; for the development and acquisition thereby, by purchase, condemnation or otherwise, of sources of water supply for domestic and public purposes; and for the construction or acquisition thereby, by purchase, condemnation, or otherwise, of water works and water systems and other property, and of the operation thereof and the fixing of water rates thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds—reports the same back, with the recommendation that it do not pass.

DURYEA, Chairman.

Senate Bills Nos. 781 and 675 ordered on special Senate file.

Assembly Bills Nos. 369 and 967 ordered on second-reading file.

On motion of Mr. McGowan, Assembly Bill No. 1146 was ordered placed on the special file.

## TITLE APPROVED.

Assembly Bill No. 938—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 25 thereof, relating to powers of boards of supervisors.

Mr. Cromwell moved that the title to Assembly Bill No. 938 be approved as amended.

Motion carried.

## BILL ORDERED ON SPECIAL FILE.

Mr. Busick moved that Senate Bill No. 728 be withdrawn from the Committee on Agriculture and placed on special Senate file, it being identical with Assembly Bill No. 875, which was withdrawn.

## SPECIAL REPORT ON CODE REVISION BILLS.

The Committee on Revision and Reform of Laws was granted leave to submit the following report, which was ordered printed in the Journal:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: Your Committee on Revision and Reform of Laws hereby makes a special report with reference to those bills that have been reported on to the Special Code Revision file since February 20th, and not mentioned in the Journal of that date. The points covered, or changes made, by these bills, respectively, are as follows:

## SENATE BILL No. 453.

*Penal Code—Section 597* The amendment consolidates the present Section 597 with Section 6 of the Statute of 1873-4, page 499, as amended 1901, page 285, for the more effectual prevention of cruelty to animals.

*Penal Code—Sections 597a, 597b, 597c, 597d, 597e, and 597f* These sections are a codification of Sections 7, 8, 9, 11, 12, and 13 of the last-named statute, as amended 1901, page 285.

*Penal Code—Section 599a* This section is a codification of Section 10 of the Statute of 1873-4, page 499, as amended 1901, page 285, for the prevention of cruelty to animals.

*Penal Code—Sections 599b and 599c* Sections 16 and 17 of the Act of 1873-4, page 499, for the more effectual prevention of cruelty to animals, are codified in the above sections.

## SENATE BILL No. 162.

*Penal Code—Sections 269a and 269b* The Act to punish adultery (Stats. 1871-2, page 380) is codified in the two sections above named.

## SENATE BILL No. 163.

*Penal Code—Section 270* The change consists in the omission of the words now following the word "excuse," "to perform any duty imposed upon him by law." They are clearly without signification as employed in the section.

*Penal Code—Section 271a* The penal section of the Statute of 1873-4, relating to the care of orphan and abandoned children, is codified in the above-named section.

*Penal Code—Sections 272, 273, 273a, 273b, 273c, 273d* The two statutes, one of 1877-8, page 812, and the other of 1877-8, page 813, relating to children, are codified by an amendment to Section 272 and by the addition of Sections 273, 273a, 273b, 273c, and 273d.

*Penal Code—Sections 273e and 1339* The matter now in Section 1339, which incorrectly stands in a chapter entitled "Dismissal of the Action," is put into a new section designated as 273e, and is put in its proper chapter, with the other sections relative to children, and Section 1339 accordingly repealed.

## SENATE BILL No. 377.

(Amended in Senate, January 20, 1905.)

*Political Code—Sections 767, 771, 772, 773, and 774* The amendment is self-explanatory. It is rendered necessary by the amendment to the Constitution relative to the establishment of the District Courts of Appeal. In view of the extra work placed on the Supreme Court reporter, his compensation is raised to three thousand dollars. Possibly the salaries of the assistant reporters should be reduced. It is the desire of the Supreme Court to have control of the reporting of the opinions, so that, as far as possible, the publication of unnecessary opinions may be avoided.

## SENATE BILL No. 615.

*Penal Code—Section 497* The object of the amendment is to enlarge the scope of the section to include cases of embezzlement, and to accomplish this purpose the words "or embezzle" have been inserted after "steals," lines 3 and 4, the word "embezzled" has been inserted after "stolen," in line 5, and the words "or embezzlement" have been inserted after "larceny," in line 7.

## SENATE BILL No. 614.

*Penal Code—Section 496* The change consists in the omission of the words "or both" after "months," in line 7. Obviously it was not the intention of the Legislature that the same offense should be punishable by imprisonment in both the State prison and the county jail.

## SENATE BILL No. 750.

*Penal Code—Section 105* The present section is open to the objection that the punishment prescribed is unequal, not proportionate to the offense, and its constitutionality on that account has been sometimes doubted. The cases of State vs. Lewin (Kan.), 37 Pac. Rep. 163; Barber vs. Connolly, 113 U. S. 27; Coon Hing vs. Crowley, 113 U. S. 703; Hayes vs. Missouri, 120 U. S. 68; Home Ins. Co. vs. N. Y., 134 U. S. 594; Pembina Mng. Co. vs. Penn., 125 U. S. 181; Crowley vs. Christenson, 137 U. S. 86; Yick Wo vs. Hopkins, 118 U. S. 358, Civil Rights Cases, 103 U. S. 3, are cited in behalf of this view. The amendment is strongly urged by the District Attorney of Marin County.



## SENATE BILL No. 410.

*Penal Code—Section 315* The change consists in the addition of the matter following the semicolon in line 6. The new matter is taken from the Statute of 1873-4, p. 84, and makes the reputation of the house evidence of its character and that of the women resorting to it.

## SENATE BILL No. 414.

*Penal Code—Section 360* The change consists in the clause making it criminal to solemnize a marriage without being first presented with a marriage license, and the clause making it criminal to fail to file for record the marriage license and the certificate of marriage. The last of these amendments, besides being otherwise proper, is necessary in order to give effect to the amendment to Section 79a of the Civil Code (Senate Bill No. 264), which provides that a license must be procured in every case, and regardless of whether the parties are, or are not, members of some particular religious denomination having, as such, some peculiar mode of celebrating marriage.

## SENATE BILL No. 431.

*Penal Code—Section 369b* This is a codification of Section — of the Statute of 1877-8, p. 969.

## SENATE BILL No. 432.

*Penal Code—Section 334* The amendment designates the punishment, and in this respect conforms the section to the Statute of 1871-2, p. 98, on the same subject, and inserts, after the word "lands," in line 5, the words "not his own," to conform the section to what was obviously the intent of the Legislature.

*Penal Code—Section 334a* This is a codification of the Statute of 1891, p. 473, concerning the subject set forth in the section.

*Penal Code—Section 334b* This is a codification of that part of Section 5 of the Act of 1875-6, p. 408, respecting the leaving of camp fires unextinguished.

## SENATE BILL No. 433.

*Penal Code—Section 334c* This is a codification of Sections 4 and 5 of the Statute of 1875-6, p. 408, respecting the wounding of animals while hunting upon the lands of another.

## SENATE BILL No. 434.

*Penal Code—Section 369a* This is a codification of the Statute of 1899, p. 183.

*Penal Code—Sections 369d, 369e, 369f, 369g* Codification of police regulations in the Statute of 1877-8, p. 969, not included in Senate Bill No. 431.

*Penal Code—Section 374* The change consists in the substitution, in line 8, of the word "crematory" for "cemetery."

*Penal Code—Section 375a* This is a codification of Sections 1, 2, 3, and 4 of the Act of 1887, p. 110.

*Penal Code—Section 376* The change consists in the omission after the word "officer," in line 4, of the words "arriving in the Port of San Francisco," thus making the statute general.

*Penal Code—Section 383* The amendment is a consolidation of the present Section 383 with the Statute of 1895, page 71. Section 4 of the statute has, however, been omitted as unnecessary.

*Penal Code—Section 383a* A section of the Act of 1899, p. 25, is here codified.

*Penal Code—Sections 400 and 401* There being two sections numbered 400 and 401, the one relating to the encouragement of suicide has been numbered 401.

*Penal Code—Section 401a* This is a codification of the Statute of 1875-6, p. 759, concerning lodging-houses and sleeping apartments.

*Penal Code—Sections 402½, 402a* Sections 402½, for purposes of convenience is renumbered 402a.

*Penal Code—Sections 402½, 402b* Section 402½ is renumbered 402b.

*Penal Code—Sections 402¾ and 402c* The change consists in the renumbering of Section 402¾ to 402c.

*Penal Code—Section 402d* This is a codification of the Statute of 1893, p. 302.

## SENATE BILL No. 437

*Penal Code—Section 420* This is a codification of the Statute of 1887, p. 147.

## SENATE BILL No. 411.

*Penal Code—Section 343* The change consists in the insertion, after the word "sales," in line 9, of the words "or appointed by the sheriff of the county, or the head of the police department of any city, county, or town, to inspect such registry, or examine such articles or account of sales." The change is suggested and advocated by the sheriffs' organization of this State.

## SENATE BILL No. 155.

*Penal Code—Section 172* The amendment consolidates the provisions of the present Section 172 with a codification of the Statutes of 1873-4, p. 12; 1880, p. 80, and 1895, p. 161, relating to the State University, soldiers' homes, and State Capitol. There is no new legislation in the bill.

## SENATE BILL No. 436.

*Penal Code—Section 470* The change consists in the insertion of the words "or of a fictitious person," in the beginning of the section. The purpose of the amendment is to make the forging of the name of a fictitious person, or knowingly signing the name of another, criminal if done with intent to defraud.

*Penal Code—Section 474* The change consists in the insertion of the words "or telephone," after "telegraph," in line 4.

*Penal Code—Section 481* The change consists in the insertion of the words "or steamship," after "railroad," in line 5, and "or vessels," after "cars," in line 7.

*Penal Code—Section 482* The words "or steamship" are twice inserted after "railroad" (lines 8 and 11).

## SENATE BILL No. 126.

*Penal Code—Section 42* The amendment conforms the section to Section 21 of the Purity of Elections Act (Stats. 1893, p. 12).

*Penal Code—Section 42a* This is a codification of Section 22 of the Purity of Elections Act (Stats. 1893, p. 12).

*Penal Code—Section 45* Two clerical errors are corrected. The word "illegally," before "polled," is changed to "legally" (page 2, line 8), and the word "either" is omitted after "elector," and inserted between "ballot box" and "before" (page 2, line 9).

*Penal Code—Section 45* Section 24 of the Purity of Elections Act (Stats. 1893, p. 12) is here codified.

*Penal Code—Section 47* Section 28 of the Purity of Elections Act (Stats. 1893, p. 12) is here codified.

*Penal Code—Section 49* Section 42 of the Purity of Elections Act (Stats. 1893, p. 12) is here codified.

*Penal Code—Section 49a* This is the last sentence of Section 1142 of the Political Code, the matter being of a nature which has an appropriate place in this Code.

*Penal Code—Section 50* This is a codification of the first sentence of Section 27 of the Purity of Elections Act (Stats. 1893, p. 12).

*Penal Code—Section 51* This is a codification of the second sentence of Section 27 of the Purity of Elections Act (Stats. 1893, p. 12).

*Penal Code—Section 54a* Section 20 of the Purity of Elections Act (Stats. 1893, p. 12) is here codified.

*Penal Code—Section 54b* Section 19 of the Purity of Elections Act (Stats. 1893, p. 12) is here codified.

*Penal Code—Section 55a* This is a codification of the Act of 1897 to protect candidates for public office (Stats. 1897, p. 53).

*Penal Code—Section 57* The change consists in the insertion of the word "seven" in place of "fourteen" (page 8, line 13), conforming the section to Section 25 of the Purity of Elections Act (Stats. 1893, p. 12).

*Penal Code—Section 57a* This is a codification of Section 26 of the Purity Elections Act (Stats. 1893, p. 12).

*Penal Code—Section 59* This is a codification of Section 41 of the Purity of Elections Act (Stats. 1893, p. 12).

*Penal Code—Section 63* The change consists in the insertion of the words "The provisions of chapter eight of title two of part three" (page 9, line 7), in place of "Section one thousand one hundred and ninety-one." Section 1191 does not treat of the form of election ballots, and the reference is therefore inapplicable.

*Penal Code—Section 63b* This is a codification of the Act of 1873-4, p. 297.

## SENATE BILL No. 253.

*Penal Code—Section 653a* The change consists in the substitution of the words "Code of Civil Procedure" for "Civil Code of Procedure."

## SENATE BILL No. 412.

*Penal Code—Section 347a* This is a codification of the existing statute.

## SENATE BILL No. 413.

*Penal Code—Section 349a* This is a codification of the Statute of 1877-8, p. 17.

## SENATE BILL No. 763.

*Penal Code—Section 1387* Inserts in the section relating to an order for dismissal being a bar in cases of misdemeanor, a provision that where the order explicitly is made for the purpose of allowing an amended complaint to be filed, the order for dismissal shall not constitute a bar. This revision corrects a manifest abuse. The bill is earnestly urged by the District Attorney of Napa County.

## SENATE BILL No. 255.

*Code of Civil Procedure—Section 1527* By some unaccountable mistake the present Section 1639, which concerns sales of personal property, is placed in the wrong chapter, to wit: that entitled "Accounting and settlement by executors and administrators." It is, therefore, repealed, and a new section, 1527, containing exactly the same provisions as the old section, 1639, is inserted in the proper chapter, to wit: that concerning "Sales of personal property."

## SENATE BILL No. 254.

*Code of Civil Procedure—Section 1639.* This is a new section, the matter in the present Section 1639 having been transferred to Section 1527 (Senate Bill No. 255). The new section authorizes the personal representatives of a deceased executor or administrator to present and have settled the account of such deceased. At present there is no way of settling such accounts except by suit in equity, which is expensive, unnecessary, and less expeditious than the mode proposed.

## SENATE BILL No. 435.

*Penal Code—Section 397b.* This is a codification of the Act of the last session (Stats. 1903, p. 319), respecting the sale of intoxicating liquors to children.

Respectfully submitted.

DREW, Chairman.

## APPROVAL OF TITLE.

Assembly Bill No. 458—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California; providing penalties for the violation thereof, and to repeal an Act now in force relating to the same, and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Section 14 and repealing Section 11.

Mr. Pyle moved that the title, as amended, be approved.

Motion carried.

## TIME FOR RECESS EXTENDED.

At four o'clock and forty-five minutes P. M., on motion of Mr. King, the hour for recess was further extended for ten minutes.

## SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 810—An Act to amend an Act entitled "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employes of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employes," approved March 18, 1903; to provide for the appointment and compensation of certain additional assistants, stenographers, and clerks for county officers, in counties of the second class.

Read second time.

## AMENDMENTS.

Mr. Thompson submitted the following amendments, which were read:

## AMENDMENT No. 1.

Strike out of line 32 on page 2 of the printed bill the word "fifteen," and insert in lieu thereof the word "twenty-five."

Amendment adopted.

## AMENDMENT No. 2.

Strike out of lines 47 and 48, on page 3 of the printed bill, the following: "four deputies at a salary of ninety dollars each per month"

Amendment adopted.

## AMENDMENT No. 3.

Insert in line 328 on page 10 of the printed bill, after the word "month," the following: "one clerk who shall be superintendent of charities, at a salary of one hundred dollars a month; two clerks who shall be assistants to the superintendent of charities, at a salary of seventy-five dollars each per month."

Amendment adopted.

## AMENDMENT No. 4.

Insert in line 341, on page 10 of the printed bill, after the word "counties," the word "now."

Amendment adopted.

## AMENDMENT No. 5.

Insert in line 380, on page 11 of the printed bill, after the word "for," the words "each of the."

Amendment adopted.

## AMENDMENT No. 6

Strike out of line 381, on page 11 of the printed bill, the words "clerk shall," and insert in lieu thereof the words "clerks shall each."

Amendment adopted.

## AMENDMENT No. 7.

Strike out of line 382, on page 12 of the printed bill, the word "his"

Amendment adopted.

## AMENDMENT No. 8.

Insert in line 383, on page 12 of the printed bill, after the word "month" the word "each."

Amendment adopted.

## AMENDMENT No. 9.

Strike out of line 385, on page 12 of the printed bill, the words "clerk shall," and insert in lieu thereof the words "clerks shall each."

Amendment adopted.

## AMENDMENT No. 10.

Strike out of line 390, on page 12 of the printed bill, the word "clerk," and insert in lieu thereof the word "clerks"

Amendment adopted.

## AMENDMENT No. 11.

Strike out of line 392, on page 12 of the printed bill, the word "him," and insert in lieu thereof the word "them."

Amendment adopted.

Senate Bill No. 810 ordered to print, and to third reading on special Senate file.

## ASSEMBLY BILLS TAKEN UP.

Assembly Bill No. 1077—An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said court, and to fix the compensation of certain officers thereof.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 905—An Act making an appropriation of \$8,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of replumbing the main building of said school.

Read second time.

## AMENDMENTS

Mr. Johnstone submitted the following amendments, which were read:

## AMENDMENT No. 1.

Amend by striking out the word "eight," on line 1 of title, first page, printed bill, and inserting in lieu thereof the word "five."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the words and figures "eight thousand dollars (\$8,000.00)," on lines 1 and 2, Section 1, first page, printed bill, and inserting in lieu thereof the words and figures "five thousand dollars (\$5,000.00) "

Amendment adopted.

## AMENDMENT No. 3.

"SECTION 3. All plans, descriptions, bills of material, specifications and estimates requisite, necessary, proper or convenient for any of the purposes aforesaid, shall receive the sanction of a majority of the Board of Trustees of the Whittier State School, who shall cause an entry to be made in their minutes that such plans, descriptions, bills of material, specifications and estimates have been approved. And it shall not be necessary to obtain the approval or sanction of any other board, officer or person, and this Act shall be exempt from the provisions of any other Act or Acts requiring the sanction or approval of any other person, officer or board not herein specially mentioned, and the directions herein shall be exempt from the provisions of the Act of the Legislature approved March 23, 1876, relating to erections and buildings. All bills for improvements, repairs and constructions shall first be audited by the Board of Trustees of the Whittier State School and be approved by the State Board of Examiners before being paid."

Amendment adopted.

## MOTION.

Mr. Johnstone moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 905.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Assembly Bill No. 905 was considered in Committee of the Whole.

Mr. Johnstone moved that the Committee of the Whole do now rise and report Assembly Bill No. 905 back, with recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 905—An Act making an appropriation of eight thousand dollars (\$8,000.00) to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of replumbing the main building of said school—and do now report the same back, with amendments, and recommend that the same do pass as amended.

PRESCOTT, Chairman.

Report of Committee of the Whole adopted.

Assembly Bill No. 905 ordered to reprint, engrossment, and on third-reading file.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Commissions and Public Expenditures was granted leave to submit the following report (out of order), which was read.

## ON COMMISSIONS AND PUBLIC EXPENDITURES.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Senate Bill No. 766—An Act to add a new section to the Political Code, to be numbered 2524a, relating to the powers of the Board of Harbor Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ATKINSON, Acting Chairman.

Senate Bill No. 766 ordered to second reading on special Senate file.

## SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 261—An Act transferring the sum of \$80,000 from the General Fund to the Estates of Deceased Persons Fund.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Barnes, Bates, Beardslee, Beckett, Bliss, Briantetter, Burge, Burke, Busick, Chandler, Coghlan, Creighton, Cromwell, Devlin, Drew, Ellis, Espey, Estudillo, Held, John, Johnson, Johnstone, Jury, King, Manwell, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Pyle, Rolley, Stanton, Thompson, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Assembly Bill No. 836—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 412 thereof, relating to the service of summons by publication, and as to the nature of the judgment in such cases.

Read third time.

## SELECT COMMITTEE AMENDMENT.

Mr. Houser moved that a select committee of one be appointed to amend Assembly Bill No. 836, as follows:

Amend by inserting after the word "summons," in line 30, page 2, printed bill, the following:

"Provided, that where service is sought to be made upon a person who cannot, after due diligence, be found within the State, it must first appear to the court by the affidavit aforesaid that there has not been filed on behalf of such person, in the county where such action is pending, the certificate of residence provided for by section one thousand one hundred and sixty-three of the Civil Code in the county in which the action is brought, or that said certificate was so filed and that the defendant cannot be found at the place named in said certificate, which latter fact must be made to appear by the certificate of the sheriff of the county wherein said defendant claims residence, and which certificate of said sheriff must show that service of said summons was attempted upon said defendant at the place named in said certificate of residence, but that said defendant was not to be found thereat."

Motion carried.

Amendment adopted.

Mr. Houser was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 836—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 412 thereof, relating to the service of summons by publication, and as to the nature of the judgment in such cases—with instructions, does now report that the instructions of the Assembly have been carried out.

HOUSER, Committee.

Report of select committee of one adopted.

Assembly Bill No. 836 ordered to reprint, reingrossment, and on file for passage.

## SINE DIE ADJOURNMENT RESOLUTION.

The Committee on Ways and Means was granted leave to introduce the following Assembly concurrent resolution:

## ASSEMBLY CONCURRENT RESOLUTION No 24.

*Resolved by the Assembly, the Senate concurring, That the Legislature adjourn sine die at twelve o'clock meridian, Friday, March 10, 1905.*

## MOTIONS AS TO DATE OF ADJOURNMENT SINE DIE.

Mr Stanton moved the adoption of the resolution.

Mr. Transue moved to amend by fixing the date of adjournment March 11.

Mr. Atkinson moved an amendment to the amendment that the date of adjournment be fixed for March 4.

## TIME FOR RECESS EXTENDED.

At five o'clock P. M., on motion of Mr. Atkinson, the time for recess was extended ten minutes.

The question being on the amendment to the amendment to fix the day of final adjournment for March 4.

The ayes and noes were demanded by Messrs. Atkinson, Beckett, and Houser.

The roll was called and the amendment to the amendment was declared lost by the following vote:

AYES—Messrs. Beardslee, Busick, Coyle, Dorsey, Espey, Estudillo, Jones of Tuolumne, Jury, King, McGowan, McKenney, Moore, Olmsted, Pyle, Strohl, Thompson, Transue—17.

NOES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beckett, Branstetter, Chandler, Cleveland, Coghlan, Creighton, Cromwell, Devlin, Drew, Gans, Goodrich, Held, Houser, Johnstone, Lumley, McCartney, Meincke, Perkins, Stanton, Tripp, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—31.

The question was next on the amendment fixing the date for final adjournment on March 11.

The ayes and noes were demanded by Messrs. Atkinson, Transue, and Drew.

The roll was called, and the amendment declared lost by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Chandler, Cleveland, Gans, Goodrich, Held, Houser, Meincke, Perkins, Tripp, and Mr. Speaker—15.

NOES—Messrs. Beardslee, Beckett, Branstetter, Busick, Coghlan, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, John, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Maxwell, McCartney, McGowan, McKenney, Moore, Olmsted, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Walsh, Waste, Weyand, Whiting, and Wickersham—37.

## TIME FOR RECESS EXTENDED.

At five o'clock and ten minutes P. M., on motion of Mr. Atkinson, the hour for recess was extended ten minutes.

## AMENDMENT PROPOSED.

Mr. Walsh moved to amend the resolution by fixing the date for final adjournment for March 8th.

The question being on the amendment.

Messrs. Atkinson, Beckett, and Meincke demanded the ayes and noes.

The roll was called, and the amendment declared lost by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Branstetter, Chandler, Creighton, Gans, Held, Houser, Manwell, Meincke, Perkins, Pryor, Tripp, Walsh, Whiting, and Mr. Speaker—19

NOES—Messrs. Beardslee, Beckett, Busick, Cleveland, Coghlan, Coyle, Cromwell, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, John, Johnstone, Jones of Tuolumne, Jury, King, Lumley, McCartney, McGowan, McKenney, Moore, Olmsted, Pyle, Stanton, Strohl, Thompson, Transue, Waste, Weyand, and Wickersham—33.

#### RESOLUTION ADOPTED.

The question now recurred on the motion to adopt Assembly Concurrent Resolution No. 24, fixing the date for adjournment *sine die* March 10, 1905, at twelve o'clock M., and it was put to vote and declared carried.

#### PROTEST.

Mr. Atkinson desired his protest entered in the Journal against the action of the Assembly in adopting the Assembly concurrent resolution fixing the date for adjournment *sine die*, on the ground that the resolution had not been regularly passed and had not been referred to the Committee on Introduction of Bills, as concurrent resolutions, under the rules, were treated as bills.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The Committee on Ways and Means was granted leave to submit the following reports (out of order), which were read:

#### ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER. Your Committee on Ways and Means, to whom was referred Assembly Bill No. 424—An Act to pay the claim of E. A. Dulip as administrator of the estate of John P. Dulip, deceased, against the State of California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with three amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 436—An Act making an appropriation to pay the claim of Richard Price Morgan—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that the same do pass as amended.

Also: Assembly Bill No. 731—An Act to appropriate \$50,000 for the repair of the building of the State Normal School at Los Angeles, California, including the construction and installation of a steam heating plant and boiler house for heating said building, and authorizing the Board of Trustees of said school to make and construct said plant and boiler house—have had the same under consideration, and respectfully report the same back, with four amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 1034—An Act making an appropriation to pay for printing, binding, ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals and other State institutions, for the remainder of the fifty-sixth fiscal year—have had the same under consideration, and respectfully report the same back, with three amendments, and recommend that the same do pass as amended.

Also: Senate Bill No. 539—An Act making an appropriation to pay the claims of Messrs. Daugherty & Lacey against the State of California—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that the same do pass as amended.

Also: Senate Bill No. 565—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 74—An Act making an appropriation of \$6,000 for the construction of cement sidewalks on the public streets of the town of Berkeley, surrounding and adjacent to the grounds of the University of California, in Alameda County, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 271—An Act making an appropriation of \$650 to pay the claim of D. D. Fish.

Also: Assembly Bill No. 316—An Act to provide for the erection of embankments or levees to care for the flood waters of the Kern River, in Kern County.

Also: Assembly Bill No. 342—An Act making an appropriation of \$250 to pay the bounty claim of Daniel Dougherty.



Also: Assembly Bill No. 349—An Act to create and maintain a public highway between the counties of Los Angeles and Kern

Also: Assembly Bill No. 454—An Act to appropriate \$25,000 to advertise the products of the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass

Also: Assembly Bill No. 875—An Act to amend an Act entitled "An Act making an appropriation to the directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society," approved March 25, 1901.

Also: Assembly Bill No. 1039—An Act authorizing and directing the Board of State Capitol Commissioners to remodel and repair the State Capitol building, making the same fire-proof, rendering all space therein available, and making an appropriation therefor

Also: Assembly Bill No. 1040—An Act authorizing and directing the Board of State Capitol Commissioners to make certain repairs and improvements and to remodel the State Capitol building and its appurtenances, and making an appropriation therefor.

Also: Assembly Bill No. 1081—An Act making an appropriation to pay the claim of Dr. Geo. T. Hesser for professional services rendered and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon Guards Cotter, Cochrane, and Chalmers, after the prison break at the said State prison on July 27, 1903

Also: Senate Bill No. 382—An Act authorizing the payment of a judgment heretofore rendered in favor of Benjamin Lauer, plaintiff, against the State of California, defendant, in the Superior Court of the State of California, in and for the County of Modoc, in a cause numbered 1814 upon the register of actions maintained in the office of the clerk of said court, and making an appropriation therefor

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 606—An Act to appropriate \$9,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles; to make necessary repairs and improvements in the building of said normal school—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 276—An Act providing for the purchase of a university farm for the use of the College of Agriculture of the University of the State of California, providing for the appointment of a commission to select and purchase said farm, providing for a school of agriculture and a system of instruction on said farm, and appropriating money therefor.

Also: Assembly Bill No. 83—An Act directing the Regents and President of the University of California to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 85—An Act to provide for the location and construction of a public highway from a point on the Kings River, near the town of Centerville, in Fresno County, to Kings River Cañon, making an appropriation therefor, and providing for a commission to build, etc.

Also: Assembly Bill No. 543—An Act making an appropriation of forty-five thousand six hundred and sixteen dollars and thirty cents (\$45,616 30) to pay the claim of John Mullan against the State of California, and prescribing the duties of the Controller and the Treasurer of State in relation thereto.

Also: Assembly Bill No. 730—An Act to appropriate \$9,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles, California, to make necessary repairs and improvements in the building of said normal school

Also: Assembly Bill No. 857—An Act making an appropriation to pay the claim of Messrs. Daugherty & Lacey for legal services rendered at the request of the Attorney-General in the prosecution of Ed Morton for highway robbery.

Also: Assembly Bill No. 983—An Act to provide for an appropriation for the preservation, protection, and improvement of the Monterey Custom House property.

Also: Senate Bill No. 282—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeal

Have had the same under consideration, and respectfully report the same back, and recommend that the various authors be requested to withdraw the same, as they are identical with other bills passed by this committee

Also: Assembly Bill No. 580—An Act to provide for the completion of the survey and the location and erection of the remaining milestones on the Lake Tahoe wagon road, and making an appropriation therefor

Also: Assembly Bill No. 588—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to purchase lands in the City of Los Angeles for a new site for said school, and provide plans, drawings, and specifications for a new normal school building, or buildings, and improvements, to be located thereon, and making an appropriation of \$60,000 with which to purchase and improve said new site, procure said plans and specifications, and defray other expenses necessary to carry out the provisions of this Act.

Also: Assembly Bill No. 867—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of curable cases of tuberculosis, and making an appropriation therefor.

Also: Assembly Bill No. 963—An Act to pay the claim of the Lauritzen Company of San Francisco, a corporation, against the State of California, and making an appropriation to pay the same.

Also: Senate Bill No. 144—An Act making an appropriation of \$915.94 to pay the claim of George H. Shaw against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Assembly Bill No. 465—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building for the fiftieth fiscal year—have had the same under consideration, and respectfully report the same back, with four amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 418—An Act to pay the claim of H. N. Sitton, and to make an appropriation therefor, for the sum of one thousand eight hundred and fifty-six dollars and seventy-eight cents (\$1856.78) on bond of the State of California, numbered 592, issued July 9, 1858.

Also: Assembly Bill No. 985—An Act to establish a California State Irrigation School and Experiment Farm, and appropriating money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Assembly Bill No. 753—An Act to pay the claim of Philip Bauer against the State of California, and to make an appropriation therefor—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that the same do pass as amended.

STANTON, Chairman.

Assembly Bills Nos. 424, 436, 731, 1034, 74, 271, 316, 342, 349, 454, 875, 1039, 1040, 1081, 276, 83, 85, 543, 730, 857, 983, 580, 588, 867, 962, 465, 418, 985, and 753 ordered on second-reading file.

Senate Bills Nos. 539, 565, 382, 282, 144, and 606 ordered on special Senate file.

#### SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 174—An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing other conflicting Acts.

Read second time.

Senate Bill No. 174 ordered to third reading on special Senate file.

Assembly Bill No. 731—An Act making an appropriation of two hundred and fifty thousand dollars (\$250,000) for the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the use and accommodation of students of agriculture of the University, also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read second time.

#### COMMITTEE AMENDMENTS.

The following committee amendments were read:

##### AMENDMENT No. 1.

Amend by striking out the word "two" on line 1 of title, page 1, printed bill, and inserting in lieu thereof the word "one."

Amendment adopted.

##### AMENDMENT No. 2.

Amend by striking out the numerals "\$250,000" on line 2 of title, page 1, printed bill, and inserting in lieu thereof the numerals "\$150,000."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out the word "two" on line 1, Section 1, page 1, printed bill, and inserting in lieu thereof the word "one."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out the numerals "\$250,000," on line 2, Section 1, page 1, printed bill, and inserting in lieu thereof the numerals "\$150,000."

Amendment adopted.

## AMENDMENT No. 5.

Amend by striking out the words and figures "one hundred and twenty-five thousand dollars (\$125,000)," on lines 7 and 8, Section 1, page 1, printed bill, and inserting in lieu thereof the words and figures "seventy-five thousand dollars (\$75,000)."

Amendment adopted.

## AMENDMENT No. 6.

Amend by striking out the words "July, A. D. 1905" on line 9, Section 1, page 1, printed bill, and inserting in lieu thereof the following: "January, A. D. 1906."

Amendment adopted.

## AMENDMENT No. 7.

Amend by striking out all of line 10, Section 1, page 2, printed bill, and inserting in lieu thereof the following: "thereof, seventy-five thousand dollars (\$75,000)."

Amendment adopted.

## MOTION.

Mr. Waste moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 73.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Assembly Bill No. 73 was considered in Committee of the Whole.

Mr. Waste moved that the Committee of the Whole do now rise and report Assembly Bill No. 73 back, with recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

## ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 73—An Act making an appropriation of two hundred and fifty thousand dollars (\$250,000) for the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the use and accommodation of students of agriculture of the University; also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto—and do now report the same back, with amendments, and recommend that the same do pass as amended

PRESCOTT, Chairman.

Report of the Committee of the Whole adopted.

Assembly Bill No. 73 ordered to reprint with rush order, engrossment, and on third-reading file.

## RECESS.

At five o'clock and thirty minutes P. M., on motion of Mr. Atkinson, the Speaker declared a recess of the Assembly until eight o'clock P. M.

## EVENING SESSION.

The Assembly reassembled at eight o'clock P. M.  
The Speaker, Hon. Frank C. Prescott, in the chair.

## READING OF SPECIAL CODE REVISION BILLS.

Bills on second reading of Special Code Revision file were considered, as follows:

Senate Bill No. 453—An Act to amend Section 597 of the Penal Code, and to add nine new sections thereto, to be numbered 597*a*, 597*b*, 597*c*, 597*d*, 597*e*, 597*f*, 599*a*, 599*b*, and 599*c*, all relating to cruelty to animals.

Read second time, and ordered to third reading on Special Code Revision file.

Senate Bill No. 162—An Act to add two new sections to the Penal Code, to be numbered 269*a* and 269*b*, relating to open and notorious fornication and adultery.

Read second time, and ordered to third reading on Special Code Revision file.

Senate Bill No. 163—An Act to amend Sections 270 and 272 of the Penal Code and to add new sections thereto, to be numbered 271*a*, 273, 273*a*, 273*b*, 273*c*, 273*d*, and 273*e*, and to repeal Section 1389 thereof, all relating to crimes against children.

Read second time, and ordered to third reading on Special Code Revision file.

Senate Bill No. 377—An Act to amend Sections 767, 771, 772, 773, and 774, of the Political Code, all relating to the reporting of decisions of the Supreme Court and the District Courts of Appeal.

Read second time, and ordered to third reading on Special Code Revision file.

Assembly Bill No. 614—An Act to amend Section 496 of the Penal Code, relating to the buying or receiving of stolen property.

Read second time, and ordered to third reading on Special Code Revision file.

Assembly Bill No. 615—An Act to amend Section 497 of the Penal Code, relating to the bringing of stolen or embezzled property into this State.

Read second time, and ordered to third reading on Special Code Revision file.

Assembly Bill No. 750—An Act to amend Section 105 of the Penal Code of the State of California, relating to escapes from State prisons and their punishment.

Read second time, and ordered to third reading on Special Code Revision file.

Assembly Bill No. 410—An Act to amend Section 315 of the Penal Code, relating to houses of ill-fame.

Read second time, and ordered to third reading on Special Code Revision file.

Assembly Bill No. 414—An Act to amend Section 360 of the Penal Code, relating to marriages.

Read second time, and ordered to third reading on Special Code Revision file.

Senate Bill No. 431—An Act to add a new section to the Penal Code,

to be numbered 369*b*, relating to the transporting of cattle, sheep, or swine upon railroad trains.

Read second time, and ordered to third reading on Special Code Revision file.

Senate Bill No. 432—An Act to amend Section 384 of the Penal Code and to add two new sections thereto, to be numbered 384*a* and 384*b*, all relating to the preventing of fires.

Read second time, and ordered to third reading on Special Code Revision file.

Senate Bill No. 433—An Act to add a new section to the Penal Code, to be numbered 384*c*, relating to the killing, maiming, or wounding of animals while hunting upon the enclosed land of another.

Read second time, and ordered to third reading on Special Code Revision file

Senate Bill No. 434—An Act to amend Sections 374, 376, 383, and 384 of the Penal Code, to renumber Section 400 (as approved March 30, 1874), 402*+*, 402*½*, and 402*¾* thereof, and to add new sections thereto, to be numbered 369*a*, 369*d*, 369*e*, 369*f*, 369*g*, 375*a*, 383*a*, 401*a*, and 402*d*, all relating to crimes against public health and safety.

Read second time, and ordered to third reading on Special Code Revision file.

Senate Bill No. 437—An Act to add a new section to the Penal Code, to be numbered 420, relating to obstructing persons from entering upon public lands of the United States.

Read second time, and ordered to third reading on Special Code Revision file.

Senate Bill No. 411—An Act to amend Section 343 of the Penal Code, relating to pawnbrokers.

Read second time, and ordered to third reading on Special Code Revision file.

Senate Bill No. 155—An Act to amend Section 172 of the Penal Code, relating to selling, giving away, or exposing for sale any vinous or alcoholic liquors in public institutions or buildings, or upon the ground upon which the same are situated, or lands adjacent thereto.

Read second time, and ordered to third reading on Special Code Revision file.

Senate Bill No. 436—An Act to amend Sections 470, 474, 481, and 482 of the Penal Code, relating to forgeries and counterfeiting.

Read second time, and ordered to third reading on Special Code Revision file.

Senate Bill No. 126—An Act to amend Sections 42, 45, 46, 47, 49, 50, 51, 57, 59, and 62 of the Penal Code, and to add six new sections thereto, to be numbered 42*a*, 49*a*, 54*a*, 54*b*, 55*a*, 57*a*, and 63*b*, all relating to crimes against the election franchise.

Read second time, and ordered to third reading on Special Code Revision file.

Senate Bill No. 253—An Act to amend and renumber Section 653½ of the Penal Code, relating to appraisers accepting fees not allowed.

Read second time, and ordered to third reading on Special Code Revision file.

Senate Bill No. 412—An Act to add a new section to the Penal Code, to be numbered 347*a*, relating to the sale of poisons.

Read second time, and ordered to third reading on Special Code Revision file.

Senate Bill No. 413—An Act to add a new section to the Penal Code, to be numbered 349a, relating to the preventing of fraud and imposition in the stamping and labeling of produce and manufactured goods.

Read second time, and ordered to third reading on Special Code Revision file.

### THIRD-READING FILE.

Bills on third-reading file were considered, as follows:

Assembly Bill No. 838—An Act to amend Section 1547 of the Penal Code by adding a new subdivision thereto, and to repeal all Acts or Statutes in conflict therewith.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Beardslee, Beckett, Bliss, Branstetter, Busick, Chandler, Cleveland, Coghlan, Cromwell, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Manwell, McCartney, McGowan, Meincke, Moore, Olmsted, Perkins, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—43.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 810—An Act to amend Section 3488 of the Political Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Beardslee, Beckett, Branstetter, Busick, Chandler, Cleveland, Coghlan, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Manwell, McCartney, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Pyle, Stanton, Strohl, Transue, Treadwell, Waste, Whiting, Wickersham, and Mr. Speaker—42.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 941—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for the violation of the Act," approved March 24, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Beardslee, Beckett, Bliss, Branstetter, Busick, Chandler, Cleveland, Coghlan, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Held, Johnson, Johnstone, Jury, King, Lumley, Manwell, McCartney, McKenney, Moore, Olmsted, Perkins, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—41.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

### REPORTS BY COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following reports, which were read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 1080—An Act to provide for the location and construction of a public highway from General Grant Park to the Kings River Cañon, a distance of about

thirty miles, and making an appropriation for the construction thereof, and providing for a commission to take charge of, locate, and construct said highway.

Assembly Bill No. 1037—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, and amended March 23, 1901, by amending Section 193 thereof, relative to the fees, salaries, and compensation of officers of counties of the thirty-sixth class.

Assembly Bill No. 1087—An Act making an appropriation of \$675 to pay for postage, expressage, and telegraphing, Secretary of State's office, for the balance of the fifty-sixth fiscal year.

Assembly Bill No. 228—An Act making an appropriation for the payment of Division and Brigade N. G. C. headquarters allowances for the fifty-fifth and fifty-sixth fiscal years.

Assembly Bill No. 413—An Act to amend Section 1 of an Act entitled "An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7, 1883,' providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita," approved March 12, 1901, by providing for a fixed annual appropriation of \$65,000 in the place and stead of \$75 per annum for each and every aged and indigent United States ex-soldier, sailor or marine admitted to or residing at said home.

Assembly Bill No. 550—An Act making an appropriation for the purchase of land adjoining the Napa State Hospital and for the construction thereon of a dam and storage reservoir.

Assembly Bill No. 595—An Act making an appropriation for the care of the insane suffering from tuberculosis in the State hospitals of California.

Assembly Bill No. 1137—An Act to amend Sections 702 and 703 of the Code of Civil Procedure, relating to the redemption of property sold under execution.

Assembly Bill No. 1140—An Act to authorize the Board of Trustees of the Whittier State School to contract for the care and keeping of girls committed to said school in charitable or benevolent institutions or with private persons, and to pay for their care while in such institution or with such persons.

Assembly Bill No. 1141—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code of the State of California to be known as Section 28, providing for the release and discharge of persons now confined in or that may hereafter be admitted to any penitentiary, prison, jail, house of detention, reform school, or other penal institution, by whatever name the same may now or hereafter be known, under conviction for a penal offense, on a Monday" (Which became a law under constitutional provision without Governor's approval March 9, 1903).

Assembly Bill No. 1036—An Act to amend "An Act to establish a Political Code," approved March 12, 1872, by amending Section 611 of said Political Code, relating to the time of filing statements by insurance companies.

Assembly Bill No. 1021—An Act to provide against the adulteration of milk and cream, and to fix the standard of purity thereof.

Assembly Bill No. 444—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Assembly Bill No. 725—An Act to amend Section 2712 of the Political Code, relating to discretionary powers of boards of supervisors.

Assembly Bill No. 726—An Act to amend Section 2643 of the Political Code of the State of California, relating to the duties of boards of supervisors respecting roads.

Assembly Bill No. 757—An Act to provide for the formation of drainage districts; to provide for the government of the same, and to authorize the levy and collection of assessments from the property benefited to pay the expenses thereof.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined and found correctly enrolled Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to the rights of way for public uses.

And presented the same to the Governor on this day at five o'clock and forty-five minutes P. M.

DEVLIN, Chairman.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 191—An Act to appropriate \$12,245 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 on the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Beardslee, Beckett, Bliss, Branstetter, Busick, Chandler, Cleveland, Coghlan, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Manwell, McCartney, McKenney, Meincke, Moore, Olmsted, Perkins, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—43.

NOES—Mr. Pryor—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 81—An Act to appropriate \$410 to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Beardslee, Beckett, Bliss, Branstetter, Busick, Chandler, Cleveland, Coghlan, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Manwell, McCartney, McKenney, Moore, Olmsted, Perkins, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 925—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 21, 1872, by amending Section 340 thereof, relating to the time within which certain actions must be commenced.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Beardslee, Beckett, Bliss, Branstetter, Busick, Cleveland, Coghlan, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, John, Johnson, Johnstone, Jury, King, Lumley, Manwell, McCartney, McKenney, Meincke, Moore, Olmsted, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—42.

NOES—Mr. Chandler—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 524—An Act to amend Section 3671 and 3746 of the Political Code of the State of California, both relating to revenue and taxation.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Beardslee, Beckett, Bliss, Branstetter, Busick, Chandler, Cleveland, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Held, John, Johnson, Jones of Tuolumne, Lumley, Manwell, McKenney, Meincke, Moore, Olmsted, Perkins, Pyle, Strohl, Treadwell, Walsh, Waste, Whiting, and Mr. Speaker—35.

NOES—Messrs. Espey, Johnstone, McCartney, Pryor, Stanton, Thompson, Transue, and Wickersham—8.

#### NOTICE OF RECONSIDERATION.

Mr. Pryor gave notice that on next legislative day he would move to reconsider the vote whereby Assembly Bill No. 524 was refused passage this day.



## THIRD-READING FILE—(RESUMED).

Assembly Bill No. 975—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code, to be numbered 1588, making it unlawful for the State Board of Prison Directors, or the State Prison authorities at Folsom, or any other State penal institution in the State of California, to engage or employ any person confined or employed in any penal institution of the said State, in the manufacturing, cutting, or dressing any curbing or crosswalk material for street or sidewalk purposes, monuments, headstones, coping, posts, or steps suitable for use, or to be used in cemetery work, cut granite for building purposes, and dimension stone for cemetery or building work, except such cut or dimension stone as may be used in State prison buildings and walls, cut stone for arches in bridges and culverts, for use on State highways, county, or district roads," became a law under constitutional provision, without the Governor's approval, March 12, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Barney, Beardslee, Beckett, Bliss, Busick, Chandler, Cleveland, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Manwell, McCartney, McGowan, McKenney, Moore, Olmsted, Perkins, Pryor, Pyle, Stanton, Thompson, Transue, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—41.

NOES—Messrs. Anthony and Atkinson—2.

Title read and approved.

Bill ordered transmitted to the Senate.

## SPECIAL ORDERS.

On motion of Mr. McGowan, Assembly Bills No. 310 and 311 were made a special order for to-morrow (Wednesday) at twelve o'clock noon.

## THIRD-READING FILE—(RESUMED).

Assembly Bill No. 815—An Act to repeal Section 270 of the Penal Code and to add a new section to Chapter II, Title IX of Part I of the Penal Code of the State of California, to be numbered 270, relative to minor children and their care by parents.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Beckett, Bliss, Busick, Cleveland, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Held, John, Johnson, Johnstone, Jury, King, Lumley, Manwell, McCartney, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 935—An Act to add a new section to the Penal Code, to be numbered Section 499b, relating to the unauthorized taking for temporary use or operation of automobiles, bicycles, motor-cycles, and other vehicles.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Beardslee, Beckett, Bliss, Busick, Chandler, Cleveland, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Manwell, McCartney, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Waste, Whiting, Wickersham, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 993—An Act to add a new section to the Political Code, to be known and numbered as Section 2236, and to amend Section 2237 of the Political Code, all relating to the Deaf, Dumb, and Blind Asylum at Berkeley.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Beckett, Busick, Chandler, Cleveland, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Manwell, McCartney, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Waste, Whiting, Wickersham, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 872—An Act amending the Political Code of the State of California by adding thereto a new section, to be numbered 3571½, relating to the public lands of this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Beckett, Bliss, Busick, Chandler, Cleveland, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Manwell, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### SPECIAL ORDER.

On motion of Mr. Bliss, Assembly Bill No. 51 was ordered placed under the head of Special Orders for to-morrow (Wednesday).

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 341—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 290½, relating to the names, powers of corporations, and the purposes for which certain corporations may be formed.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Bliss, Branstetter, Busick, Chandler, Cleveland, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Held, John,

Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Manwell, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 924—An Act making an appropriation to pay the judgment against the State of California, recovered by Abe Darlington, in the Superior Court of El Dorado County, March 11, 1903, for and on account of claims for bounty on coyote scalps.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Atkinson, Barnes, Bliss, Branstetter, Chandler, Cleveland, Dorsey, Drew, Duryea, Ellis, Espey, Gans, Goodrich, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Manwell, McCartney, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Walsh, Waste, Whiting, Wickersham, and Mr Speaker—42.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 1141—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code of the State of California, to be known as Section 28, providing for the release and discharge of persons now confined in or that may hereafter be admitted to any penitentiary, prison, jail, house of detention, reform school, or other penal institution, by whatever name the same may now or hereafter be known, under conviction for a penal offense on a Monday" (which became a law under constitutional provision, without Governor's approval, March 9, 1903).

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Branstetter, Busick, Chandler, Cleveland, Drew, Duryea, Ellis, Espey, Gans, Goodrich, Held, John, Johnson, Johnstone, King, Lumley, Manwell, McCartney, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Stanton, Strohl, Thompson, Transue, Treadwell, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—41.

NOES—Mr. Jones of Tuolumne—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 413—An Act to amend Section 1 of an Act entitled "An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled an Act to amend an Act approved February 28, 1887, entitled an Act to amend an Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association,'" approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof, approved March 23, 1893, reducing the amount of such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, or sailor, or marine admitted to or residing in said home.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Branstetter, Busick, Chandler, Cleveland, Drew, Duryea, Ellis, Espey, Gans, Goodrich, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Manwell, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Stanton, Strohl, Thompson, Transue, Treadwell, Waste, Whiting, Wickersham, and Mr. Speaker—41.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 780—An Act making an appropriation of \$1,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing type and printing materials to be used in the printing office of said school.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Branstetter, Busick, Chandler, Cleveland, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, John, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Manwell, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Stanton, Strohl, Thompson, Transue, Treadwell, Waste, Whiting, Wickersham, and Mr. Speaker—42.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 965—An Act to amend Section 437 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, relating to mutual life, health, and accident insurance corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Branstetter, Busick, Chandler, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Held, John, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Manwell, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Stanton, Strohl, Thompson, Transue, Treadwell, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—41.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### ASSEMBLY BILL RECALLED FROM COMMITTEE.

On motion of Mr. Branstetter, Assembly Bill No. 51 was ordered recalled from the Committee on Engrossment and Enrollment for the purpose of amendment.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 91—An Act to amend Section 1618 of the Code of Civil Procedure, relating to the compensation of executors and administrators, and to add a new section to said Code, to be known as Section 1619, relating to the compensation of executors and administrators.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Bliss, Branstetter, Busick, Chandler, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, Johnson,

Johnstone, Jones of Tuolumne, King, Lumley, McCartney, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Stanton, Strohl, Thompson, Transue, Treadwell, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—42

Nones—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 974—An Act to amend an Act entitled "An Act to add a new section to the Penal Code, to be known and numbered as 679a, regulating and limiting the sale of convict-made articles, and providing a penalty for the violation of the same," became a law under constitutional provision, without the Governor's approval, March 16, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bliss, Branstetter, Busick, Chandler, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Manwell, McCartney, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Stanton, Strohl, Thompson, Transue, Treadwell, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—41.

Nones—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### SENATE BILL RE REFERRED.

Senate Bill No. 821 ordered recalled from the Committee on Corporations, and re-referred to the Committee on Mines and Mining.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 970—An Act to compel corporations having their stocks and bonds listed to file statements with the Secretary of State.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Anthony, Arnerich, Barnes, Beardslee, Branstetter, Cleveland, Dorsey, Drew, Duryea, Estudillo, Gans, Goodrich, Held, John, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Manwell, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Strohl, Waste, Whiting, and Mr. Speaker—30.

Nones—Messrs. Amerige, Atkinson, Busick, Chandler, Ellis, McCartney, McGowan, Stanton, Thompson, Transue, Treadwell, Walsh, and Wickersham—13.

#### NOTICE OF RECONSIDERATION.

Mr. Atkinson gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 970 was refused passage this day.

Assembly Bill No. 939—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered and designated Section 616a, relating to the granting of licenses to persons to act as agents to procure, in certain cases, policies of insurance from persons not authorized to transact insurance business in this State, regulating the proceedings for procuring the same, fixing fees and percentages upon premiums, and providing penalties for the violation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Branstetter, Busick, Chandler, Cleveland, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Held, John,

Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Manwell, McCartney, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Stanton, Thompson, Transue, Treadwell, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—41.  
NAYS—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 937—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 198 thereof, relating to the compensation of officers of counties of the forty-first class.

Read second time.

The following amendment was read :

Amend by striking out of line 4, page 1, printed bill, the word "April" and insert in lieu thereof the word "March."

Amendment adopted.

Assembly Bill No. 937 ordered to reprint, engrossment, and on third-reading file.

#### THIRD-READING FILE.

Bills on third-reading file were considered as follows:

Assembly Bill No. 968—An Act to amend Section 770 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeals from judgments of removal from office.

Read third time.

#### SELECT COMMITTEE AMENDMENTS.

Mr. Anthony moved that a select committee of one be appointed to amend Assembly Bill No. 968, as follows:

##### AMENDMENT No. 1

Strike out of line 10, Section 1 of the printed bill, the word "justice" and insert in lieu thereof the word "judge."

Amendment adopted.

##### AMENDMENT No. 2.

Strike out of line 10, Section 1 of the printed bill, the word "supreme" and insert in lieu thereof the word "superior."

Amendment adopted.

##### AMENDMENT No. 3

Strike out of line 15 of page 2, Section 1, of the printed bill, the word "justice" and insert in lieu thereof the word "judge."

Amendment adopted.

##### AMENDMENT No. 4.

Strike out of line 16 of page 2, Section 1, of the printed bill, the word "justice" and insert in lieu thereof the word "judge."

Amendment adopted.

Motion carried.

Mr. Anthony was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 968—An Act to amend Section 770 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeals from judgments of removal from office—

with instructions, does now report that the instructions of the Assembly have been carried out

ANTHONY, Committee

The report of the select committee of one was adopted.

Assembly Bill No. 968 ordered to reprint, reengrossment, and on file for passage.

SECOND-READING FILE.

Assembly Bill No. 958—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 178 thereof, relating to the compensation of officers of counties of the twenty-first class.

Read second time, ordered to engrossment and on file for third reading.

NOTICE OF RECONSIDERATION.

Mr. Walsh gave notice that on next legislative day he would move to reconsider the vote whereby Assembly Bill No. 974 was passed this day.

Assembly Bill No. 328—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof," approved March 23, 1901, by amending Section 191 thereof.

Read second time, ordered to engrossment and on third-reading file.

BILL WITHDRAWN.

Mr. Atkinson was granted permission to withdraw Assembly Bill No. 324 (No. 262 on the file)

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 596—An Act providing for an appropriation of \$3,000 for the purpose of improving the grounds and repairing the buildings of Sutter's Fort, and for the necessary incidental expenses for maintenance.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Branstetter, Busick, Chandler, Cleveland, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, John, Johnstone, Jones of Tuolumne, King, Lumley, Manwell, McCartney, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Stanton, Strobl, Thompson, Transue, Treadwell, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker 41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND-READING FILE.

Assembly Bill No. 1150—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 184 thereof, relating to the compensation of the recorder and of the auditor in counties of the twenty-seventh class.

Read second time, ordered to engrossment and on third-reading file.

RECONSIDERATION OF RESOLUTIONS TO PRINT PROCEEDINGS OF INVESTIGATIONS  
OF CHARGES AGAINST SUPERIOR JUDGES TORRANCE AND SMITH.

Mr. McGowan moved to reconsider and rescind the action of the Assembly taken this day relative to the printing of the proceedings in the investigations, by committees, of charges against Superior Judge Torrance of San Diego County and Judge Smith of Santa Cruz County.

Mr. Cleveland moved to amend that the motion do not apply to the case of Judge Smith.

On being put to a vote, the amendment to the motion was lost.

The question was then put on the original motion and declared carried.

Mr. Drew moved that the motion relative to the printing of one thousand copies of the testimony in the cases of Judge Smith and Judge Torrance be placed on unfinished business.

Motion carried.

## SENATE BILL WITHDRAWN FROM COMMITTEE.

Senate Bill No. 554 was ordered withdrawn from the Committee on Judiciary and ordered placed on special Senate file, it being identical with Assembly Bill No. 187, which was withdrawn.

## REQUEST FOR PERMISSION TO INTRODUCE A BILL.

By Mr. Stanton:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows: "An Act to amend Section 15 of an Act entitled 'An Act to regulate and govern the State prisons of California,' approved March 19, 1889, relating to moneys received by the wardens thereof."

P. A. STANTON.

Referred to Committee on Introduction of Bills.

## SPECIAL FILE.

Bills on the special file were considered, as follows:

Assembly Bill No. 123—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read second time.

## MOTION.

Mr. Johnstone moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 123.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 123 was considered in Committee of the Whole.

Mr. Johnstone moved that the Committee of the Whole rise and report back Assembly Bill No. 123, with the recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 123—An Act authorizing the Regents of the University of California to hold



farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 123 was ordered to engrossment and on third-reading file.

Assembly Bill No. 802—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Read third time.

#### SELECT COMMITTEE AMENDMENT.

Mr. Duryea moved that a select committee of one be appointed to amend Assembly Bill No. 802, as follows:

Insert at the end of the bill, the following: "16. This Act shall take effect on the first day of January, 1907."

Motion carried and amendment adopted.

Mr. Duryea was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 802—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class—with instructions, does now report that the instructions of the Assembly have been carried out.

DURYEA, Committee.

The report of the select committee of one was adopted.

Assembly Bill No. 802 ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 697—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.

Read third time.

#### SELECT COMMITTEE AMENDMENT.

Mr. Duryea moved that a select committee of one be appointed to amend Assembly Bill No. 697, as follows:

Strike out of line 12, page 2 of printed bill as amended February 20, 1905, the word "field."

Also: Strike out the period (.) in line 14, page 2 of printed bill as amended February 20, 1905, and insert in lieu thereof a comma (,) and the words "the claims for which shall be presented to and allowed by the board of supervisors as other claims are presented and allowed."

Motion carried.

Amendment adopted.

Mr. Duryea was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 697—An Act to amend an Act entitled "An Act to establish a uniform system of

county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class—with instructions, does now report that the instructions of the Assembly have been carried out.

DURYEA, Committee.

The report of the select committee of one was adopted.

Assembly Bill No. 697 ordered to reprint, recrossment, and on file for passage.

Assembly Bill No. 1156—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," by adding a new section to said Act, to be known as Section 33½, relating to the power of the board of supervisors to appropriate from the general fund of the county moneys to aid in and carry on the work of the preservation of forests, reforestation, and the protection of forests against fire.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 862—An Act making an appropriation of \$10,000 for the purpose of building a photograph laboratory in combination with a fire-proof vault for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.

Read second time.

#### COMMITTEE AMENDMENTS.

The following committee amendments were read:

##### AMENDMENT NO. 1.

Amend by striking out the numerals "\$10,000" on line 1 of title, first page, printed bill, and inserting in lieu thereof the following numerals: "\$5,000."

Amendment adopted.

##### AMENDMENT NO. 2.

Amend by striking out the words "ten thousand (\$10,000)," on line 1, Section 1, page 1, printed bill, and inserting in lieu thereof the following: "five thousand (\$5,000)."

Amendment adopted.

#### MOTION.

Mr. Waste moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 862.

Motion carried.

#### IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Assembly Bill No. 862 was considered in Committee of the Whole.

Mr. Waste moved that the Committee of the Whole do now rise and report back Assembly Bill No. 862, with recommendation that it do pass.

Motion carried.

#### IN ASSEMBLY.

Speaker Prescott in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 862—An Act making an appropriation of \$10,000 for the purpose of building a photograph laboratory in combination with a fire-proof vault for the purpose of storing

the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.—and do now report the same back, with amendments, and recommend that the same do pass as amended.

PRESCOTT, Chairman.

Report of the Committee of the Whole was adopted.

Assembly Bill No. 862 ordered to reprint, reengrossment, and on third-reading file.

BILL WITHDRAWN FROM COMMITTEE.

On motion of Mr. Espey, Senate Bill No. 8 was ordered withdrawn from the Committee on Judiciary and placed on special Senate file.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 943—An Act to appropriate the sum of \$2,000 for the purpose of diffusing information regarding tuberculosis and the methods of preventing the spread of the same.

Read second time.

MOTION.

Mr. Duryea moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 943.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Assembly Bill No. 943 was considered in Committee of the Whole.

Mr. Duryea moved that the Committee of the Whole do now rise and report back Assembly Bill No. 943, with recommendation that it do pass.

Motion carried.

IN ASSEMBLY.

Speaker Prescott in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 943—An Act to appropriate the sum of \$2,000 for the purpose of diffusing information regarding tuberculosis and the methods of preventing the spread of the same—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

Report of Committee of the Whole was adopted.

Assembly Bill No. 943 ordered to engrossment and on third-reading file.

Assembly Bill No. 1085—An Act appropriating money for the expenses of the care and improvement of the grounds at the John Marshall monument at Coloma.

MOTION.

Mr. Duryea moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 1085.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Assembly Bill No. 1085 was considered in Committee of the Whole.

Mr. Duryea moved that the Committee of the Whole do now rise and report back Assembly Bill 1085, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1035—An Act appropriating money for the expenses of the care and improvement of the grounds at the John Marshall monument at Coloma—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

Report of Committee of the Whole was adopted.

Assembly Bill No. 1035 ordered to engrossment and on third-reading file.

Assembly Bill No. 244—An Act to provide for the formation and government of mosquito-extminating districts, and for the levy, collection, custody, and disbursement of taxes therein.

Read third time.

## SELECT COMMITTEE AMENDMENT.

Mr. Olmsted moved that a select committee of one be appointed to amend Assembly Bill No. 244, as follows:

Amend by striking out of line 2, Section 2, the words "one mile" and inserting in lieu thereof the words "four miles."

Also: By striking out of line 12, Section 3, the word "trustees" and inserting in lieu thereof the word "supervisors"

Also: By striking out all of Section 9.

Motion carried.

Amendments adopted.

Mr. Olmsted was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 244—An Act to provide for the formation and government of mosquito-extminating districts, and for the levy, collection, custody and disbursement of taxes therein—with instructions, does now report that the instructions of the Assembly have been carried out.

OLMSTED, Committee.

Report of select committee adopted.

Assembly Bill No. 244 ordered to reprint, reengrossment, and on file for passage.

## ADJOURNMENT.

On motion of Mr. Ellis, at ten o'clock and fifty-five minutes P. M., the Speaker, Hon. Frank C. Prescott, declared the Assembly adjourned until ten o'clock and thirty minutes A. M., Wednesday, March 1, 1905.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,

Wednesday, March 1, 1905. }

The Assembly met at ten o'clock and thirty minutes A. M., pursuant to adjournment.

Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Busick, Chandler, Cleveland, Coyle, Cromwell, Devlin, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Goodrich, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Manwell, McCartney, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Pyle, Rolley, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—57.

Quorum present.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Weyand, its further reading was dispensed with.

## REQUEST FOR PERMISSION TO INTRODUCE BILL.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows: "An Act to amend an Act entitled 'An Act to regulate and govern the State prisons of California,' approved March 19, 1889, by amending Section 13 of said Act."

S. H. OLMSTED.

Referred to Committee on Introduction of Bills.

## REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following report, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 650—An Act amending Sections 5 and 6 of an Act entitled "An Act concerning the construction and repair of levees in the City of Marysville, and the mode of raising revenue therefor," approved March 6, 1876

Assembly Bill No. 966—An Act to amend Section 13 of an Act entitled "An Act to provide for the protection of certain lands in the County of Sutter from overflow," approved March 25, 1868

Assembly Bill No. 990—An Act to amend Section 359 of the Code of Civil Procedure, relating to the time of commencing actions.

Assembly Bill No. 991—An Act to amend the Code of Civil Procedure by adding thereto a new section, to be numbered 560, relating to the release of attachments.

Assembly Bill No. 1025—An Act to amend Section 341 of the Penal Code of the State of California, relating to the selling of pledges by pawnbrokers before the time of redemption has expired, relating to the holding of pledges by pawnbrokers, and the passage of title of said pledges

Assembly Bill No. 320—An Act to amend Section 3321 of the Political Code of the State of California, relating to the collection of taxes.

Assembly Bill No. 1158—An Act to amend an Act entitled "An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a board of directors for the government thereof, and appropriating the sum of

\$65,000 for the support of said home," approved March 17, 1887, relating to the Industrial Home of Mechanical Trades for the Adult Blind of the State of California, by amending Sections 15 and 20 of Article III thereof

Assembly Bill No. 1159—An Act appropriating \$15,000 to complete and equip the building known as the President's house of the University of California at Berkeley.

Assembly Bill No. 1126—An Act to amend Section 1616 of the Code of Civil Procedure, relating to the fees and allowances of executors, administrators, and their attorneys.

Assembly Bill No. 1032—An Act to provide for physical education in high schools.

Assembly Bill No. 1134—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding a new section thereto, to be numbered 5½, providing for the doing of work by cities when no bids are received for such work.

Assembly Bill No. 934—An Act to provide a uniform system of administration for public roads and highways, and to provide for building, repairing, and maintaining the same, and to provide revenue for said purposes.

Assembly Bill No. 1079—An Act forfeiting to the State of California all payments for State lands where a fraudulent title was sought to be obtained thereto.

Assembly Bill No. 972—An Act to add a new section to the Political Code, to be numbered 2524c, relating to the powers of the Board of State Harbor Commissioners.

Assembly Bill No. 927—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.

Assembly Bill No. 944—An Act concerning the payment of the expenses and costs of trials prosecuted under Sections 81, 82, 83, 84, 85, 86, 87, and 89 of the Penal Code of the State of California, or either of said sections

Assembly Bill No. 253—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

Assembly Bill No. 252—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two new sections, to be numbered 1972 and 1973, relating to the rights of employés.

Assembly Bill No. 771—An Act to amend Section 1074 of the Code of Civil Procedure of the State of California, relative to the hearing of review under a writ of review.

Assembly Bill No. 732—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1566 of said Code, relative to conditions of sale of estates

Assembly Bill No. 427—An Act to amend Section 74 of the Civil Code, relating to the authentication of marriage.

Assembly Bill No. 115—An Act to repeal an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872.

Assembly Bill No. 946—An Act to amend Section 1 of an Act entitled "An Act to authorize suits against the State and regulating the procedure therein," approved February 28, 1893.

Assembly Bill No. 654—An Act to regulate investment companies.

Assembly Bill No. 626—An Act entitled "An Act relating to trading-stamps, coupons, tickets, and other similar devices, to regulate the redemption of the same, to prevent deception and fraud in their use, and to provide a penalty for the violation thereof."

Assembly Bill No. 1077—An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said court and to fix the compensation of certain officers thereof.

DEVLIN, Chairman.

#### REQUEST FOR INTRODUCTION OF ASSEMBLY JOINT RESOLUTION.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: I ask permission to introduce the accompanying Assembly joint resolution, the title of which reads as follows: "Assembly Joint Resolution No. —, relative to the immigration of Japanese laborers, and to restrict or prevent their immigration into the United States"

GEO. A. MCGOWAN.

#### REQUEST FOR INTRODUCTION OF RESOLUTION.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: I ask permission to introduce the accompanying resolution relating to the forest reserves of California.

C. V. JONES.

#### NEGLIGENT GATEKEEPERS.

Mr. Cromwell called attention to the negligence of some of the Gatekeepers, and moved that the Sergeant-at-Arms be directed to require the attendance of negligent Gatekeepers, or drop them from the roll of attachés.

Motion carried.

## LEAVE OF ABSENCE.

At his own request, Mr. Devlin was excused from two o'clock and thirty minutes A. M. until eleven o'clock A. M. to-morrow.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted by standing committees and read, as follows:

## ON MINES AND MINING INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905

MR. SPEAKER: Your Committee on Mines and Mining Interests, to whom was referred Senate Bill No. 821—An Act to amend an Act entitled "An Act to protect stockholders and persons dealing with corporations in this State," approved March 29, 1878, and all Acts amendatory thereof, and to repeal all laws in conflict therewith—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WHITING, Chairman.

Senate Bill No. 821 ordered on special Senate file.

## ON PUBLIC HEALTH AND QUARANTINE

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 267—An Act to amend Sections 1, 4, 5, 6, 7, and 8 of an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

GATES, Chairman.

Assembly Bill No. 267 ordered on second-reading file.

## ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: Your Committee on Judiciary having had under consideration Assembly Bill No. 672—An Act to protect trade and commerce against unlawful restraints and monopolies—reports the same back without recommendation.

Also: Senate Bill No. 91—An Act to amend Section 1238 of the Code of Civil Procedure, relating to the exercise of the power of eminent domain—reports the same back, with one amendment, and with the recommendation that it do pass as amended.

DURYEA, Chairman.

Assembly Bill No. 672 ordered on second-reading file.

Senate Bill No. 91 ordered to second reading on special Senate file.

## ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 28—Relative to amending the Constitution of the State of California, by repealing Sections 4 and 5 of Article XIII, and by amending Section 1 of said article—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOUSER, Chairman.

Assembly Constitutional Amendment No. 28 ordered on special file.

## MESSAGE FROM THE GOVERNOR.

The following message from the Governor, approving certain Assembly bills, was read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,  
SACRAMENTO, February 28, 1905.

To the Assembly of the State of California

I have the honor to inform your honorable body that I have approved Assembly Bill No. 122—An Act to regulate the work and hours of employes engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Also: Assembly Bill No. 6—An Act to amend Section 849 of the Code of Civil Procedure, relating to service of summons issued out of the justice court.

Also: Assembly Bill No. 101—An Act to amend Section 1489 of the Political Code, relating to State normal schools.

Also: Assembly Bill No. 407—An Act to amend Section 78 of an Act entitled "An Act to provide for the organization and government of irrigation districts," etc., approved March 31, 1897.

Also: Assembly Bill No. 20—An Act to repeal two sections of the Code of Civil Procedure, each being numbered 1161, approved April 1, 1878, and to substitute therefor a new section, to be numbered 1161, relating to unlawful detainer.

Very respectfully,

GEO. C. PARDEE,  
Governor of the State of California.

#### SENATE MESSAGES.

Messages from the Senate were read, as follows:

SENATE CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following, as a case of urgency.

Assembly Bill No. 1163—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bill No. 1163 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bills Nos. 402, 417, 415, and 229.

LEWIS A. HILBORN, Secretary of Senate  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 209—An Act to amend Title V of Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by revising Sections 4458 and 4459 of said title, and adding two new sections thereto, to be numbered 4460 and 4461, relating to, and regulating publications of, notices authorized or required to be given or made by public officers, or by law, providing that such publications or notices shall be given or made in newspapers of general circulation, defining what is a newspaper of general circulation, and providing a penalty for violation.

Also: Assembly Bill No. 634—An Act to amend Sections 439, 440, and 441 of the Political Code, relating to the office of the Controller of State, his deputy and assistants' the salaries of the deputy and assistants, and to repeal all laws in conflict therewith.

Also: Senate Bill No. 460—An Act defining bond investment companies and regulating and governing corporations, companies, associations, co-partnerships, and individuals engaged in the business of placing or selling bonds, debentures or certificates of investment by whatsoever name such bonds, debentures, or certificates of investment may be designated or known as a money or merchandise paying contract when placed or sold on the partial payment or installment plan, wherein or whereby the holder or holders of such bonds, debentures, or certificates of investment are or may become entitled to claim or receive from such corporation, company, or association, co-partnership or individual, a return either at a definite or indefinite time in cash, or in merchandise, or in property for the installments of money so paid, and wherein or whereby the holders may be subject to a forfeiture, fine, or penalty for non-payment of installments, and to protect the holders thereof.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 209 and 634 ordered to enrollment.

Senate Bill No. 460 read first time, and referred to Committee on Commissions and Public Expenditures.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed Assembly Bill No. 652—An Act to amend Sections 1521, 1772, and 1775 of the Political Code, relating to the certification of teachers—and respectfully ask your concurrence in same.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.



## SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 652 were read:

## AMENDMENT No. 1.

On page 4, Section 1, after line 100, strike out the words "certificates of examination."

## AMENDMENT No. 2.

On page 5, Section 2, line 26, strike out all of Section 2 after the word "who," in line 26, and insert in lieu thereof the following: "hold grammar school certificates, or who pass a satisfactory examination on the subjects required for such certificates, and who pass a satisfactory examination on the following subjects: Advanced algebra, solid geometry, plane trigonometry, physics, chemistry, biology, general history, psychology and history of education, advanced English, or in lieu of advanced English, Latin, Greek, French, German, or Spanish."

## AMENDMENT No. 3.

On page 5, Section 3, strike out after the word "certificates," in line 5, the balance of line 5 and all of lines 6, 7, 8, and 9.

## AMENDMENT No. 4.

On page 5, Section 3, strike out of lines 10, 12, 14, and 16 the figures "2, 3, 4, and 5" and insert in lieu thereof, respectively, the figures "1, 2, 3, and 4."

## SENATE AMENDMENTS CONCURRED IN.

Mr. Strobridge moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 652?"

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Amenge, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Busick, Chandler, Cleveland, Coyle, Creighton, Devlin, Drew, Duryea, Espey, Goodrich, Held, John, Johnson, Jury, King, McGowan, Meincke, Moore, Olmsted, Perkins, Pryor, Pyle, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Weyand, Whiting, and Mr. Speaker—43.

NOES—Mr. Cromwell—1.

Assembly Bill No. 652 ordered to enrollment.

## SENATE MESSAGES—(RESUMED).

SENATE CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Substitute for Senate Bill No. 576—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof," approved March 23, 1901, by amending Section 201 thereof.

Also: Senate Bill No. 320—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 789—An Act to increase the number of judges of the Superior Court of the County of Shasta, State of California, and for the appointment of such additional judge.

Also: Assembly Bill No. 204—An Act to amend Section 634 of the Political Code, relating to the registration of life insurance policies, and deposit of security with Insurance Commissioner therefor.

Also: Senate Bill No. 530—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such commission and authorizing the employment of agents, clerks, and other employes, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said commission, its agents, clerks, and employes.

Also: Senate Bill No. 279—An Act making an appropriation of \$750 to pay the claim of W. W. Kaye.

Also: Senate Bill No. 21—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and

amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.

Also: Senate Bill No. 273—An Act appropriating money for the building of a library and gymnasium and for the furniture, equipment, heating and ventilating apparatus for the same, for the State Normal School at San Jose.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 576 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 320 read first time, and referred to Committee on Agriculture.

Senate Bill No. 530 read first time, and referred to Committee on Judiciary.

Senate Bill No. 279 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 21 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 273 read first time, and ordered on special Senate file.  
Assembly Bills Nos. 789 and 204 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 762—An Act making an appropriation to pay the claim of John V. Powers.

Also: Senate Bill No. 302—An Act making an appropriation to pay the claim of H. W. Randal, for the reward offered by the State of California, for the arrest of Josef E. Blanthier, for murder.

Also: Senate Bill No. 774—An Act to amend Section 2534 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Also: Senate Bill No. 833—An Act forfeiting to the State of California all payments for State lands where a fraudulent title was sought to be obtained thereto.

Also: Senate Bill No. 34—An Act to provide for locating, surveying, and constructing a State highway from a point in the Congress Hall road at or near Fair View school house, in the County of Santa Clara, thence along the summit lying between the Pescadero and San Lorenzo creeks, in a southwesterly direction to the northerly rim of the Big Basin Redwood Park, about ten miles, to connect with an existing State road in said Redwood Park, in Santa Cruz County, and making an appropriation therefor.

Also: Committee Substitute for Senate Bills Nos. 566, 567, 568, 569, 570, and 571—An Act to amend Sections 1238, 1240, 1241, 1244, 1247, and 1248 of the Code of Civil Procedure, all relating to eminent domain.

Also: Assembly Bill No. 98—An Act to amend Section 1310 of the Civil Code, relating to lapsed devises and legacies.

Also: Senate Bill No. 463—An Act to appropriate \$5,000 for the erection of a dairy building and the purchase of equipments therefor, for the Southern California State Hospital.

Also: Assembly Bill No. 121—An Act to amend Section 3654 of the Political Code, relating to the disposition and custody of assessment books, map books, statements, and military rolls.

Also: Senate Bill No. 324—An Act making an appropriation of \$45,616.30 to pay the claim of John Mullan against the State of California, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 533—An Act to provide for the survey, location, plans, and estimate of cost of a highway from San Francisco to the southern boundary of San Diego County, and making an appropriation therefor.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 762, 121, and 98 ordered to enrollment.

Senate Bill No. 302 read first time, and referred to Committee on Claims.

Senate Bill No. 774 read first time, and ordered on special Senate file, without reference to a committee.

Senate Bill No. 833 read first time, and referred to Committee on Judiciary.

Senate Bill No. 34 read first time, and referred to Committee on Roads and Highways.

Senate Committee Substitute for Senate Bills Nos. 566, 567, 568, 569, 570, and 571 read first time, and ordered on special Senate file.

Senate Bills Nos. 463, 324, and 533 read first time, and ordered on special Senate file.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 744—An Act to amend Section 1577 of the Political Code, relating to the formation of school districts.

Also: Assembly Bill No. 647—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto.

Also: Senate Bill No. 665—An Act to amend the Political Code of California by adding six new sections thereto, to be numbered and known as Sections 3683, 3684, 3685, 3686, 3687, and 3688.

Also: Senate Bill No. 464—An Act to provide for the building, equipping, and furnishing of a wing to be used for patients at the Southern California State Hospital, and to make appropriation for the same.

Also: Senate Bill No. 572—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by adding a new section thereto, relating to the powers and duties of boards of supervisors.

Also: Assembly Bill No. 297—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of Public Instruction.

Also: Senate Bill No. 838—An Act to provide for deepening and widening the channel or outlet of Clear Lake, in Lake County.

Also: Senate Bill No. 664—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence.

Also: Senate Bill No. 752—An Act to amend Section 791 of the Political Code, relating to the number of notaries public.

Also: Senate Bill No. 33—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and the best methods of preserving the forests thereof, and to make an appropriation for the expenses of such investigations.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary

Assembly Bills Nos. 744, 647, and 297 ordered to enrollment.

Senate Bill No. 665 read first time, and referred to Committee on Judiciary.

Senate Bills Nos. 464, 664, and 752 read first time, and ordered on special Senate file.

Senate Bill No. 572 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 838 read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

Senate Bill No. 33 read first time, and referred to Committee on Federal Relations.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed Assembly Bill No. 498—An Act to amend Sections 1275, 1276, 1285, 1300, 1306, 1307, 1327, 1364, and 1376 of the Civil Code, and to add a new section thereto, to be numbered 1314, all relating to wills—and respectfully ask your concurrence in same.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

#### SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 498 were read:

#### AMENDMENT No. 1.

On page 3 of the printed bill, strike out the whole of Section 7.

## AMENDMENT No. 2.

Strike out of the title of said bill, page 1 of printed bill, the following: "and to add a new section thereto, to be numbered thirteen hundred and fourteen."

## SENATE AMENDMENTS CONCURRED IN.

Mr. Drew moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 498?"

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Chandler, Cleveland, Creighton, Cromwell, Devlin, Drew, Duryea, Gans, Goodrich, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, McCartney, McGowan, Meincke, Olmsted, Perkins, Pryor, Pyle, Stanton, Strobbridge, Strohl, Thompson, Transue, Vogel, Weyand, Whiting, Wickersham, and Mr. Speaker—44.

NOES—None

Assembly Bill No. 498 ordered to enrollment.

## SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed (as a case of urgency) Senate Bill No. 882—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the Legislature.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

## URGENCY RESOLUTION.

By Mr. Stanton:

*Resolved*, That Senate Bill No. 882 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

The question being on the adoption of the resolution.

The roll was called, and the resolution declared adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Busick, Chandler, Cleveland, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Gans, Goodrich, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lamley, Maxwell, McCartney, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Pyle, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—54.

NOES—None.

Senate Bill No. 882—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the Legislature.

Read first time.

Read second time.

## MOTION.

Mr. Stanton moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 882.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 882 was considered in Committee of the Whole.

Mr. Stanton moved that the Committee of the Whole rise and report back Senate Bill No. 882, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905

GENTLEMEN: The Committee of the Whole has had under consideration Senate Bill No. 882—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the Legislature—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 882—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the Legislature.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Busick, Chandler, Cleveland, Coyle, Creighton, Cromwell, Dorsey, Duryea, Ells, Espey, Gans, Goodrich, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, McCartney, McGowan, Meincke, Moore, Olmsted, Perkins, Pryor, Pyle, Stanton, Thompson, Transue, Treadwell, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—49.

NOES—None.

Title read and approved.

## SENATE MESSAGES.

SENATE CHAMBER, SACRAMENTO, February 28, 1905.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 763—An Act to amend Section 1337 of the Penal Code, relating to an order for dismissal being a bar in cases of misdemeanor.

Also: Senate Bill No. 254—An Act to add a new section to the Code of Civil Procedure, to be known as Section 1639, relating to the settlement of the accounts of an executor or administrator after his death.

Also: Senate Bill No. 255—An Act to repeal Section 1639 of the Code of Civil Procedure, approved March 24, 1874, and to add a new section to said Code to be numbered 1527, both relating to the sale of personal property of a deceased person, upon application for sale of real property.

Also: Senate Bill No. 435—An Act to add a new section to the Penal Code, to be numbered 397b, relating to the sale, giving or delivering of intoxicating liquors to minor children, and to the preventing of minor children from visiting saloons or public houses where intoxicating liquors are sold.

Also: Assembly Bill No. 336—An Act to repeal Section 403 of the Civil Code, and to add a chapter to Title I of Part IV of Division I of the Civil Code, all relating to general provisions affecting corporations.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary.

Senate Bills Nos. 763, 254, 255, and 435 read first time, and referred to Committee on Revision and Reform of Laws.

Assembly Bill No. 336 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly Concurrent Resolution No. 24—Relative to adjournment of the Legislature *sine die* on March 10, 1905.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary.

Assembly Concurrent Resolution No. 24 ordered to enrollment.

## REQUEST FOR INTRODUCTION OF BILL.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows: "An Act to amend Section 136 of the Civil Code, relating to provision for maintenance where divorce is denied."

H. S. G. McCARTNEY.

Referred to Committee on Introduction of Bills.

## SPECIAL ORDER.

Mr. Amerige called up Assembly Bill No. 899, which had been set as special order for this day, after the reading of the Journal.

Assembly Bill No. 899—An Act to amend Sections 3909, 3911, 3912, 3913, 3914, 3915, 3916, 3917, 3919, 3920, 3921, 3922, 3925, 3931, 3934, 3938, 3939, 3940, 3941, 3943, 3944, 3945, 3946, 3947, 3948, and 3949, and to repeal Section 3910 of the Political Code, and to add eight new sections thereto, to be numbered 3959, 3960, 3961, 3962, 3963, 3964, 3965, and 3966, all relating to county boundaries.

Mr. Amerige moved that a select committee of one be appointed to amend Assembly Bill No. 899, as follows:

## AMENDMENT No. 1.

Strike out all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 24, 25, 26, 27, 28, 29, 30, 32, 33, and 34.

## AMENDMENT No. 2.

Strike out in Section 21, the number "21," and insert in lieu thereof the number "1"  
Also: In Section 23, strike out the number "23" and in lieu thereof insert the number "2."

Also: In Section 31, strike out the number "31" and in lieu thereof insert the number "3."

Also: In Section 35, strike out the number "35" and in lieu thereof insert the number "4."

## AMENDMENT No. 3

Amend the title of same bill by striking out after the words "to amend," all of Sections except 3943, 3945, 3962, and 3966

Motion carried.

Amendments adopted.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 899—An Act to amend Sections 3909, 3911, 3912, 3913, 3914, 3915, 3916, 3917, 3919, 3920, 3921, 3922, 3925, 3931, 3934, 3938, 3939, 3940, 3941, 3943, 3944, 3945, 3946, 3947, 3948, and 3949, and to repeal Section 3910, of the Political Code, and to add eight new sections thereto, to be numbered 3959, 3960, 3961, 3962, 3963, 3964, 3965, and 3966, all relating to county boundaries—with instructions, does now report that the instructions of the Assembly have been carried out.

AMERIGE, Committee.

The report of the select committee of one was adopted.

Assembly Bill No. 899 ordered to reprint, with a rush order, reengrossment, and on the file of unfinished business for Friday for passage.

## REPORT ON INTRODUCTION OF BILLS.

The Committee on Introduction of Bills was granted leave to present a report (out of order), which was read, as follows:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The titles of said bills are as follows:

Assembly Bill No. — By Mr. Cogblan: An Act to amend Section 710 of the Code of Civil Procedure of the State of California, providing a procedure by which money or

credits of a judgment debtor in the hands of the State of California, or a public or municipal corporation or public officer, may be obtained in satisfaction of judgment, and relating to the duty of courts upon the receipt of money into court under such procedure.

Also: Assembly Bill No. — An Act to amend Section 791 of the Political Code, relating to the number of notaries public.

Also: Assembly Bill No. — By Mr. Jones of Tuolumne: An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, and repealing certain other sections thereof," approved March 23, 1901, by amending Section 206

Also: Assembly Joint Resolution No. — By Mr. Busick: Relative to parcels post.

Also: Assembly Constitutional Amendment No. — By Mr. McGowan: Relative to the compensation of judicial officers

Also: Assembly Bill No. — By Mr. McCartney: An Act to amend Section 136 of the Civil Code, relating to provision for maintenance where divorce is denied.

Also: Assembly Bill No. — By Mr. Olmsted: An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Also: Assembly Bill No. — By Mr. Stanton: An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof

Also: Assembly Joint Resolution No. — By Mr. McGowan: Relative to immigration of Japanese laborers into the United States.

Also: Assembly Joint Resolution No. — By Mr. Jones of Tuolumne: Relative to forest reserves in California.

McCARTNEY, Chairman.

#### RESOLUTION PERMITTING THE INTRODUCTION OF BILLS.

Mr. McCartney offered the following resolution:

*Resolved*, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session, without the consent of two thirds of the members thereto, be complied with, and that Assemblyman Coghlan be and is hereby permitted to introduce Assembly Bills Nos. —; and Assemblyman Jones of Tuolumne, Assembly Bill No. —; and Assemblyman Busick, Assembly Joint Resolution No. —; and Assemblyman McGowan, Assembly Constitutional Amendment No. —; and Assemblyman McCartney, Assembly Bill No. —, and Assemblyman Olmsted, Assembly Bill No. —; and Assemblyman Stanton, Assembly Bill No. —; and Assemblyman McGowan, Assembly Joint Resolution No. —; and Assemblyman Jones of Tuolumne, Assembly Joint Resolution No. —.

#### RESOLUTION ADOPTED.

Mr. McCartney moved the adoption of the resolution.

The roll was called, and the resolution declared adopted by the following vote:

**AYES**—Messrs. Amerige, Anthony, Aimerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Cronwell, Dorsey, Drew, Duryea, Ellis, Espey, Gans, Goodrich, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Manwell, McCartney, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Pyle, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—54.

**NOES**—None.

#### INTRODUCTION OF BILLS.

In compliance with the above resolution, bills were introduced, as follows:

By Mr. Coghlan: Assembly Bill No. 1168—An Act to amend Section 710 of the Code of Civil Procedure of the State of California, providing a procedure by which money or credits of a judgment debtor in the hands of the State of California, or a public or municipal corporation, or public officer, may be obtained in satisfaction of judgment, and relating to the duty of courts upon the receipt of money into court under such procedure.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1169—An Act to amend Section 791 of the Political Code, relating to the number of notaries public.

Read first time, and referred to San Francisco Delegation.

By Mr Jones of Tuolumne: Assembly Bill No. 1170—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, and repealing certain other sections thereof," approved March 23, 1901. by amending Section 206.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Busick: Assembly Joint Resolution No. 8—A resolution relative to parcels post.

Referred to Committee on Federal Relations.

By Mr. McGowan: Assembly Constitutional Amendment No. 29—Relative to the compensation of judicial officers.

Referred to Committee on Judiciary.

By Mr. McCartney: Assembly Bill No. 1171—An Act to amend Section 136 of the Civil Code, relating to provision for maintenance where divorce is denied.

Read first time, and referred to Committee on Judiciary.

By Mr. Stanton: Assembly Bill No. 1172—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California." approved March 19, 1889, by amending Section 13 of said Act.

Read first time, and referred to Committee on Ways and Means.

By Mr. Olmsted: Assembly Bill No. 1173—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Read first time, and referred to Committee on State Prisons and Reformatories.

By Mr. McGowan: Assembly Joint Resolution No. 9—Relative to immigration of Japanese laborers into the United States.

By Mr. Jones of Tuolumne: Assembly Joint Resolution No. 10—Relative to forest reserves in California.

Referred to Committee on Public Lands and Forestry.

#### BILL ORDERED ON SPECIAL SENATE FILE.

Assembly Bill No. 695 was recalled from the Committee on County and Township Governments, it being identical with Senate Bill No. 572, which was ordered on special Senate file.

#### UNFINISHED BUSINESS.

Bills on the unfinished business file were considered, as follows:

Assembly Bill No. 219—An Act to repeal Sections 3824 and 3825 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Passed on file.

Assembly Bill No. 145—An Act to provide for the payment by the State, or counties, or cities and counties, of the premium or charge on official bonds.

Passed on file.

#### SPECIAL ORDER.

Mr. Branstetter was granted leave to call up Assembly Bill No. 51 for the purpose of amendment on third reading.



Assembly Bill No. 51—An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions.

Read third time.

SELECT COMMITTEE AMENDMENTS.

Mr. Branstetter moved that a select committee of one be appointed to amend Assembly Bill No. 51, as follows:

AMENDMENT No. 1.

Add a new section after Section 4, to be known as Section 5, to read as follows.

"Section 5. No person or persons, firms, or corporations, by themselves or their agents or employes, shall manufacture for sale, offer for sale, expose for sale, or have in his or their possession for sale any package of butter upon which, or upon the wrapper or container of which, there shall be printed, or otherwise marked, the word 'pasteurize,' or any of its derivatives, unless in the process of the manufacture of the butter contained therein either the milk or cream from which the same was made shall have been exposed to a temperature exceeding one hundred and fifty degrees Fahrenheit."

AMENDMENT No. 2

Amend by striking out the numeral "5," on line 1, Section 5, fifth page, printed bill, and insert in lieu thereof the numeral "6."

AMENDMENT No. 3

Amend by striking out the numeral "6" on line 1, Section 6, sixth page, printed bill, and insert in lieu thereof the numeral "7."

AMENDMENT No. 4.

Amend by striking out the numeral "7," on line 1, Section 7, sixth page, printed bill, and insert in lieu thereof the numeral "8."

AMENDMENT No. 5.

Amend by striking out the numeral "8," on line 1, Section 8, sixth page, printed bill, and insert in lieu thereof the numeral "9."

AMENDMENT No. 6.

Amend by striking out the numeral "9," on line 1, Section 9, seventh page, printed bill, and insert in lieu thereof the numeral "10."

AMENDMENT No. 7

Amend by striking out the numeral "10," on line 1, Section 10, seventh page, printed bill, and insert in lieu thereof the numeral "11."

AMENDMENT No. 8.

Amend by striking out the words "twelve thousand five hundred dollars (\$12,500)," on line 6, Section 10, seventh page, printed bill, and insert in lieu thereof "five thousand dollars (\$5,000)."

AMENDMENT No. 9.

Amend by striking out the words "ten thousand dollars (\$10,000)," on line 7, Section 10, seventh page, printed bill, and insert in lieu thereof "five thousand dollars (\$5,000)"

AMENDMENT No. 10.

Amend by striking out the numerals "11" on line 1, Section 11, seventh page, printed bill, and insert in lieu thereof the numerals "12"

AMENDMENT No. 11.

Amend by striking out the numerals "12" on line 1, Section 12, seventh page, printed bill, and insert in lieu thereof the numerals "13."

Motion carried.

Amendments adopted.

Mr. Branstetter was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 51—An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold; to improve the quality of dairy products of the State, to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions—with instructions, does now report that the instructions of the Assembly have been carried out.

BRANSTETTER, Committee.

The report of the select committee of one was adopted.

Assembly Bill No. 51 ordered to print, with a rush order, reengrossment, and to retain its place under the head of special orders.

## ASSEMBLY JOINT RESOLUTION CALLED UP.

Mr. McGowan moved to take up Assembly Joint Resolution No. 9.  
Assembly Joint Resolution No. 9 was read.

## ASSEMBLY JOINT RESOLUTION No. 9.

Relating to the immigration of Japanese laborers, and to restrict or prevent their immigration into the United States.

WHEREAS, The constantly increasing immigration of the subjects of the Japanese empire into the Pacific Coast States and Territories, and particularly into the State of California, has become, and is now, a serious menace to the well-being and prosperity of those States and Territories, and particularly to the people of California, demanding the taking of immediate steps looking to the stay thereof; and

WHEREAS, It is well known and generally recognized and acknowledged that, among many other facts and reasons justifying an apprehension of great danger, because of the growing and threatened invasion of our State by Japanese immigrants, the following are capable of exact proof, and do exist:

1. That the Japanese laborers, by reason of race habits, mode of living, disposition and general characteristics, are a wholly undesirable and unsatisfactory addition to the population.

2. That the Japanese laborers are debaïled from naturalization, and cannot, if they desired—which they do not—become citizens, and thereby exercise the privilege and responsibilities of citizenship.

3. That the Japanese laborers do not evince any inclination to assimilate with our people, or to become Americans. They remain as they come, Japanese, and, possessing no regard for republican institutions, continue to consider themselves subjects of the country of their nativity and look only to the time when they may be able to return.

4. That the Japanese immigrants now crowding to our shores are as a class, and with few exceptions, contract laborers, obligated to serve long periods of labor for small wages, and thereby, and as the result of such conditions, our communities are being filled with a servile class of laborers, which exists in a state of slavery in substance and effect, if not in name.

5. That the Japanese laborers are not hired individually, but in gangs, and from a contractor who has entire control of their services, and who by the terms of the obligation under which they are brought to the country, is enabled to furnish them at such places, in such numbers, for such times, and at such wages as may be agreed between the contractor and employer.

6. That the contractor for Japanese labor, by reason of the favorable terms of his agreement, is enabled to, and is accustomed to supply Japanese laborers wherever desired in this State at rates which do not supply a white man with the common necessities of life, much less enable him to provide for his family or educate his children.

7. That the Japanese contract laborers have already gained control of numerous branches of industry in this State, and by reason of the low rate of wages paid for the work, have forced all white labor therefrom, and they are constantly crowding into other avenues of labor and driving our own workmen from occupations to which they have been accustomed, and from which they have heretofore gained a livelihood.

8. That the Japanese laborers will, within a brief period, unless their immigration be limited in some reasonable degree, occasion great distress and misery to the white laborers of the State, by depriving them of the opportunity to secure work at wages sufficient for support.

9. That the Japanese laborers do not employ any of their savings in the building up of the communities wherein they may for a time reside. They are mere transients, coming only to do the particular work which their contractor has agreed to furnish them, and going, at its completion, to another place, to which they have in like manner been allotted. They do not buy land for homes. They do not build or buy houses either for business or home purposes. They contribute nothing to the growth of the State.

They add nothing to its wealth, and they are a blight upon the prosperity of it, and a great and impending danger to its welfare.

10. The labor troubles in Hawaii have caused great numbers of Japanese laborers, such as have been hereinbefore described, to make their way to this State, there being now not less than five hundred each month landed at the port of San Francisco, and, while the present rate of increase in the immigration is sufficient to justify the fears which are justly entertained, we cannot but regard, with the greatest sense of danger and disaster, the prospect that the close of the war between Japan and Russia, will surely bring to our shores hordes, to be counted only in thousands, of the discharged soldiers of the Japanese army, who will crowd the State with immoral, intemperate, quarrelsome men bound to labor for a pittance and to subsist on a supply with which a white man can hardly sustain life; therefore, be it

*Resolved by the Assembly, the Senate concurring* In view of the facts and reasons aforesaid, and of many others that might be stated, that we, as representatives of the people of the State of California, do urgently and strongly ask and request, and, so far as it may be proper, demand, for the protection of the people of this State, and for the proper safeguarding of their interests, that action be taken without delay by treaty or otherwise, as may be most expeditious and advantageous, tending, within reasonable bounds, to limit and diminish the further immigration of Japanese laborers into the United States.

That our Senators and Representatives in Congress be, and they are hereby requested and directed to bring the matters aforesaid to the attention of the President and the Department of State.

That the Governor be requested to forward a copy of the foregoing preamble and of these resolutions to the President and the Secretary of State.

That a copy of the foregoing preamble and resolutions be forthwith forwarded by mail to our Senators and Representatives, and to our Senators and Representatives elect.

#### SPEAKER PRO TEM. CALLED TO THE CHAIR.

The Speaker, at eleven o'clock and forty-five minutes A. M., called the Speaker pro tem., Hon. T. E. Atkinson, to the chair.

#### CONSIDERATION OF RESOLUTION POSTPONED.

Mr. McGowan moved the adoption of the joint resolution.

Mr. Drew moved that the resolution be printed in the Journal, and made a special order for to-morrow (Thursday) morning, immediately after the reading of the Journal.

Mr. Drew's motion was put to vote, and, on a division, declared carried.

#### UNFINISHED BUSINESS—(RESUMED).

Assembly Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 61 of said Act, relating to county officers.

#### BILL RE-REFERRED.

On motion of Mr. Waste, Senate Bill No. 144 was re-referred to Committee on Ways and Means.

#### MOTION LOST.

Mr. Duryea moved to take up the second-reading file for consideration of bills thereon.

Motion lost.

#### UNFINISHED BUSINESS—(RESUMED).

Assembly Bill No. 291—An Act making an appropriation to pay the claim of John Burr.

Senate amendments pending.

#### SENATE AMENDMENT.

The following Senate amendment was read:

Amend as follows by adding to the title the words "against the State of California."

Mr. Goodrich moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 291?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Busick, Cleveland, Coyle, Creighton, Cromwell, Dorsey, Drew, Duryea, Ellis, Gans, Goodrich, Held, Houser, John, Johnstone, Jones of Tuolumne, Jury, King, Lumley, McCartney, Meincke, Moore, Olmsted, Perkins, Pryor, Pyle, Rolley, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Wickersham—50.

NOES—None.

Assembly Bill No. 291 ordered to enrollment.

EXCUSED FOR 'AFTERNOON.

At his own request, Mr. Treadwell was excused from attendance this afternoon.

VOTE RECONSIDERED.

Mr. Pryor called up his notice, given on the previous legislative day, to reconsider the vote whereby Assembly Bill No. 524 was refused passage.

The question being, "Shall the Assembly reconsider the vote whereby Assembly Bill No. 524 was refused passage?"

The roll was called, and the vote reconsidered by the following vote:

AYES—Messrs. Anthony, Arnerich, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Cleveland, Cughlan, Coyle, Creighton, Dorsey, Drew, Duryea, Ellis, Epsey, Estudillo, Gans, Held, John, Jones of Tuolumne, Jury, Lumley, McCartney, McGowan, McKenney, Moore, Perkins, Pfaeffe, Pryor, Pyle, Strobridge, Strohl, Treadwell, Tripp, Vogel, Waste, Weyand, and Whiting—42.

NOES—Messrs. Amerige, Atkinson, Houser, Johnstone, Meincke, Olmsted, Rolley, Stanton, Thompson, Transue, and Wickersham—11.

BILL MADE SPECIAL ORDER.

On motion of Mr. Pryor, the further consideration of Assembly Bill No. 524 was made a special order for this afternoon at four o'clock and thirty minutes, to follow other special orders.

BILL ORDERED ON SPECIAL FILE.

On motion of Mr. Gans, Senate Bill No. 769 was recalled from the Committee on County and Township Governments and placed on the special Senate file, it being identical with Assembly Bill No. 936 (No. 61 on file).

SPECIAL ORDERS—(RESUMED).

Assembly Bill No. 1024—An Act to amend Section 340 of the Penal Code of the State of California, relating to and defining the rate of interest which may be charged by pawnbrokers.

At request of Mr. McGowan, ordered to unfinished business file.

Assembly Bill No. 1025—An Act to amend Section 341 of the Penal Code of the State of California, relating to the selling of pledges by pawnbrokers before the time of redemption has expired, relating to the holding of pledges by pawnbrokers and the passage of title of said pledges.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Cleveland, Cogan, Coyle, Dorsey, Drew, Duryea, Ells, Estudillo, Gans, Held, John, Johnstone, Jury, Lumley, McCartney, McGowan, Meincke, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Stanton, Strobridge, Strohl, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Wickersham—45.

NOES—Mr. Houser—1.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

Reports from standing committees were submitted (out of order) as follows, and read:

##### ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Senate Bill No. 763—An Act to amend Section 138 of the Penal Code, relating to an order for dismissal being a bar in cases of misdemeanor.

Also: Senate Bill No. 255—An Act to repeal Section 1839 of the Code of Civil Procedure, approved March 24, 1874, and to add a new section to said Code, to be numbered 1527, both relating to the sale of personal property of a deceased person, upon application for sale of real property.

Also: Senate Bill No. 254—An Act to add a new section to the Code of Civil Procedure, to be known as Section 1639, relating to the settlement of the accounts of an executor or administrator after his death.

Also: Senate Bill No. 435—An Act to add a new section to the Penal Code, to be numbered 397b, relating to the sale, giving or delivering of intoxicating liquors to minor children, and to the preventing of minor children from visiting saloons or public houses where intoxicating liquors are sold.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DREW, Chairman

Senate Bills Nos. 763, 255, 254, and 435 ordered to second reading on special Senate file.

##### ON COMMISSIONS AND PUBLIC EXPENDITURES.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Senate Bill No. 460—An Act to add twelve new sections to the Political Code of the State of California, to be known as Sections 635a, 635b, 635c, 635d, 635e, 635f, 635g, 635h, 635i, 635j, 635k, and 635l, all defining bond investment companies and regulating and governing corporations, companies, associations, co-partnerships, and individuals engaged in the business of placing or selling bonds, debentures, or certificates of investment by whatsoever name such bonds, debentures, or certificates of investment may be designated or known as a money or merchandise paying contract when placed or sold on the partial payment or installment plan, wherein or whereby the holder or holders of such bonds, debentures, or certificates of investment are or may become entitled to claim or receive from such corporation, company, or association, co-partnership, or individual, a return either at a definite or indefinite time in cash, or in merchandise, or in property for the installments of money so paid, and wherein or whereby the holders may be subject to a forfeiture, fine, or penalty for non-payment of installments, and to protect the holders thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

VOGEL, Chairman.

Senate Bill No. 460 ordered to second reading on special Senate file.

##### ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 645—An Act to amend Section 8 and to repeal Section 13 of an Act entitled "An Act to provide for the planting, maintenance, and care of shade trees upon streets, lanes, alleys, courts, and places within municipalities, and of hedges upon the lines thereof; also for the eradication of certain weeds within city limits," approved March 11, 1893—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, by majority vote.

BEARDSLEE, Chairman.

Senate Bill No. 645 ordered to second reading on special Senate file.

## REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following report, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 883—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered 646b, relating to the payment of fees for the shipment of seamen and apprentices.

Assembly Bill No. 403—An Act making an appropriation of \$500 to pay the claim of W. W. Kaye against the State of California.

Assembly Bill No. 888—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered and known as Section 586, relating to willful and malicious injury to plate-glass windows.

Assembly Bill No. 969—An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining said districts.

Assembly Bill No. 735—An Act to prohibit the selling or giving away or furnishing of any ale, beer, wine, cider, or other intoxicating liquor within six hundred feet outside of any United States military reservation or military camp, or within three hundred feet of any public schoolhouse, church, or place of worship, and providing a penalty therefor, and declaring places where such acts are performed a public nuisance, and providing for the abatement thereof.

Assembly Bill No. 1019—An Act to regulate the use of artesian wells, and to prevent the waste of subterranean waters in this State.

Assembly Bill No. 1024—An Act to amend Section 340 of the Penal Code of the State of California, relating to, and defining the rate of interest which may be charged by pawnbrokers.

Assembly Bill No. 761—An Act to add a new section to the Penal Code to be numbered 387a, regulating the selling of stock in wheat, barley, oats, and other cereals, and to prohibit the sale thereof on margin or for future delivery.

Assembly Bill No. 278—An Act to regulate and control the sale, rental, and distribution of appropriated water in this State other than in any city, county, or town therein, and to secure the rights of way for the conveyance of such water to the places of use.

Assembly Bill No. 610—An Act making an appropriation to pay the claim of Dr. W. J. Hanna against the State of California.

Assembly Bill No. 80—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and the best methods of preserving the forests thereof, and to make an appropriation for the expenses of such investigations.

Assembly Bill No. 772—An Act to amend Section 1068 of the Code of Civil Procedure of the State of California, relative to the issuance of writs of review.

Assembly Bill No. 817—An Act making an appropriation to pay the claim of Dr. G. A. White against the State of California.

Assembly Bill No. 322—An Act to pay the claim of Fred E. Borton against the State of California, and making an appropriation therefor.

Assembly Bill No. 725—An Act to provide for the survey, location, plans, and estimate of cost of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making an appropriation therefor.

Assembly Bill No. 853—An Act to prevent bulls, studs, jacks, bucks, or boars from running at large and to prescribe the duties, fees, and charges of the person who impounds or takes up any of said animals in connection therewith.

Assembly Bill No. 863—An Act to form impounding districts outside of incorporated cities, to prevent animals from running at large and prescribing the duties, fees, and charges of the poundkeeper in connection therewith.

Assembly Bill No. 856—An Act to amend Sections 338 and 339 of the Penal Code, and to add two new sections thereto, to be known and designated as Sections 345 and 345a, all relating to pawnbrokers.

Assembly Bill No. 887—An Act to amend Sections 771, 778, and 782 of the Political Code, and to repeal Sections 779, 780, and 781 of said Code, all relating to the preparation and publication of the opinions of the Supreme Court and District Courts of Appeal.

DEVLIN, Chairman.

Above bills ordered on file for passage.

RECESS.

The Speaker pro tem., at twelve o'clock and thirty minutes P. M., on motion of Mr. McCartney, declared a recess until two o'clock and thirty minutes P. M.

## REASSEMBLED.

The Assembly reconvened at two o'clock P. M.  
Speaker Hon. Frank C. Prescott in the chair.

## IN MEMORIAM TO MRS. JANE L. STANFORD.

Mr. Waste, representing the Fifty-second District, in which is situated the University of California, was granted leave to introduce the following resolution, which was read:

WHEREAS, The sad intelligence has been conveyed to this body of the death on this day of Mrs. Jane L. Stanford, wife of Hon. Leland Stanford, former Governor of California, and one of the founders of Leland Stanford Junior University; and

WHEREAS, In the death of Mrs. Stanford, California loses one of her most noble women, and the Stanford University its loving benefactress;

Resolved, That when the Assembly adjourns this day, it be as a mark of respect to the worth and virtues of this distinguished woman, and in honor of her fruitful life.

Mr. Waste moved the adoption of the resolution.

Motion seconded by Mr. Mitcheltree, representing the Fifty-seventh District, in which is situated the Leland Stanford Junior University.

The resolution was adopted unanimously by a rising vote.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Rules and Regulations submitted the following report, which was read:

## ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: Your Committee on Rules and Regulations beg leave to report the following temporary rule, and recommend its adoption:

Resolved, That a session shall be held Thursday evening of this week for the purpose of considering special file of Assembly bills, in their regular order, from 7:30 o'clock P. M. until the file is completed, unless otherwise ordered by the Assembly.

MCCARTNEY, Chairman.

## REQUEST FOR INTRODUCTION OF BILL.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows: "An Act appropriating the sum of \$5,000 for the purpose of procuring guide posts to be erected in the desert sections of California, and particularly in the counties of Kern, Ventura, Los Angeles, Inyo, Riverside, San Bernardino, and San Diego."

JESSE R. DORSEY.

Referred to Committee on Introduction of Bills.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The Committee on County and Township Governments submitted the following report, which was read :

## ON COUNTY AND TOWNSHIP GOVERNMENTS

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1083—An Act providing the manner of purchasing furniture for public county buildings by boards of supervisors in certain cases—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 979—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relating to salaries and fees of county and township officers of counties of the thirty-eighth class.

Also: Assembly Bill No. 1153—An Act to amend Section 153 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to county and township officers of counties of the second class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BURKE, Chairman.

Assembly Bills Nos. 1083, 979, and 1153 ordered on second-reading file.

## ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reengrossed:

Assembly Bill No. 150—An Act to amend Section 1 of an Act entitled "An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCIV of the Laws of 1891," approved March 26, 1903.

Assembly Bill No. 168—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.

Assembly Bill No. 426—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 890—An Act to authorize actions against any board or commission of the State in certain cases and regulating procedure therein.

Assembly Bill No. 882—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered 646a, relating to the shipment of seamen and apprentices, and the fees that may be charged therefor.

Assembly Bill No. 1162—An Act to repeal Title XVI of Part IV of Division I of the Civil Code of the State of California, and each and every part and section of said title, and to enact and substitute a new Title XVI, to take the place thereof in said Code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.

Assembly Bill No. 689—An Act to amend Sections 1233, 1240, 1241, 1244, 1247, and 1248 of the Code of Civil Procedure, all relating to eminent domain.

DEVLIN, Chairman.

## SPECIAL ORDER.

On motion of Mr. Espey, Assembly Bill No. 260 (No. 3 on the file) was taken up for consideration.

Assembly Bill No. 260—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 337½, to prohibit betting or wagering by pool or otherwise upon the result of any trotting, pacing, or running race between horses, and providing the punishment therefor.

Read third time.



The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Branstetter, Busick, Chandler, Cleveland, Coyle, Creighton, Cromwell, Cullen, Drew, Duryea, Espey, Estudillo, Gans, Goodrich, Held, Houser, John, Johnson, Johnstone, Jones of San Francisco, King, McCartney, McKenney, Meincke, Mitchelltree, Olmsted, Perkins, Pyle, Severance, Stanton, Strohl, Thompson, Transue, Tripp, Vogel, Waste, Weyand, and Mr. Speaker—43.

NOES—Messrs. Beardslee, Beckett, Burge, Burke, Cooper, Ells, Jarvis, Jones of Tuolumne, Jury, Lucey, Lumley, Lynch, McNamara, Moore, O'Brien, Pfaffle, Pryor, Strobridge, Walsh, and Whiting—20.

Title read and approved.

Bill ordered transmitted to the Senate.

#### LEAVE OF ABSENCE.

Mr. Gates was excused for the remainder of the day.

#### ASSEMBLY BILLS RECOMMITTED.

On motion of Mr. Drew, Assembly Bills Nos. 1078 and 1079 (Nos. 314 and 315 on file) were ordered recommitted to a select committee, consisting of the Committee on Judiciary, for the purpose of codification.

#### SPECIAL SENATE FILE.

Bills on the special Senate file were taken up and considered, as follows:

Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Read third time on a previous day.

Mr. Espey moved that a select committee of one be appointed to amend Senate Bill No. 8, as follows:

Amend by striking out, at the end of line 17, Section 1, page 2, printed bill, the period (.) and insert in lieu thereof a comma (,) and the following: "or to swamp and overflowed, salt marsh, and tide lands within one mile of the State Prison at San Quentin, within the City and County of San Francisco or City of Oakland, or within five miles of the corporate limits of either, or to tide lands which are, or which at the date of the issuance of the patent therefor, were within two miles of any other incorporated city or town, or to any lands the patent to which has been fraudulently obtained."

Motion carried.

Amendment adopted.

Mr. Espey was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof—with instructions, does now report that the instructions of the Assembly have been carried out.

ESPEY, Committee.

Report of the select committee of one adopted.

Senate Bill No. 8 ordered to reprint and on file for final passage.

Senate Bill No. 225—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, John, Johnson, Jones of Tuolumne, Jury, Lucey, Lynch, McGowan, McKenney, McNamara, Meincke, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Thompson, Transue, Tripp, Waste, Weyand, Whiting, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Senate Bill No. 228—An Act to provide for the completion of the main building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lynch, McGowan, McKenney, McNamara, Meincke, O'Brien, Olmsted, Perkins, Pryor, Pyle, Severance, Slaven, Strobridge, Strohl, Thompson, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—49.

NOES—None.

Title read and approved.

\* SPEAKER PRO TEM. CALLED TO THE CHAIR.

At three o'clock and forty minutes P. M., the Speaker called Speaker pro tem. Hon. T. E. Atkinson to the chair.

Senate Bill No. 226—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Cromwell, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, Jarvis, John, Johnstone, Jones of Tuolumne, Jury, Lynch, McGowan, McKenney, McNamara, Meincke, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Tripp, Vogel, Waste, Weyand, and Whiting—51.

NOES—None.

Title read and approved.

Senate Bill No. 378—An Act to appropriate \$7,500 to sink artesian wells, and to develop artesian water on the lands of the Mendocino State Hospital.

Passed on file.

Senate Bill No. 565—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Read second time.

#### COMMITTEE AMENDMENTS.

The following committee amendments were read:

Amend by striking out the words "fifteen hundred and sixty-six," on lines 1 and 2, Section 1, first page, printed bill, and inserting in lieu thereof the words "seven hundred and eighty-three."

Amendment lost.

Amend by striking out the words "fifteen hundred and sixty-six," on lines 2 and 3, Section 2, first page, printed bill, and inserting in lieu thereof the words "seven hundred and eighty-three."

Amendment lost.

MOTION.

Mr. Walsh moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Senate Bill No. 565.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

Senate Bill No. 565 was considered in Committee of the Whole.

Mr. Walsh moved that the Committee of the Whole do now rise and report back Senate Bill No. 565, with a recommendation that the bill do pass.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 565—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass.

ATKINSON, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 565 ordered to third reading on special Senate file.

Senate Bill No. 382—An Act authorizing the payment of judgment heretofore rendered in favor of Benjamin Lauer, plaintiff, against the State of California, defendant, in the Superior Court of the State of California, in and for the County of Modoc, in a cause numbered 1314 upon the register of actions maintained in the office of the clerk of said court, and making an appropriation therefor.

Read second time.

MOTION.

Mr. Creighton moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Senate Bill No. 382.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

Senate Bill No. 382 was considered in Committee of the Whole.

Mr. Creighton moved that the Committee of the Whole rise and report back Senate Bill No. 382, with a recommendation that it do pass.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 382—An Act authorizing the payment of a judgment heretofore rendered in favor of Benjamin Lauer, plaintiff, against the State of California, defendant, in the Superior Court of the State of California, in and for the County of Modoc, in a cause

numbered 1314 upon the register of actions maintained in the office of the clerk of said court, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass.

ATKINSON, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 382 ordered to third reading on special Senate file.

Senate Bill No. 264—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

#### CALL OF THE HOUSE.

Pending the roll call and the announcement of the result, Mr. Creighton, at four o'clock and ten minutes P. M., moved a call of the House.

The roll was called, and the following answered to their names:

Messrs. Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Coghlan, Cooper, Coyle, Creighton, Cromwell, Dorsey, Drew, Duryea, Ells, Espey, Gans, Goodrich, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, King, Lucey, Lynch, Manwell, McCartney, McKenney, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Slaven, Stanton, Strobridge, Strohl, Thompson, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—60.

The Speaker ordered the doors closed, and the absentees brought before the bar of the House.

At four o'clock and fifteen minutes P. M., Mr. Stanton moved that further proceedings under the call of the House be dispensed with.

Motion lost.

At four o'clock and twenty minutes P. M., the Sergeant-at-Arms brought before the bar of the House the following absentees: Messrs. Wickersham, Lucey, and Tripp.

The Speaker pro tem. excused the absentees.

At four o'clock and twenty-five minutes P. M., Mr. Duryea moved that further proceedings under the call of the House be dispensed with.

Motion carried.

The roll was then called, and Senate Bill No. 264 finally passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Branstetter, Burge, Busick, Coghlan, Cooper, Coyle, Creighton, Dorsey, Duryea, Ells, Gans, Held, Houser, Jarvis, Johnson, Johnstone, Jury, King, Lucey, Lynch, Manwell, McKenney, McNamara, Meincke, Moore, O'Brien, Perkins, Pfaeffe, Pryor, Slaven, Stanton, Strobridge, Strohl, Thompson, Vogel, Walsh, Weyand, Whiting, and Wickersham—45.

NOES—Messrs. Beckett, Burke, Chandler, Cromwell, Drew, Espey, Goodrich, John, Jones of San Francisco, McCartney, Olmsted, Pyle, Rolley, Treadwell, and Waste—15.

Title read and approved.

#### TIME FOR RECESS EXTENDED.

At four o'clock and thirty minutes P. M., Mr. King moved that the hour of recess be extended until five o'clock P. M.

Motion carried.

#### NOTICE OF RECONSIDERATION.

Mr. Stanton gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 264 was finally passed this day.

## THIRD-READING FILE.

Assembly Bill No. 524, set as a special order for four o'clock and thirty minutes P. M. this day, was called up for consideration.

Assembly Bill No. 524—An Act to amend Sections 3671 and 3746 of the Political Code of the State of California, both relating to revenue and taxation.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arnerich, Atkinson, Barnes, Beardslee, Beckett, Bliss, Branstetter, Burge, Busick, Coghlan, Cooper, Coyle, Creighton, Dorsey, Ellis, Estudillo, Gans, Held, John, Johnson, Jones of Tuolumne, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Meincke, Moore, O'Brien, Perkins, Pfaefle, Pryor, Pyle, Rolley, Slaven, Strohl, Treadwell, Vogel, Waste, Weyand, and Whiting—44.

NOES—Messrs. Anthony, Chandler, Cromwell, Drew, Espey, Goodrich, Houser, Johnstone, Jones of San Francisco, Olmsted, Stanton, Thompson, Transue, Tripp, and Wickersham—15

Title read and approved.

Bill ordered transmitted to the Senate.

## SPECIAL FILE OF SENATE BILLS—(RESUMED).

Senate Bill No. 178—An Act confirming the organization of school districts.

Read second time.

Senate Bill No. 178 ordered to third reading on special Senate file.

Senate Constitutional Amendment No. 38—Providing for the deposit of State, county, and municipal funds in National and State banks.

Senate Constitutional Amendment No. 38 was read.

## SENATE CONSTITUTIONAL AMENDMENT NO. 38.

To propose to the people of the State of California an amendment to Article XI of the Constitution, to be numbered Section 16½, providing for the deposit of State, county and municipal funds in National and State banks.

The Legislature of the State of California, at its thirty-sixth session, commencing on the second day of January, nineteen hundred and five, two thirds of the members voting in favor thereof, hereby proposes that a new section be added to the Constitution of the State of California, to be known as section sixteen and one half of article eleven thereof, to read as follows:

Section 16½. All moneys belonging to the State or to any county or municipality within this State, may be deposited in any national bank or banks within this State, or in any bank or banks organized under the laws of this State, in such manner and under such conditions as may be provided by law; *provided*, that such bank or banks in which such moneys are deposited shall furnish as security for such deposits, bonds of the United States, or of this State or of any county, municipality or school district within this State, to be approved by the officer or officers designated by law, to an amount in value of at least ten per cent in excess of the amount of such deposit; *and provided*, that such bank or banks shall pay a reasonable rate of interest, not less than two per cent per annum on the daily balances therein deposited; *and provided*, that no deposit shall at any one time exceed fifty per cent of the paid-up capital stock of such depository bank or banks; *and provided further*, that no officer shall deposit at one time more than twenty per cent of such public moneys available for deposit in any bank while there are other qualified banks requesting such deposits.

Mr. Houser moved the adoption of Senate Constitutional Amendment No. 38.

The roll was called, and Senate Constitutional Amendment No. 38 adopted by the following vote:

AYES—Messrs. Amerige, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Burge, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Dorsey, Drew, Ellis, Gans, Goodrich, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara,

Meinke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Rolley, Slaven, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—58.  
 NAYS—None.

TIME FOR RECESS EXTENDED.

On motion of Mr. McCartney, at five o'clock P. M., the hour of recess was extended fifteen minutes.

SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 174—An Act providing for the sale of street railroads and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing other conflicting Acts.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Busick, Coghlan, Cooper, Coyle, Creighton, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Held, John, Johnson, Jones of Tuolumne, Lucey, Lynch, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Moore, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Rolley, Slaven, Stanton, Thompson, Transue, Tripp, Vogel, Waste, Weyand, Whiting, and Wickersham—46

NOES—Messrs. Anthony, Burge, and Cleveland—3.

Mr. McCartney moved to amend the title to Senate Bill No. 174, as follows:

Amend by striking out the letter "s" from the word "railroads," on line 2 of the title

Motion carried.

Amendment adopted.

Senate Bill No. 174 ordered to reprint, and on special Senate file for approval of title.

Senate Bill No. 771—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to county officers and their compensation in counties of the fourteenth class.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beckett, Branstetter, Burge, Chandler, Cleveland, Cooper, Coyle, Creighton, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, McCartney, McNamara, Meincke, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Rolley, Slaven, Thompson, Transue, Tripp, Vogel, Waste, Weyand, Whiting, and Wickersham—45

NOES—None.

Title read and approved.

Senate Bill No. 238—An Act to amend Sections 270 and 271 of the Penal Code of the State of California, relating to the abandonment and neglect of children.

Passed on file.

Senate Bill No. 311—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered 2370, relating to the duties of factors.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beckett, Bliss, Branstetter, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Dorsey, Drew, Ells, Estudillo, Gans, Goodrich, Held, John, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, McKenney, McNamara, Meincke, Olmsted, Perkins, Slaven, Thompson, Transue, Tripp, Vogel, Waste, Weyand, Whiting, and Wickersham—42.

NOES—None.

Title read and approved.

Senate Bill No. 62—An Act to appropriate the sum of \$20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon the Sonora and Mono road, a State highway.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beckett, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Drew, Estudillo, Gans, Goodrich, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, McNamara, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Slaven, Strobbridge, Thompson, Transue, Tripp, Vogel, Waste, Weyand, Whiting, and Wickersham—41.

NOES—None.

Title read and approved.

Senate Bill No. 215—An Act to appropriate the sum of \$25,000 for the erection of a workshop on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind in Alameda County by the Board of Directors thereof, and to provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Beckett, Chandler, Cleveland, Cooper, Coyle, Drew, Ells, Estudillo, Gans, Goodrich, Held, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Moore, O'Brien, Olmsted, Pfaffle, Pryor, Slaven, Strobbridge, Thompson, Transue, Tripp, Vogel, Waste, Whiting, and Wickersham—43.

NOES—None.

Title read and approved.

#### TIME OF RECESS EXTENDED.

At five o'clock and fifteen minutes P. M., Mr. McCartney moved that the time for recess be extended thirty minutes.

Motion carried.

#### SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 242—An Act appropriating the sum of \$10,000 for the relief of Lawrence J. Dunnigan.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Beckett, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Drew, Ells, Estudillo, Gans, Goodrich, Held, Houser, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, McCartney, McGowan, McKenney, Moore, Olmsted, Pfaffle, Pryor, Thompson, Transue, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—42.

NOES—None.

Title read and approved.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received (out of order) and read:

## ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 801—An Act to appropriate the sum of \$3,500 to pay the claim of E. J. Card, and directing the State Controller to draw his warrant for the same and the State Treasurer to pay the same—have had the same under consideration, and respectfully report the same back with three amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 831—An Act to promote and facilitate the enforcement of laws against the adulteration of food and drugs, creating certain officers, prescribing their duties, their terms of office, fixing their salaries, and making an appropriation to pay such salaries and other expenses, creating the pure food fund, defining certain crimes and providing penalties for the punishment thereof, and repealing inconsistent Acts—have had the same under consideration, and respectfully report the same back with eight amendments, and recommend that the same do pass as amended.

Also: Senate Bill No. 144—An Act making an appropriation of \$915.94 to pay the claim of George H. Shaw against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 508—An Act to appropriate \$40,000 for the purchase of additional land for the use of the Stockton State Hospital—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 605—An Act for the relief of E. D. McCabe, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back with one amendment, and recommend that the same do pass as amended.

Also: Assembly Bill No. 660—An Act to pay the claim of Lawrence J. Dunnigan against the State of California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back with two amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 259—An Act to pay the claim of Mrs. A. M. McGinness against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 200—An Act to pay the claim of James Touhey against the State of California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Assembly Bill No. 552—An Act providing for the establishment of a branch agricultural experiment station of the University of California, providing for the appointment of a committee to purchase land, and appropriate money therefor—have had the same under consideration, and respectfully report the same back with eight amendments, and recommend that the same do pass as amended.

STANTON, Chairman.

Assembly Bills Nos. 801, 831, 660, 259, 200, and 552 ordered on second-reading file.

Senate Bills Nos. 144, 508, and 605 ordered on special Senate file.

## SENATE BILL RE-REFERRED.

On motion of Mr. Coghlan, Senate Bill No. 600 was withdrawn from special Senate file, and referred to the Committee on Ways and Means.

## BILL ORDERED ON SENATE FILE.

On motion of Mr. Lynch, Senate Bill No. 408 was withdrawn from Committee on County and Township Governments, and ordered placed on special Senate file.

## SECOND READING OF BILL.

On motion of Mr. McCartney, Assembly Bill No. 731 was taken up for second reading.

Assembly Bill No. 731—An Act to appropriate \$50,000 for the repair of the building of the State Normal School at Los Angeles, California, including the construction and installation of a steam-heating plant and boiler-house for heating said building, and authorizing the board of trustees of said school to make and construct said plant and boiler-house.

Read second time.



## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out of line 1, page 1, printed bill, the numerals "\$50,000," and inserting in lieu thereof the numerals "\$40,000."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the numerals "\$50,000," on line 3, Section 2, page 1, printed bill, and inserting in lieu thereof the numerals "\$40,000."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out the numerals "\$40,000," on line 8, Section 2, page 2, printed bill, and inserting in lieu thereof the numerals "\$30,000."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out the numerals "\$50,000," on line 1, Section 4, page 2, printed bill, and inserting in lieu thereof the numerals "\$40,000."

Amendment adopted.

## MOTION.

Mr. McCartney moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 731.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

Assembly Bill No. 731 was considered in Committee of the Whole.

Mr. McCartney moved that the Committee of the Whole do now rise and report back Assembly Bill No. 731, with a recommendation that it do pass as amended.

Motion carried.

## IN ASSEMBLY.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 731—An Act to appropriate \$50,000 for the repair of the building of the State Normal School at Los Angeles, California, including the construction and installation of a steam-heating plant and boiler-house for heating said building, and authorizing the board of trustees of said school to make and construct said plant and boiler-house—and do now report the same back, with amendments, and recommend that the same do pass as amended

ATKINSON, Chairman.

Report of the Committee of the Whole adopted.

Assembly Bill No. 731 ordered to reprint, reengrossment, and on third-reading file.

## RECESS.

At five o'clock and forty minutes P. M., on motion of Mr. Beckett, the Speaker pro tem., Hon. T. E. Atkinson, declared a recess until eight o'clock P. M.

## EVENING SESSION.

The Assembly reassembled at eight o'clock P. M.

The Speaker, Hon. Frank C. Prescott, in the chair.

## SECOND-READING FILE TAKEN UP.

On motion of Mr. Pfaeffe, the second-reading file was taken up for the consideration of Assembly Bill No. 169.

Assembly Bill No. 169—An Act to create a department of music in the University of California; to provide a professorship of music, and to appropriate money therefor.

Read second time.

## MOTION.

Mr. Pfaeffe moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 169.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 169 was considered in Committee of the Whole.

Mr. Pfaeffe moved that the committee do now rise and report back Assembly Bill No. 169, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 169—An Act to create a department of music in the University of the State of California; to provide a professorship of music, and to appropriate money therefor—and do now report the same back, and recommend that the same do not pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.  
Assembly Bill No. 169 ordered to third-reading file.

## ORDERED ON SPECIAL FILE.

On motion of Mr. McCartney, Assembly Bill No. 731 (No. 356 on file) was ordered placed on the special file.

## MOTION TO RECONSIDER CONTINUED.

On motion of Mr. Walsh, his notice of motion to reconsider the vote whereby Assembly Bill No. 974 was passed on the previous day, was continued until to-morrow (Friday) under the head of unfinished business.

## UNFINISHED BUSINESS.

The following Assembly bills on the special Senate file of Code Revision bills, and amended in the Senate were called up:

Assembly Bill No. 387—An Act to add a Chapter IV to Title II of Part IV of Division I of the Civil Code, relating to mutual benefit and life associations.

## SENATE AMENDMENT.

The following Senate amendment was read to Assembly Bill No. 387:

On page 1, Section 1, line 7, strike out the word "three," and insert in lieu thereof the word "one."

## SENATE AMENDMENT CONCURRED IN.

Mr. Drew moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 387?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Beardslee, Beckett, Burge, Busick, Chandler, Cleveland, Coyle, Drew, Duryea, Ellis, Gans, Gates, Held, Houser, Jarvis, John, Johnstone, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pyle, Severance, Slaven, Strohl, Thompson, Treadwell, Tripp, Vogel, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—49

NOES—Mr. Stanton—1.

Assembly Bill No. 387 ordered to enrollment.

Assembly Bill No. 334—An Act to amend Sections 388, 391, 392, and 393 of the Civil Code, all relating to the sale of franchises under execution.

## SENATE AMENDMENT.

The following Senate amendment was read to Assembly Bill No. 334 :

On page 1, Section 1, line 4 of the printed bill after the word "franchise," strike out the comma and insert the following: "other than the franchise of being a corporation."

## SENATE AMENDMENT CONCURRED IN.

Mr. Drew moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 334?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Beardslee, Beckett, Burge, Busick, Chandler, Cleveland, Coyle, Drew, Duryea, Ellis, Gans, Gates, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pyle, Severance, Slaven, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—46.

NOES—None.

Assembly Bill No. 334 ordered to enrollment.

Assembly Bill No. 383—An Act to amend Sections 360 and 362, and to repeal Sections 361 and 363 of the Civil Code, all relating to the powers of corporations.

## SENATE AMENDMENT.

The following Senate amendment to Assembly Bill No. 383 was read:

On page 1, line 5 of the title of the printed bill, after the word "Code" insert the following: "as approved March 5, 1889."

## SENATE AMENDMENT CONCURRED IN.

Mr. Drew moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 383?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Beardslee, Beckett, Burge, Busick, Chandler, Coyle, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Manwell, McCartney, McGowan, McKenney, McNamara,

Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Severance, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—45.  
 NOES—None.

Assembly Bill No. 383 ordered to enrollment.

Assembly Bill No. 502—An Act to add an Article IIIa to Chapter II of Title III of Part IV of Division III of the Civil Code, relating to warehouses.

#### SENATE AMENDMENT.

The following Senate amendment to Assembly Bill No. 502 was read:

On page 2, Section 1, line 26 of the printed bill, after the word "his," and before the word "control," insert the word "immediate."

#### SENATE AMENDMENT CONCURRED IN.

Mr. Drew moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 502?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Beckett, Burge, Busick, Coyle, Drew, Duryea, Ells, Espey, Gans, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—47.  
 NOES—None.

Assembly Bill No. 502 ordered to enrollment.

#### CONFERENCE COMMITTEE.

The Speaker appointed Messrs. Waste, Transue, and Ells as a conference committee, with a like committee from the Senate, on Assembly Bill No. 540.

#### SPECIAL SENATE FILE OF CODE REVISION BILLS.

Bills on the special Senate file of Code Revision bills, specially set for consideration at this evening's session, were acted upon, as follows:

Senate Bill No. 14—An Act to amend Section 7 of the Penal Code, relating to definitions.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Beckett, Burge, Busick, Chandler, Cleveland, Coyle, Cullen, Drew, Duryea, Ells, Espey, Gans, Gates, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—50.  
 NOES—None.

Title read and approved.

Senate Bill No. 134—An Act to repeal Title I of Part III of Penal Code, relating to State prisons.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Burge, Busick, Chandler, Cleveland, Coyle, Cromwell, Drew, Duryea, Ells, Espey, Estudillo, Gans, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lynch, McCartney,

McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Senate Bill No. 120—An Act to amend Section 27 of the Penal Code, relating to persons liable to punishment for crime.

Read third time.

The question being on the final passage of the bill.

The bill was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Beckett, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Cromwell, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Severance, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Senate Bill No. 136—An Act to amend Section 76 of the Penal Code, relating to the refusal by an officer to surrender property to his successor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beckett, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Cromwell, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnstone, Jury, King, Lynch, McCartney, McGowan, McKenney, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Strohl, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Senate Bill No. 137—An Act to amend Section 100 of the Penal Code, relating to collusion and corruption by Superintendent of State Printing.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Beckett, Burge, Busick, Chandler, Cleveland, Coyle, Cromwell, Cullen, Drew, Duryea, Espey, Estudillo, Gans, Held, John, Johnstone, Jury, King, Lucey, Lynch, Maxwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Senate Bill No. 139—An Act to amend Sections 109 and 110 of the Penal Code, both relating to aiding unlawful escapes of prisoners and others in custody.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Cromwell, Cullen, Drew, Duryea, Ellis, Estudillo, Gans, Held, John, Johnstone, Jury, King, Lynch, McCartney, McGowan, McKenney, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Strohl, Thompson, Transue, Tripp, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Senate Bill No. 140—An Act to amend Section 111 of the Penal Code, relating to the costs of trials of escaped prisoners and expenses incident thereto.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Cromwell, Cullen, Drew, Duryea, Ells, Espey, Estudillo, Gans, Held, Houser, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Severance, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Senate Bill No. 135—An Act to add a new section to the Penal Code, to be numbered 74a, relating to the retention by an officer of any part of the salary or fees allowed to his subordinate officer.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Cromwell, Cullen, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Severance, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Senate Bill No. 141—An Act to amend Sections 119, 121, and 124 of the Penal Code, and to add two new sections thereto, to be numbered 118a and 129, all relating to perjury.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Cromwell, Cullen, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Severance, Strohl, Thompson, Transue, Treadwell, Tripp, and Mr. Speaker—62.

NOES—None.

Title read and approved.

Senate Bill No. 152—An Act to amend Section 165 of the Penal Code, relating to bribery.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Cullen, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Senate Bill No. 151—An Act to add a new section to the Penal Code, to be numbered 161a, making it a misdemeanor for any person other than a regularly licensed attorney to advertise or hold himself out as an attorney.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Cromwell, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Senate Bill No. 142—An Act to amend Section 159½ of the Penal Code, relating to advertising to procure alimony, divorce, or annulment of marriage, or to aid therein.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Senate Bill No. 376—An Act to amend Section 1579 of the Code of Civil Procedure, relating to leases of real property belonging to estates of deceased persons, minors, and incompetent persons.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Senate Bill No. 375—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnson, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Senate Bill No. 156—An Act to repeal Sections 178 and 179 of the Penal Code, relating to the employment of Chinese or Mongolians.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Cullen, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Senate Bill No. 157—An Act to amend Section 207 of the Penal Code, relating to kidnapping.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Senate Bill No. 161—An Act to add seven new sections to the Penal Code, to be numbered 266a, 266b, 266c, 266d, 266e, 266f, and 266g, all relating to the prostituting of women.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, and Mitcheltree—47.

NOES—None.

Title read and approved.

Senate Bill No. 153—An Act to amend Section 168 of the Penal Code, relating to disclosing the fact of an information or indictment having been made.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Senate Bill No. 159—An Act to amend Section 218 of the Penal Code, relating to attempted wrecking or derailment of railroad trains, cars, or engines.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates,



Goodrich, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, and Mr. Speaker—45.  
NOES—None.

Title read and approved.

Senate Bill No. 160—An Act to add a new section to the Penal Code, to be numbered 219, relating to the wrecking or derailment of railroad trains, cars, or engines.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Senate Bill No. 158—An Act to add a new section to the Penal Code, to be numbered 214, relating to the going upon or doing any act in relation to any railroad train, car, or engine, for the purpose of robbery thereon.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnson, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Senate Bill No. 164—An Act to amend Section 302 of the Penal Code, relative to disturbing religious meetings.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Senate Bill No. 165—An Act to repeal Section 303 of the Penal Code, relating to the sale of liquors at places of amusement, and the employing of women to sell liquors thereat.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Senate Bill No. 166—An Act to repeal Section 306 of the Penal Code, relating to the exhibiting of females in public places.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, and Mr. Speaker—44.

**NOES**—None.

Title read and approved.

Senate Bill No. 167—An Act to repeal Section 310½, relating to the keeping open and conducting of barber-shops, hair-dressing establishments, and bath-houses on Sundays and legal holidays.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, and Mr. Speaker—44.

**NOES**—None.

Title read and approved.

Senate Bill No. 252—An Act to amend and renumber Section 654 of the Penal Code, relating to abuse of teachers of the public schools.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, Jarvis, John, Johnson, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, and Mr. Speaker—46.

**NOES**—None.

Title read and approved.

Senate Bill No. 154—An Act to amend Section 171 of the Penal Code, and to add to said Code three new sections, to be numbered 171a, 171b, and 171c, and to repeal Section 180a thereof, and all relating to acts tending to create breaches of discipline in State prisons, jails, and reformatories by persons not inmates thereof.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Walsh, Waste, Weyand, and Mr. Speaker—46.

**NOES**—None.

Title read and approved.

Senate Bill No. 359—An Act to add two new sections to the Penal Code, to be numbered 653c and 653d, both relating to crimes against employes.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held,

Jarvis, John, Johnson, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Moore, Olmsted, Perkins, Pfaffle, and Mr. Speaker—48

NOES—None.

Title read and approved.

Senate Bill No. 451—An Act to add a new section to the Penal Code, to be numbered 597g, relating to offenses against public decency.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Mindham, Moore, O'Brien, Olmsted, Perkins, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Senate Bill No. 455—An Act to amend Sections 487, 496, 497, 498, and 500, and to renumber Section 502½ of the Penal Code, all relating to larceny.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, Jarvis, John, Johnson, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Senate Bill No. 456—An Act to amend Section 591 of the Penal Code, and to add two new sections thereto, to be numbered 587a and 593a, all relating to malicious injuries.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnson, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Senate Bill No. 469—An Act to amend Section 602 of the Penal Code, and to repeal Section 603 thereof, both relating to trespasses.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Waste, Weyand, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Senate Bill No. 473—An Act to amend Sections 777, 784, and 789 of the Penal Code, and to add new sections thereto, to be numbered 778a and 778b, all relating to the local jurisdiction of public offenses.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Held, Houser, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, and Mr. Speaker—45.

NOES—None

Title read and approved.

Senate Bill No. 474—An Act to amend Section 840 of the Penal Code, relating to arrests.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Drew, Duryea, Ells, Espey, Estudillo, Gans, Held, Jarvis, John, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mundham, Waste, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Senate Bill No. 480—An Act to amend Section 1147 of the Penal Code, relating to verdicts in criminal cases.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Goodrich, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Senate Bill No. 485—An Act to amend Sections 1214, 1221, 1222, 1223, 1224, 1225, 1226, and 1227 of the Penal Code, all relating to the execution of judgments in criminal cases.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Senate Bill No. 493—An Act to amend Section 1475 of the Penal Code, relating to the writ of habeas corpus.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Dorsey, Drew, Duryea, Ells, Espey, Estudillo,

Gans, Goodrich, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Moore, O'Brien, Olmsted, Perkins, and Mr Speaker—47.

NOES—None

Title read and approved.

Senate Bill No. 496—An Act to add a new section to the Penal Code, to be numbered 1541a, relating to rewards.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote :

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Chandler, Cleveland, Cooper, Coyle, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gates, Held, Jarvis, John, Johnson, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Senate Bill No. 548—An Act to amend Section 600 of the Penal Code, relating to and defining the offense of burning structures and other property not the subject of arson.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Mindham, Olmsted, Pfaffle, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Senate Bill No. 497—An Act to amend Sections 1603 and 1605 of the Penal Code, and to add a new section thereto, to be numbered 1615, all relating to county jails.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burke, Chandler, Cleveland, Coghlan, Creighton, Cromwell, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, John, Johnstone, Jury, King, Lumley, Lynch, McCartney, McGowan, McKenney, Mitcheltree, Moore, Olmsted, Pfaffle, Pyle, Stanton, Strohl, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Senate Bill No. 492—An Act to amend Section 1427 of the Penal Code, and to add a new section thereto, to be numbered 1425, both relating to proceedings in justices' and police courts.

Read third time

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnstone, Jury, Pyle, Strohl, Transue, Treadwell, Vogel, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Senate Bill No. 495—An Act to amend Section 1541 of the Penal Code, relating to search warrant.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Beckett, Bliss, Branstetter, Burke, Chandler, Cleveland, Coghlan, Coyle, Cromwell, Cullen, Drew, Duryea, Ellis, Estudillo, Gans, Held, John, Johnstone, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Mitcheltree, Moore, Olmsted, Perkins, Pyle, Slaven, Stanton, Strohl, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Senate Bill No. 491—An Act to amend Sections 1390 and 1391 of the Penal Code, both relating to criminal prosecutions against corporations.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, McCartney, McGowan, McKenney, Transue, Treadwell, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Senate Bill No. 490—An Act to amend Section 1388 of the Penal Code, relating to criminal prosecutions against minors.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Senate Bill No. 489—An Act to amend Sections 1370, 1372, and 1373 of the Penal Code, all relating to inquiries into the sanity of the defendant in criminal cases.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Beardslee, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Coyle, Drew, Duryea, Ellis, Estudillo, Held, John, Johnstone, King, Lumley, McGowan, McKenney, Meincke, Mindham, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Senate Bill No. 494—An Act to amend Sections 1510, 1512, 1513, and 1515 of the Penal Code, and to add new sections thereto, to be numbered 1511a, 1511b, and 1514a, all relating to coroners.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Branstetter, Burke, Busick, Chandler, Coghlan, Cromwell, Drew, Espey, Estudillo,

Gans, Gates, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Manwell, McGowan, McKenney, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Wickersham—46.  
NOES—None.

Title read and approved.

Senate Bill No. 487—An Act to amend Sections 1305, 1306, and 1307 of the Penal Code, all relating to forfeiture of bail in criminal cases.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Cleveland, Coghlan, Coyle, Creighton, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pryor, and Mr. Speaker—44.  
NOES—None.

Title read and approved.

Senate Bill No. 486—An Act to amend Sections 1235, 1238, 1240, 1241, 1245, and 1264 of the Penal Code, all relating to appeals in criminal cases.

Read third time.

The question being on the final passage of the bill

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Manwell, McCartney, McGowan, McKenney, McNamara, Transue, Treadwell, Tripp, Vogel, and Mr. Speaker—44  
NOES—None

Title read and approved.

Senate Bill No. 484—An Act to amend Sections 1191, 1201, 1206, and 1207 of the Penal Code, all relating to judgments in criminal cases.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote :

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, O'Brien, Olmsted, Perkins, and Mr. Speaker—45.  
NOES—None

Title read and approved.

Senate Bill No. 483—An Act to amend Sections 1185, 1186, and 1187 of the Penal Code, all relating to arrest of judgment in criminal cases.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Held, Jarvis, John, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, and Mr. Speaker—46  
NOES—None

Title read and approved.

Senate Bill No. 482—An Act to amend Section 1182 of the Penal Code, relating to new trials in criminal cases.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lumley, Lynch, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Moore, and Mr. Speaker—46

NOES—None.

Title read and approved.

Senate Bill No. 479—An Act to amend Sections 1108 and 1110 of the Penal Code, and to add a new section thereto, to be numbered 1103a, all relating to evidence necessary to convict in certain criminal cases.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Goodrich, Held, Houser, Jarvis, John, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, and Mr. Speaker—45

NOES—None.

Title read and approved.

Senate Bill No. 478—An Act to amend Sections 1033 and 1034 of the Political Code, both relating to the change of the place of trial in criminal cases.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Creighton, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnson, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Thompson, Transue, Treadwell, Tripp, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Senate Bill No. 477—An Act to amend Sections 954, 969, 1004, 1008, and 1020 of the Penal Code, and to add a new section thereto, to be numbered 1025, all relating to pleadings in criminal cases.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Bates, Beardslee, Beckett, Bliss, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, O'Brien, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Thompson, Treadwell, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Senate Bill No. 476—An Act to amend Sections 915, 919, 923, and 925 of the Penal Code, to repeal Sections 907, 908, 909, 910, and 916 thereof, and to repeal Chapter IV of Title IV of Part II of said Code, and Sections 931, 932, 933, 934, 935, 936, and 937 of said Code, contained in said Chapter IV, all relating to proceedings by and before grand juries.

Read third time.



The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beckett, Branstetter, Burge, Burke, Cleveland, Coyle, Creighton, Cromwell, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Jarvis, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Senate Bill No. 475—An Act to amend Sections 872 and 882 of the Penal Code, both relating to the examinations of persons accused of crime and the testimony taken thereat.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, Lumley, Lynch, Maxwell, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Senate Bill No. 472—An Act to amend Sections 758 and 769, and to repeal Section 772 of the Penal Code, all relating to the removal of officers otherwise than by impeachment.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, McCartney, McKenney, McNamara, Meincke, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Senate Bill No. 471—An Act to amend Sections 619, 620, 621, 638, 639, 640, and 641 of the Penal Code, all relating to telegraphic and telephonic messages.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Coghlan, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnstone, Jones of Tuolumne, King, Lucey, Lumley, Lynch, Maxwell, McCartney, Olmsted, Perkins, Pfaffle, Pryor, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Senate Bill No. 470—An Act to amend Section 609 of the Penal Code, relating to the removal or injuring of buoys and beacons.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Devlin, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Goodrich,

Held, Jarvis, John, Johnson, Johnstone, Jury, King, Lucey, Lumley, Lynch, McCartney, McGowan, McKenney, Meincke, Moore, O'Brien, Perkins, Pryor, Stanton, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Senate Bill No. 468—An Act to amend Section 601 of the Penal Code, relating to explosives.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Johnstone, King, Lucey, Lumley, McKenney, McNamara, Moore, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Rolley, Severance, Thompson, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Senate Bill No. 467—An Act to add two new sections to the Penal Code, to be numbered 598a and 599, both relating to the injuring or taking of birds or their nests or eggs.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Duryea, Ells, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, Moore, O'Brien, Olmsted, Perkins, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Senate Bill No. 457—An Act to amend Section 564 of the Penal Code, relating to fraud in the management of corporations.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Stanton, Strohbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Senate Bill No. 454—An Act to amend Sections 512, 513, and 514 of the Penal Code, all relating to embezzlement.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Creighton, Cullen, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnstone, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Severance, Slaven, Stanton, Thompson, Transue, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Senate Bill No. 458—An Act to amend Sections 529, 530, 532, 537½, and 538, and to renumber Section 538½, and to repeal Sections 531 and 537, approved March 9, 1893, of the Penal Code, and to add a new section thereto, to be numbered 538b, all relating to false personation and cheats.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, Lucey, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, Olmsted, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Senate Bill No. 481—An Act to amend Sections 1171, 1174, and 1176 of the Penal Code, all relating to bills of exception in criminal cases.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, Perkins, Pfaffle, Pryor, Pyle, and Mr. Speaker—46.

NOES—None

Title read and approved.

Senate Bill No. 488—An Act to amend Sections 1335, 1336, 1337, 1338, 1339, 1340, and 1341 of the Penal Code, all relating to the conditional examination of witnesses in criminal cases.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnstone, Jury, Lucey, McCartney, McKenney, Meincke, Mindham, Mitcheltree, Moore, Perkins, Slaven, Thompson, and Mr. Speaker—47.

NOES—None

Title read and approved.

Assembly Bill No. 1126—An Act to amend Section 1616 of the Code of Civil Procedure, relating to fees and allowance of executors, administrators, and their attorneys.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Creighton, Cromwell, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Houser, Jarvis, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Senate Bill No. 453—An Act to amend Section 597 of the Penal Code, and to add nine new sections thereto, to be numbered 597*a*, 597*b*, 597*c*, 597*d*, 597*e*, 597*f*, 599*a*, 599*b*, and 599*c*, all relating to cruelty to animals.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, John, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lumley, Lynch, McCartney, McGowan, McKenney, Meincke, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Senate Bill No. 162—An Act to add two new sections to the Penal Code, to be numbered 269*a* and 269*b*, relating to open and notorious fornication and adultery.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Moore, Perkins, Pryor, Thompson, Transue, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Senate Bill No. 163—An Act to amend Sections 270 and 272 of the Penal Code and to add new sections thereto, to be numbered 271*a*, 273, 273*a*, 273*b*, 273*c*, 273*d*, and 273*e*, and to repeal Section 1389 thereof, all relating to crimes against children.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnstone, Jury, Lumley, Lynch, Manwell, McCartney, McGowan, Meincke, Mindham, Moore, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Senate Bill No. 377—An Act to amend Sections 767, 771, 772, 773, and 774 of the Political Code, all relating to the reporting of decisions of the Supreme Court and the District Courts of Appeal.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lynch, McGowan, Meincke, O'Brien, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Senate Bill No. 614—An Act to amend Section 496 of the Penal Code, relating to the buying or receiving of stolen property.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Held, Jarvis, John, Johnson, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Senate Bill No. 615—An Act to amend Section 497 of the Penal Code, relating to the bringing of stolen or embezzled property into this State.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Held, John, Johnson, Johnstone, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Senate Bill No. 750—An Act to amend Section 105 of the Penal Code of the State of California, relating to escapes from State prisons and their punishment.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, Jarvis, John, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Senate Bill No. 410—An Act to amend Section 315 of the Penal Code, relating to houses of ill-fame.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Houser, Jarvis, Johnson, Johnstone, Jury, King, Lucey, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Senate Bill No. 414—An Act to amend Section 360 of the Penal Code, relating to marriage.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnson, Johnstone, Jury, King, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Senate Bill No. 431—An Act to add a new section to the Penal Code, to be numbered 369*h*, relating to the transporting of cattle, sheep, or swine upon railroad trains.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnstone, Jury, King, McCartney, McGowan, McKenney, Meincke, Mindham, Mitcheltree, Moore, Olmsted, Pfaefle, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Senate Bill No. 432—An Act to amend Section 384 of the Penal Code, and to add two new sections thereto, to be numbered 384*a* and 384*b*, all relating to the preventing of fires.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, McCartney, McGowan, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, and Mr. Speaker—46.

NOES—None

Title read and approved.

Senate Bill No. 433—An Act to add a new section to the Penal Code, to be numbered 384*c*, relating to the killing, maiming, or wounding of animals while hunting upon the inclosed land of another.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Coghlan, Cooper, Coyle, Creighton, Cromwell, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Houser, Jarvis, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lumley, Lynch, Manwell, McCartney, Meincke, Mindham, Moore, Olmsted, and Mr. Speaker—46.

NOES—None

Title read and approved.

Senate Bill No. 434—An Act to amend Sections 374, 376, 383, and 384 of the Penal Code, to renumber Sections 400 (as approved March 30, 1874), 402 $\frac{1}{2}$ , 402 $\frac{3}{4}$ , and 402 $\frac{3}{4}$  thereof, and to add new sections thereto, to be numbered 369*a*, 369*d*, 369*e*, 369*f*, 369*g*, 375*a*, 383*a*, 401*a*, and 402*d*, all relating to crimes against public health and safety.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Cullen, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, Moore, Olmsted, Perkins, Pryor, and Mr. Speaker—46

NOES—None.

Title read and approved.

Senate Bill No. 437—An Act to add a new section to the Penal Code, to be numbered 420, relating to obstructing persons from entering upon public lands of the United States.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Held, John, Johnstone, Jury, King, Lucey, McGowan, McKenney, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pryor, and Mr Speaker—46.

NOES—None.

Title read and approved.

Senate Bill No. 411—An Act to amend Section 343 of the Penal Code, relating to pawnbrokers.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Busick, Chandler, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Houser, Jarvis, Johnstone, Jones of Tuolumne, Jones of San Francisco, Lumley, McCartney, McGowan, McKenney, Meincke, Mindham, Moore, Olmsted, Pfaffle, Pyle, Stanton, Thompson, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Senate Bill No. 155—An Act to amend Section 172 of the Penal Code, relating to selling, giving away, or exposing for sale any vinous or alcoholic liquors in public institutions or buildings, or upon the grounds upon which the same are situated, or lands adjacent thereto.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, Lucey, Lynch, Manwell, McCartney, McKenney, Mindham, O'Brien, and Mr. Speaker—46.

NOES—None

Title read and approved.

Senate Bill No. 436—An Act to amend Sections 470, 474, 481, and 482 of the Penal Code, relating to forgeries and counterfeiting.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Espey, Estudillo, Goodrich, Held, Jarvis, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Perkins, Pfaffle, Pryor, Pyle, and Mr. Speaker—46.

NOES—None

Title read and approved.

Senate Bill No. 126—An Act to amend Sections 42, 45, 46, 47, 49, 50, 51, 57, 59, and 62 of the Penal Code, and to add six new sections thereto, to be numbered 42a, 49a, 54a, 54b, 55a, 57a, and 63b, all relating to crimes against the elective franchise.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Gates, Goodrich, Held, Houser, Jarvis, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Moore, O'Brien, Olmsted, Perkins, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Senate Bill No. 253—An Act to amend and renumber Section 653½ of the Penal Code, relating to appraisers accepting fees not allowed.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Houser, Jarvis, John, Johnson, Johnstone, Jury, King, Lucey, Lumley, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Senate Bill No. 412—An Act to add a new section to the Penal Code, to be numbered 347a, relating to the sale of poisons.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Meincke, Mindham, Moore, Olmsted, Pfaffle, Transue, Tripp, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Senate Bill No. 413—An Act to add a new section to the Penal Code, to be numbered 349a, relating to the preventing of fraud and imposition in the stamping and labeling of produce and manufactured goods.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Atkinson, Barnes, Bates, Beardslee, Beckett, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Houser, Jarvis, Johnson, Johnstone, King, Lucey, Lumley, Lynch, Maxwell, McGowan, Meincke, Moore, O'Brien, Perkins, Pfaffle, Severance, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—50.

NOES—None.

Title read and approved.

#### SECOND-READING FILE.

Bills on second-reading file of the special Senate Code Revision file were called up for second reading, as follows:

Senate Bill No. 763—An Act to amend Section 1387 of the Penal Code, relating to an order for dismissal being a bar in cases of misdemeanor.

Read second time.



Senate Bill No. 763 ordered to third reading on special Senate Code Revision file.

Senate Bill No. 255—An Act to repeal Section 1639 of the Code of Civil Procedure, approved March 24, 1874, and to add a new section to said Code, to be numbered 1527, both relating to sale of personal property of a deceased person upon application for sale of real property.

Read second time.

Senate Bill No. 255 ordered to third reading on special Senate Code Revision file.

Senate Bill No. 254—An Act to add a new section to the Code of Civil Procedure, to be known as Section 1639, relating to the settlement of accounts of an executor or administrator after his death.

Read second time.

Senate Bill No. 254 ordered to third reading on special Senate Code Revision file.

Senate Bill No. 435—An Act to add a new section to the Penal Code, to be numbered 397b, relating to the sale, giving, or delivering of intoxicating liquors to minor children, and to the preventing of minor children from visiting saloons or public houses where intoxicating liquors are sold.

Read second time.

Senate Bill No. 435 ordered to third reading on special Senate Code Revision File.

#### RESOLUTION OF CONGRATULATION.

Mr. Bliss offered the following resolution, which was read :

WHEREAS, This Assembly is reliably informed that one of its members, namely, the Hon. L. P. Branstetter, was this morning advised by wire that he is the happy father of a' bouncing baby boy , and

WHEREAS, Said Assemblyman Branstetter has been looking forward for some time past, and anxiously awaiting the foregoing information; and

WHEREAS, The receipt of said information has gratified a wish of long standing with our fellow member; therefore, be it

*Resolved*, That this Assembly tenders to Assemblyman Branstetter its hearty congratulations, and suggests to the member from the buttermilk valley of the North the propriety of enabling this body to smoke to the future Assemblyman from Ferndale.

On motion of Mr. Bliss, the resolution was adopted by a unanimous vote.

#### REPORT OF THE INVESTIGATING COMMITTEE ON CHARGES PREFERRED AGAINST HON. E. S. TORRANCE, JUDGE OF THE SUPERIOR COURT OF SAN DIEGO COUNTY.

The special committee appointed to investigate charges preferred against Hon. E. S. Torrance, Judge of the Superior Court of San Diego County, was granted leave to submit (out of order) their report:

*In the Assembly of the thirty-sixth session of the Legislature of the State of California.*

In the matter of the memorial presented to the Assembly on the 16th day of January, 1905, by Mr. McCartney, wherein Hon. Ehsha S. Torrance, Judge of the Superior Court of the State of California, in and for San Diego County, is accused by the Los Angeles Bar Association of misconduct in office.

Report of the committee appointed by Hon. Frank C. Prescott, Speaker of the Assembly of the State of California, to investigate said charges of misconduct.

We, your committee appointed to investigate the above charge, beg leave to report as follows:

We left the City of Sacramento on Thursday, February 2, 1905, and proceeded to the City of San Diego, and from thence we went to the cities of San Bernardino and Los Angeles, taking testimony in said matter at each of said places. Ninety-five witnesses were sworn and examined orally. The record evidence, consisting of court records and other miscellaneous papers, were introduced by the respective parties and examined by your committee.

After considering all of said testimony, we find as follows:

As to Paragraph One of Specification One, wherein it is charged that Judge Torrance became so intoxicated that he was unable to proceed with the trial of Beck vs Thompson at San Bernardino, on or about the 20th of January, 1903, that Judge Torrance did absent himself from court during the trial of said case, as in said specification set forth, but the testimony bearing upon this charge was insufficient to justify finding that his absence was due to drunkenness at that time.

As to Paragraph Two of said Specification One, wherein it is charged that Judge Torrance passed a great deal of his time in saloons, engaged in gambling and consorting with persons of bad reputation, and was seen in public places in said drunken condition, and associating with professional gamblers and dissolute and disreputable persons, we find from the testimony that Judge Torrance had on one occasion been seen engaged in playing draw poker for money in a public saloon, and that one of the other persons engaged in such game was a man who had formerly been known as a professional gambler.

As to Paragraph Three of said Specification One, wherein it is charged that Judge Torrance was expected to preside at the trial of The People vs. Chittenden, then pending in the Superior Court of the County of San Bernardino, but on account of the drunken condition of Judge Torrance, he was unable to preside at said criminal action, we find that the reason that Judge Torrance did not preside at said trial was because Judge Noyes of Riverside County, who had presided at the former trial of said action, had been requested to retry said case. Furthermore, that Judge Torrance had never been requested to go to San Bernardino to try said Chittenden case.

As to Specification Two, wherein it is charged generally that Judge Torrance has, during two years last past, been grossly intoxicated, has exhibited himself to the public in a state of gross intoxication, and that said drunkenness has disqualified him from discharging the duties of his office, and has caused him to neglect the duties of his said office, and that he has during said period caroused with litigants, and lawyers representing litigants having actions and proceedings in his court; and that Judge Torrance, while so intoxicated, was very profane, and would curse and abuse reputable attorneys and other citizens upon the streets of San Diego, and would associate with disorderly and disreputable persons, and by such conduct has brought the administration of justice in his court into contempt and public disrepute, we find that the evidence is insufficient to support the charge that Judge Torrance ever exhibited himself on the streets of San Diego, or in any other public place, in a "grossly intoxicated" condition, or in a state of "gross drunkenness." We further find that the evidence is insufficient to support the charge that Judge Torrance, by reason of drunkenness or intoxication, was ever disqualified from discharging the duties of his office, or that he was at any time intoxicated while in the performance of the duties of his office.

We find the evidence insufficient to support the charge that Judge Torrance has frequently drunk intoxicating liquors and caroused with litigants, and lawyers representing litigants having actions and proceedings pending in his court.

We find that with the exception of the time that Judge Torrance was engaged in a gambling game at San Bernardino, as hereinbefore mentioned, the evidence fails to support the charge that he "would associate with disorderly and disreputable persons."

We find that Judge Torrance during the past two years has on a number of occasions been seen on the streets of San Diego and in other public places under the influence of liquor, that while the degree of intoxication was not sufficient to incapacitate him from properly performing the duties of his office, it was on such occasions sufficient to attract attention, that when so intoxicated, Judge Torrance would at times indulge in loud talk, use profane language and engage in boisterous conduct, and frequently his conduct, when so intoxicated, has been unseemly, improper and unbecoming a man occupying his position.

As to all allegations against Judge Torrance relating to and bearing upon his conduct in the case of Lucille D. Gay, plaintiff, vs. John H. Gay, defendant, including the allegations of misconduct in visiting the house of the defendant Gay while the said cause was under advisement; also including the conduct and actions of Judge Torrance with reference to the motion for a new trial in said case; also including his discussion with Judge J. S. Noyes of matters connected with said case, we find that the conduct of Judge Torrance in said case, and all matters pertaining thereto, has been reviewed by the Hon. J. S. Noyes, Judge of the Superior Court of Riverside County, in passing upon a motion for a new trial in said cause; that the decision of Judge Noyes, in so far as it related to the conduct of Judge Torrance in visiting the house of said defendant Gay, was to the effect that said conduct was not in itself sufficient grounds for a new trial; that substantially all the facts upon which the allegations relating to such subject are based, were reviewed by Judge Noyes at the hearing of said motion for a new trial; that substantially the same matter was before the Supreme Court of this State in the case numbered 3980, entitled "Lucille D. Gay, petitioner, vs. E. S. Torrance, Judge, etc., respondent." In view of the fact that said matters were passed upon judicially by both of said tribunals, and that the motion for a new trial upon the grounds of misconduct of Judge Torrance, as aforesaid, was denied, we think should preclude us from passing upon his alleged official misconduct in that regard, basing our views in this connection upon the fact that if any alleged conduct was insufficient to warrant the granting of a new trial, it would be insufficient to constitute grounds of impeachment.

As to Paragraph Two of Specification Three, wherein it is charged generally that Judge Torrance, on the 29th day of October, 1903, after filing his findings in the case of

Gay vs. Gay, left the City of San Diego, and did not return until the first week in January, 1904, and during said period was at Lakeside in San Diego County, and was intoxicated a great deal of the time, that he refused to permit communication with him and it was only with difficulty that his whereabouts could be ascertained, we find that Judge Torrance had announced generally that he proposed taking a vacation at that time, and that the attorneys of the San Diego bar had knowledge of this fact; and that Judge Torrance did not refuse to permit communication with himself, but on the contrary, notwithstanding the fact that he was on vacation, he corresponded with attorneys of the bar on matters pending in his court.

As to the allegation in Paragraph Two of Specification Three, wherein it is charged that since the plaintiff in the case of Gay vs. Gay filed her notice of intention to move for a new trial, Judge Torrance has been in frequent communication with the attorneys for the defendant, and has manifested improper interest on behalf of defendant, we find that there is no evidence supporting such allegation.

As to the allegation in Paragraph Two of Specification Three, wherein it is charged that Judge Torrance in said case of Gay vs. Gay, from the time of the filing of the affidavits on motion for a new trial therein, until the present, had "scandalously exhibited an indecent solicitude for the interest of the defendant in said suit of Gay vs. Gay, unbecoming and highly disgraceful to the character of a judge, as it was and is subversive of justice," we find that the evidence does not support such allegation.

As to the allegations of said Subdivision Two of Specification Three, wherein it is charged that Judge Torrance, just prior to the convening of the Supreme Court of the State of California, counseled with one of the attorneys for the defendant John H. Gay, to wit: L. L. Boone, with respect to making a motion to dismiss the appeals, and advised with said L. L. Boone generally as to his procedure on motion to dismiss plaintiff's appeals, we find that there was no evidence in support of such allegations, but on the contrary, the memorialists, at said hearing, declared that they would offer no evidence in support of such allegations.

As to the allegations contained in Specification Four, wherein it is charged "that the bad personal habits of the said Judge E. S. Torrance, his open and flagrant violation of the laws of the State of California, and his scandalous conduct in the case of Gay vs. Gay, as well as in other cases, has brought the administration of justice in his department of the Superior Court of San Diego County into contempt, and has done great wrong and injury to the public welfare, as well as to individual litigants," we find that his personal habits, while not bad to the degree of incapacitating him as a judicial officer, and while not so scandalous as to bring the administration of justice in his department into contempt, are, nevertheless, highly unbecoming a judicial officer, and such as must necessarily invite unfavorable comment.

We find that the personal integrity of Judge Torrance is unchallenged, and his ability as a jurist unassailable, when not viewed or considered with reference to his said personal habits, but viewing his conduct as we believe it should be viewed by lawyers, litigants, and the people of the State generally, we feel compelled to say that his personal habits conduce to the lowering of the esteem, respect, and confidence in which our judicial officers should be held.

Our conclusion from the facts found by us, as hereinabove presented, is, that there is insufficient evidence to warrant impeachment proceedings, and we so advise and recommend.

Respectfully submitted.

WEYAND, Chairman,  
McGOWAN,  
DEVLIN,  
BARNES,  
O'BRIEN,

Special Committee of the Assembly

#### REPORT MADE SPECIAL ORDER.

On motion of Mr. Weyand, the report of the committee was made a special order for Monday, March 6, 1905, immediately after the reading of the Journal.

#### THIRD-READING FILE.

Mr. Estudillo was granted leave to call up Assembly Bill No. 80 (No. 265 on file) for purpose of amendment.

Assembly Bill No. 80—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and the best method of preserving the forests thereof; and to make an appropriation for the expenses of such investigation.

Read third time.

Mr. Estudillo moved that a select committee of one be appointed to amend Assembly Bill No. 80, as follows:

AMENDMENT No. 1.

Strike out the words "twenty-seven thousand five hundred" in Section 1, line 4, page 1, printed bill, and insert in lieu thereof the words "thirty thousand."

AMENDMENT No. 2.

Strike out the word "five" in Section 1, line 19, page 2, printed bill, and insert in lieu thereof the word "ten."

AMENDMENT No. 3.

Strike out the words "ten thousand" in Section 1, lines 22 and 23, page 2, printed bill, and insert in lieu thereof the words "twelve thousand five hundred."

AMENDMENT No. 4.

Strike out the word "sixty-one" in Section 3, line 1, page 2, printed bill, and insert in lieu thereof the word "seventy-one"

Motion carried.

Amendments adopted.

Mr. Estudillo was appointed such select committee of one.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO. March 1, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 80—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and the best methods of preserving the forests thereof, and to make an appropriation for the expenses of such investigation—with instructions, does now report that the instructions of the Assembly have been carried out.

ESTUDILLO, Committee.

The report of the select committee of one was adopted.

Assembly Bill No. 80 was ordered to reprint, with a rush order, to reengrossment, and on file for passage.

REPORTS OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following reports, which were read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER. Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly reengrossed

Assembly Bill No. 1082—An Act to create a drainage district to be called "Sacramento Drainage District," to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensations of such officers and providing for the creation, division and management of reclamation, swamp land, levee, drainage and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER. Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 438—An Act making an appropriation to pay the claim of W. F. Gormley against the State of California.

Assembly Bill No. 1085—An Act appropriating money for the expenses of the care and improvement of the grounds at the John Marshall monument at Coloma.

Assembly Bill No. 943—An Act to appropriate the sum of \$2,000 for the purpose of diffusing information regarding tuberculosis and the methods of preventing the spread of the same.

Assembly Bill No. 1156—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," by adding a new section to said Act to be known as Section 33½, relating to the power of the board of supervisors to appropriate from the general fund of the county moneys to aid in and carry on the work of the preservation of forests, reforestation, and the protection of forests against fire.

Assembly Bill No. 123—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Assembly Bill No. 1150—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 184 thereof, relating to the compensation of the recorder and of the auditor in counties of the twenty-seventh class.

Assembly Bill No. 328—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof," approved March 23, 1901, by amending Section 191 thereof.

Assembly Bill No. 958—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 178 thereof, relating to the compensation of officers of counties of the twenty-first class.

Assembly Bill No. 896—An Act making an appropriation for the erection and construction of additional cells at the State Prison at Folsom, the erection of a wall around said prison, the purchase of necessary cement, derricks and tools, and other expenses incidental and relating to the purposes in this Act mentioned.

Assembly Bill No. 839—An Act to amend Section 12 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and fixing the compensation of grand jurors and trial jurors in criminal cases.

DEVILIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly reengrossed:

Assembly Bill No. 153—An Act establishing a bureau of information, for the purpose of disseminating knowledge of nature study, agriculture and related subjects (applicable to conditions in California), to the public schools of the State, to be known as "The Central Bureau of Information", indicating the method of disseminating such knowledge; fixing the location of said bureau; designating, and naming the members of the board to control said bureau, indicating the powers of such board and the time for its first meeting; and appropriating the sum of \$2,000 to pay the expenses of said bureau for the fiscal years 1905 and 1906.

DEVILIN (per Johnstone), Chairman.

NOTION TO RECONSIDER POSTPONED.

Mr. Atkinson called up his notice of motion to reconsider the vote whereby Assembly Bill No. 970 was refused passage on a previous day, and moved that the consideration of the same be postponed until to-morrow (Thursday) under the head of notices to reconsider.

So ordered.

BILL ORDERED ON FILE.

On motion of Mr. McCartney, Assembly Bill No. 1167 was recalled from Committee on Judiciary, and ordered placed on second-reading file.

SECOND-READING FILE.

Mr. Duryea was granted leave to call up Assembly Bill No. 661 (No. 352 on file) for the purpose of amendment.

Assembly Bill No. 661—An Act appropriating money to pay the claim of A. Bosquit against the State of California.

Bill read second time.

COMMITTEE AMENDMENT.

The following committee amendment was read:

Amend by striking out the words "eighteen hundred seven dollars and twenty-six cents," on lines 1 and 2, Section 1, first page, printed bill, and inserting in lieu thereof the following: "sixteen hundred twenty dollars and fifty cents."

MOTION.

Mr. Duryea moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 661.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 661 was considered in Committee of the Whole.

Mr. Duryea moved that the Committee of the Whole rise and report back Assembly Bill No. 661, with a recommendation that it do pass as amended.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 661—An Act appropriating money to pay the claim of A. Bosquit against the State of California—and do now report the same back, and recommend that it do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 661 was ordered to reprint, with a rush order, reëngrossment, and on third-reading file.

## THIRD-READING FILE.

Mr. Drew was granted leave to call up Senate Bill No. 696 (No. 478 on file) for the purpose of amendment.

Senate Bill No. 696—An Act to provide for the location and construction of a public highway from the General Grant Park, in Fresno County; thence easterly a distance of about fifty miles to the Kings River Cañon; and making an appropriation for the construction thereof, and providing for a commission to take charge of, locate, and construct said highway.

Read third time.

Mr. Drew moved that a select committee of one be appointed to amend Senate Bill No. 696, as follows:

Strike out the period at the end of the title of printed bill and insert as follows: "and to repeal an Act to appropriate money for the survey, location and construction of a free wagon road from the town of Mariposa, in Mariposa County, to the Yosemite Valley, approved March 26, 1895."

Also: After the word "Grant," line 5, page 1, printed bill, insert "National."

Also: After line 6, page 2, Section 3, printed bill, insert: "Sec. 4 An Act entitled 'An Act to appropriate money for the survey, location, and construction of a free wagon road from the town of Mariposa, in Mariposa County, to the Yosemite Valley,' approved March 26, 1895, is hereby repealed, and so much of the money in the State Treasury appropriated in said Act as is herein appropriated is hereby made available for the construction of the road provided for in section one of this Act."

Motion carried.

Amendments adopted.

Mr. Drew was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 696—An Act to provide for the location and construction of a public highway from the General Grant Park, in Fresno County, thence easterly a distance of about fifty miles to the Kings River Cañon, and making an appropriation for the construction thereof, and providing for a commission to take charge of, locate, and construct said highway—with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

The report of the select committee was adopted.

Senate Bill No. 696 ordered to print with a rush order, and on special Senate file for final passage.

## BILLS ORDERED ON FILE.

On motion of Mr. McGowan, Senate Bills Nos. 7 and 297 (Nos. 345 and 454 on file) were recalled from the Committee on Ways and Means and ordered on the special Senate file, identical Assembly bills having been considered by that committee.

## SECOND-READING FILE.

Mr. Beckett was granted leave to call up Assembly Bill No. 1139 (No. 400 on file) for second reading.

Assembly Bill No. 1139—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor, and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and prohibiting the use of the word "trust" in combination or connection with the word "company," "corporation," "incorporation," "association," "society," "organization," or "syndicate," by any person, corporation, or association which is not subject to the provisions of the Act last mentioned.

Read second time.

Assembly Bill No. 1139 ordered on third-reading file.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Roads and Highways was granted leave to submit (out of order) the following report:

## ON ROADS AND HIGHWAYS

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 34—An Act to provide for locating, surveying and constructing a State highway from a point in the Congress Hall road, at or near Fair View school house, in the County of Santa Clara, thence along the summit lying between the Pescadero and San Lorenzo creeks, in a southwesterly direction to the northerly rim of the Big Basin Redwood Park, about ten miles, to connect with an existing State road in said Redwood Park, in Santa Cruz County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 393—An Act to provide for completing the survey, locating and constructing a State highway, from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles, to connect with an existing road in Humboldt County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with four amendments, and recommend that the same do pass as amended.

COYLE, Chairman

Senate Bills Nos. 34 and 393 ordered on special Senate file.

## SECOND-READING FILE.

Mr. O'Brien was granted leave to call up Assembly Bill No. 465 (No. 340 on file) for the purpose of amendment.

Assembly Bill No. 465—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building for the fiftieth fiscal year.

Read second time.

## MOTION.

Mr. O'Brien moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 465.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 465 was considered in Committee of the Whole.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend the title by striking out the words "to pay the deficiency in the appropriation for repairs to the steam boilers and steam pipes and elevator plant of the State Capitol building for the fiftieth fiscal year," first page, printed bill, and inserting in lieu thereof the following: "of nine hundred and fifty-two dollars and fifty cents (\$952.50) to pay the claim of Warren F. Drew against the State of California."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out Section 1 on first page, printed bill, and inserting in lieu thereof the following: "Section 1. The sum of nine hundred and fifty-two dollars and fifty cents (\$952.50) is hereby appropriated out of any money in the State Treasury not otherwise appropriated to pay and discharge in full the claim of Warren F. Drew against the State of California."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out Section 2, first page, printed bill, and inserting in lieu thereof the following: "Sec. 2. The State Controller is hereby authorized and directed to draw his warrant on the State Treasurer in favor of Warren F. Drew for the sum of nine hundred and fifty-two dollars and fifty cents (\$952.50), and the State Treasurer is hereby directed to pay the same."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out Section 3, first page, printed bill, and inserting in lieu thereof the following: "Sec 3 This Act shall take effect July 1, 1905."

Amendment adopted.

Mr. O'Brien moved that the Committee of the Whole do now rise and report back Assembly Bill No. 465, with recommendation that it do pass as amended.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

## ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 465—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building for the fiftieth fiscal year—and do now report the same back with amendments, and recommend that the same do pass as amended.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 465 ordered to reprint, engrossment, and on third-reading file.



## SECOND-READING FILE.

Mr. Atkinson was granted leave to call up Senate Bill No. 766 (No. 485 on file) on second-reading file.

Senate Bill No. 766—An Act to add a new section to the Political Code, to be numbered 2524a, relating to the powers of the Board of State Harbor Commissioners.

Read second time.

Senate Bill No. 776 ordered to third reading on special Senate file.

Mr. Johnstone was granted leave to call up Assembly Bill No. 784 (No. 24 on file), for the purpose of amendment.

Assembly Bill No. 784—An Act making an appropriation of \$785, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing one team, four sets of harness, one mowing machine, and one set of platform scales, for the use of said school.

Read second time.

## AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out the word "eighty-five" in the title and inserting in lieu thereof the following: "Six hundred and seventy-five."

Amendment lost.

## AMENDMENT No. 2.

Amend by striking out the word "eighty-five" in the title and inserting in lieu thereof the following: "Six hundred and seventy-five."

Amendment lost.

## AMENDMENT No. 3.

Amend by striking out the words "one team, four sets of harness, one mowing machine, and one set of platform scales," on lines 6, 7, 8, Section 1, first page, printed bill, and inserting in lieu thereof the following: "One team of horses, to cost not to exceed two hundred and fifty dollars (\$250), four sets of harness, to cost not to exceed one hundred dollars (\$100); one mowing machine, to cost not to exceed seventy-five dollars (\$75), and one set of platform scales, to cost not to exceed two hundred and fifty dollars (\$250)."

Amendment lost.

## AMENDMENT No. 4.

Amend by striking out Section 3

Amendment adopted.

Mr. Johnstone offered the following amendments, which were read:

Amend by striking out the words and figures "seven hundred and eighty-five dollars (\$785.00)," on lines 1 and 2, Section 1, first page, printed bill, and inserting in lieu thereof the following: "six hundred and seventy-five dollars (\$675 00)."

Amendment adopted.

Amend by striking out the words "seven hundred and eighty-five," in title of the printed bill, and inserting in lieu thereof the following: "six hundred and seventy-five."

Amendment adopted.

## MOTION.

Mr. Johnstone moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 784.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 784 was considered in Committee of the Whole.

Mr. Johnstone moved that the Committee of the Whole do rise and report back Assembly Bill No. 784, with a recommendation that it do pass as amended.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 784—An Act making an appropriation of \$785, to be used by the Board of Trustees of the Whittier State School at Whittier, California, for the purpose of purchasing one team, four sets of harness, one mowing machine, and one set of platform scales for the use of said school—and do now report the same back, with amendments, and recommend that the same do pass as amended.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 784 ordered to reprint, engrossment, and on third-reading file.

## BILL ORDERED ON SPECIAL FILE.

On motion of Mr. Weyand, Senate Bill No. 787 was recalled from the Committee on Military Affairs, and ordered on the special Senate file, it being identical with Assembly Bill No. 1038, which had already been considered by that committee.

## SECOND-READING FILE.

Mr. Ellis was granted leave to call up Senate Bills Nos. 640, 669, and 625 (Nos. 483, 484, and 486 on file) for second reading.

Senate Bill No. 640—An Act to amend Section 1671 of the Political Code of the State of California, relating to the establishment of high schools.

Read second time.

Senate Bill No. 640 ordered to third reading on the special Senate file.

Senate Bill No. 669—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents.

Read second time.

Senate Bill No. 669 ordered to third reading on the special Senate file.

Senate Bill No. 625—An Act to amend Sections 3335, 3337, 3338, and 3339 of the Political Code, relating to fires and firemen.

Read second time.

Senate Bill No. 625 ordered to third reading on the special Senate file.

Mr. Olmsted was granted leave to call up Assembly Bill No. 967 (No. 406 on file) for second reading.

Assembly Bill No. 967—An Act to provide for the formation, functions, government, operation, and dissolution of water-supply districts; for the development and acquisition thereby, by purchase, condemnation, or otherwise, of sources of water supply for domestic and public purposes; and for the construction or acquisition thereby, by purchase, condemnation, or otherwise, of water works and water systems and other property, and of the operation thereof and the fixing of water rates thereby; the calling and conducting of elections in such districts;

the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds.

Read second time.

Assembly Bill No. 967 ordered to engrossment and on third-reading file.

Mr. Lynch was granted leave to call up Assembly Bills Nos. 1039 and 1040 (Nos. 389 and 390 on file) for second reading.

Assembly Bill No. 1039—An Act authorizing and directing the Board of State Capitol Commissioners to remodel and repair the State Capitol building, making the same fire-proof, rendering all space therein available, and making an appropriation therefor.

Read second time.

Assembly Bill No. 1040—An Act authorizing and directing the Board of State Capitol Commissioners to make certain repairs and improvements and to remodel the State Capitol building and its appurtenances, and making an appropriation therefor.

Read second time.

#### MOTION.

Mr. Lynch moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bills No. 1039 and 1040.

Motion carried.

#### IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bills Nos. 1039 and 1040 were considered in Committee of the Whole.

Mr. Lynch moved that the Committee of the Whole do rise and report back Assembly Bills Nos. 1039 and 1040, with a recommendation that they do pass.

Motion carried.

#### IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1039—An Act authorizing and directing the Board of State Capitol Commissioners to remodel and repair the State Capitol building, making the same fire-proof, rendering all space therein available, and making an appropriation therefor.

Also: Assembly Bill No. 1040—An Act authorizing and directing the Board of State Capitol Commissioners to make certain repairs and improvements and to remodel the State Capitol building and its appurtenances, and making an appropriation therefor.

And do now report the same back and recommend that they do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill Nos. 1039 and 1040 were ordered to engrossment and on third-reading file.

#### REPORT OF COMMITTEE ON COUNTY AND TOWNSHIP GOVERNMENTS—(OUT OF ORDER).

The Committee on County and Township Governments was granted leave to submit the following report (out of order), which was read:

#### ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1023—An Act to amend an Act entitled "An Act to establish

a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

BURKE, Chairman.

Assembly Bill No. 1023 ordered on second-reading file.

SECOND-READING FILE—(RESUMED).

Mr. McGowan was granted leave to call up Assembly Bill No. 1146 (No. 404 on file) for the purpose of amendment.

Assembly Bill No. 1146—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 755 thereof, relating to the salary of the Clerk of the Supreme Court.

Read second time.

COMMITTEE AMENDMENTS.

The following committee amendments were read:

AMENDMENT No. 1.

Amend by inserting in line 4 of the printed bill, before the first "the," the figures "755."

Amendment adopted.

AMENDMENT No. 2

Amend by striking out all of line 1, in Section 2, after the word "be," and all of line 2, and inserting in lieu thereof the following: "enforced on and after the first day of January, 1907."

Amendment adopted.

Assembly Bill No. 1146 ordered to print, with a rush order, engrossment, and on third-reading file.

Mr. McGowan was granted leave to call up Assembly Bill No. 809 (No. 405 on file) for second reading.

Assembly Bill No. 809—An Act concerning warehouse receipts and the issuing, sale, and transfer thereof, and the sales of goods, wares, and merchandise stored in public or private warehouses in other States.

Read second time.

Assembly Bill No. 809 ordered to engrossment, and on third-reading file.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Ways and Means was granted leave to submit (out of order) the following report, which was read:

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: The undersigned, chairman of your Committee on Ways and Means, to whom was referred Assembly Bill No. 73—An Act to provide for the construction and maintenance of a fire boat for the protection of shipping, and appropriating money therefor—has had the same under consideration, and respectfully reports the same back, and recommends that the author withdraw the same.

Also Assembly Bill No. 718—An Act to provide continuous support for the prosecution of the work of river improvement, to create a fund therefor, and to make an appropriation for the commencement of such work—have had the same under consideration, and respectfully report the same back, without recommendation.

STANTON, Chairman.

Assembly Bills Nos. 73 and 718 ordered on second-reading file.

SELECT COMMITTEE REPORT BY COMMITTEE ON WAYS AND MEANS.

The Committee on Ways and Means, to whom was referred as a select committee, Assembly Bill No. 550, for the purpose of amending the same, submit the following report with accompanying amendment:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 550—An Act making an appropriation for the purchase of land adjoining the Napa State Hospital, and for the construction thereon of a dam and storage reservoir—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that the same do pass as amended.

STANTON, Chairman

## AMENDMENT BY WAYS AND MEANS COMMITTEE AS SELECT COMMITTEE.

Amend by striking out the words and figures "sixty thousand (\$60,000)," on line 1, Section 1, page 1, printed bill, and inserting in lieu thereof the words and figures "forty thousand (\$40,000) "

Amendment adopted.

Assembly Bill No. 550 ordered to reprint, reengrossment, and on file for passage.

ORDERED ON SPECIAL FILE.

On motion of Mr. King, Assembly Bill No. 550 (No. 266 on file) was ordered on the special file.

## THIRD-READING FILE.

Mr. McKenney was granted leave to call up Assembly Bill No. 932 (No. 42 on file) for the purpose of amendment.

Assembly Bill No. 932—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

Read third time on a previous day.

## SELECT COMMITTEE AMENDMENT.

Mr. McKenney moved that a select committee of one be appointed to amend Assembly Bill No. 932, as follows:

Amend by striking out the words "two hundred (\$200 00) dollars," on line 24, Section 1, page 2, printed bill, and inserting in lieu thereof the following: "five hundred (\$500.00) dollars "

Motion carried.

Amendment adopted.

Mr. McKenney was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 932—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class—with instructions, does now report that the instructions of the Assembly have been carried out.

McKENNEY, Committee.

The report of the select committee of one was adopted.

Assembly Bill No. 932 ordered to print, reengrossment, and on file for passage.

ORDERED ON SPECIAL SENATE FILE.

On motion of Mr. Estudillo, Senate Bill No. 33 was recalled from the Committee on Ways and Means and placed on the special Senate file, it being identical with Assembly Bill No. 80 (No. 265 on file).

Mr. Manwell was granted leave to call up Assembly Bill No. 1018—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and

amended March 23, 1901, by amending Section 203 thereof, relating to the compensation of county and township officers in counties of the forty-sixth class.

Read second time.

COMMITTEE AMENDMENT.

The following committee amendment was read:

AMENDMENT No. 1.

Amend by striking out all of Section 2, on page 3 of printed bill.

Amendment adopted.

Assembly Bill No. 1018 was ordered to reprint, engrossment, and on third-reading file.

SECOND READING.

Mr. Espey was granted leave to call up Assembly Bill No. 984 (No. 74 on file), for second reading.

Assembly Bill No. 984—An Act to add a new section to the Political Code of California, to be known as Section 1374a, establishing a tribunal for settling contested primary elections, prescribing its powers and providing punishment for contempts thereof, and for false testimony before it, and for violations of the provisions hereof.

Read second time.

Assembly Bill No. 984 ordered to engrossment and on third-reading file.

ADJOURNMENT.

Mr. Espey, at eleven o'clock and fifteen minutes P. M., moved that the Assembly adjourn until to-morrow at ten o'clock and thirty minutes A. M.

Motion carried.

The Speaker, Hon. Frank C. Prescott, at eleven o'clock and seventeen minutes P. M., in appropriate words, declared the Assembly adjourned, out of respect to the memory of Mrs. Jane L. Stanford, until Thursday, March 2, 1905, at ten o'clock and thirty minutes A. M.

IN ASSEMBLY.

ASSEMBLY CHAMBER,

Thursday, March 2, 1905. }

The Assembly met at ten o'clock and thirty minutes A. M., pursuant to adjournment.

The Speaker pro tem., Hon. T. E. Atkinson, in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Burge, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Espey, Gans, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Stobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—68.

Quorum present.

## LEAVES OF ABSENCE.

Leaves of absence for the day were granted to Messrs. Hawkins and Coghlan.

Messrs. Arnerich and Gates were excused until two o'clock P. M.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Bliss, its further reading was dispensed with.

## APPROVAL OF JOURNAL.

The Journal of Monday, February 27, 1905, was corrected, and, as corrected, approved.

## SPEAKER ASSUMES THE CHAIR.

The Speaker, Hon. Frank C. Prescott, at this stage of the proceedings, assumed the chair.

## REPORTS OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following reports, which were read:

## ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report correctly engrossed Assembly Concurrent Resolution No. 23—Relative to Special Joint Rule No. 1, providing for consideration of Assembly bills in Senate and Senate bills in Assembly.

DEVLIN, Chairman.

Also:

## ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 169—An Act to create a department of music in the University of the State of California, to provide a professorship of music, and to appropriate money therefor

Assembly Bill No. 520—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work along the banks thereof.

DEVLIN, Chairman.

## PETITION.

The Speaker presented the following petition:

(Relative to reading the Bible in the public schools.)

REDLANDS, CAL., February 20, 1905.

HON. FRANK C. PRESCOTT, *Speaker of the House of Representatives, State of California*

DEAR SIR: We desire to express to you, as our representative, our hearty approval of the bill introduced by Hon. H. S. G. McCartney, of Los Angeles, to amend Section 1672 of the Political Code, so as to prevent any construction of that section that would not permit the use of the Bible in the public schools of our State for any purpose not inconsistent with said section, and we further most respectfully request you to use your influence and your utmost endeavors in favor of the passage of said amendment.

We should oppose most strenuously any effort to introduce into our public schools any denominational or sectarian teaching whatever. On the other hand, to deny our teachers the privilege of reading in the schools from the book containing the highest code of morals known to the world—that code which forms the basis of human character, and upon which the perpetuity of civilized government rests—tends directly to subvert one of the fundamental reasons for the existence of our public school system, viz.: the culture of the truest and noblest citizenship

Furthermore, to rule the Bible out of our public school libraries, as a book of reference, is to discriminate against what is admitted by educated men of every religious belief, and of no religious belief, to be a copy of the best literature ever produced, and for which there is no possible substitute.

For these two reasons, therefore, in the interest of good morals, both in private and public life, and in the interest of the highest culture, we wish to see no discrimination against the proper use of the Bible in the public schools of our State.

Hoping that you will agree with us as to the importance of this matter, we are,

Respectfully,

W. G. CONLEY  
Pastor First Christian Church.  
JOHN A. SHRECK,  
J. E. SARGENT,  
C. T. WRIGHT,  
C. F. MASSENGALE,  
J. A. WALTON,  
C. A. BARKER,  
H. F. HOLT,

Board of Officers.

Presented to the church Sunday, February 19th, and approved by two hundred members.

The petition was ordered printed in the Journal, with the signatures.

#### SPECIAL ORDER.

Assembly Joint Resolution No. 9—Relative to the immigration of Japanese laborers, and to restrict or prevent their immigration into the United States.

Read on previous day, and printed in the Journal of March 1, 1905.

Mr. McGowan moved the adoption of Assembly Joint Resolution No. 9.

On being put to vote, the resolution was adopted by a unanimous vote.

#### REPORTS OF STANDING COMMITTEES.

Reports from standing committees were submitted and read, as follows:

##### ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 302—An Act making an appropriation to pay the claim of H. W. Randal, for the reward offered by the State of California for the arrest of Josef E. Blanthier, for murder,

Also: Senate Bill No. 399—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of \$3,000 therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SEVERANCE, Chairman.

Senate Bills Nos. 302 and 399 ordered on special Senate file.

##### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Senate Constitutional Amendment No. 2—To propose to the people of the State of California an amendment to Article XX, Section 16, of the Constitution, to provide for legislation concerning the term of officers or commissioners and certain employes whose terms of office are not provided for in the Constitution—report the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 825—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property—report the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 835—An Act making the cost of certain bonds of receivers, assignees, trustees, guardians, administrators, and executors chargeable to a certain extent against the trust estate—report the same back with two amendments, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 907—An Act to amend Section 281 of the Political Code, relating to the duties of guardians of insane persons—report the same back, with two amendments, and with the recommendation that it do pass as amended.



Also: Senate Bill No. 693—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and prohibiting the use of the word "trust" in combination or connection with the word "company," "corporation," "incorporation," "association," "society," "organization," or "syndicate," by any person, corporation, or association which is not subject to the provisions of the Act last mentioned—report the same back, with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 1143—An Act to amend Section 685 of the Code of Civil Procedure, relating to the enforcement or carrying into execution of judgment after the lapse of five years from the date of entry—report the same back, with one amendment, and with the recommendation that it do pass as amended, by a majority vote.

Also: Assembly Bill No. 758—An Act to add a new section to the Civil Code, under Title II of Part II thereof, to be numbered Section 3443, relating to contracts with reference to compensation for future services—report the same back, with one amendment, and with the recommendation that it do pass, by a majority vote, as amended.

Also: Assembly Bill No. 864—An Act to amend Section 459 of the Penal Code of the State of California, relating to the crime of burglary—report the same back, with one amendment, and with the recommendation that it do not pass.

Also: Assembly Bill No. 1031—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 229a, relating to the adoption of children—report the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 951—An Act entitled an Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to persons who cannot testify—report the same back, with the recommendation that it do pass.

DURYEA, Chairman.

Senate Constitutional Amendment No. 2 ordered on special Senate file.

Assembly Bills Nos. 825, 835, 907, 1143, 756, 864, 1031, and 951 ordered on second-reading file.

Senate Bill No. 693 read first time, and ordered on special Senate file.

#### SENATE MESSAGES.

The following messages from the Senate were read:

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 514—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act.

LEWIS A. HILBORN, Secretary of Senate  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 514 read first time, and referred to Committee on Revenue and Taxation.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendment to Senate Bill No. 150.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 955—An Act to amend Section 4 of an Act entitled "An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

Also: Assembly Bill No. 50—An Act requiring the marking of packages of butter containing less than six pounds and more than one-half pound so as to advise the purchaser or others as to the weight of butter contained in such package.

Also: Assembly Bill No. 233—An Act to prevent deception in the sale of renovated butter and to license manufacturers and dealers in the same.

Also: Assembly Bill No. 232—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known and numbered as Section 381b, relating to duties of the State Dairy Bureau.

Also: Assembly Bill No. 208—An Act to amend Chapter 1 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, by adding a new section

thereto, to be numbered Section 9, relating to the powers and duties of city clerks and recorders respecting the registration of deaths and the issuance and registration of burial and disinterment permits.

Also: Assembly Bill No. 767—An Act to repeal Sections 725, 728, 729, 730, 731, 732, and 733, all of Chapter V, Title I, Part II of the Penal Code of California, relating to suppression of riots.

Also: Senate Bill No. 717—An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe-line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison, at San Quentin, and for other expenses incidental and relating thereto.

Also: Senate Bill No. 725—An Act making an appropriation for the erection and construction of additional cells at the State Prison at Folsom, the erection of a wall around said prison, the purchase of necessary cement, derricks, and tools and other expenses incidental and relating to the purposes in this Act mentioned.

Also: Senate Bill No. 718—An Act to establish a State hospital for the care, custody, and maintenance of insane convicts and certain other insane persons charged with the commission of a felony, near Folsom, California, and to provide for the government and management thereof, and to direct the expenditure of money heretofore appropriated by an Act entitled "An Act to provide for the erection at Folsom State Prison of a building for the accommodation of insane prisoners, and making an appropriation therefor," approved March 26, 1903, and declaring that the same may be used and expended for the purposes of this Act.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 955, 50, 233, 232, 298, and 767 ordered to enrollment.

Senate Bills Nos. 717 and 725 read first time, and, on motion of Mr. Olmsted, ordered on special Senate file, without reference to committee, and made special order for March 3, 1905, immediately after the reading of the Journal.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 10—A resolution relative to immigration of Japanese.

Also: Passed Assembly Bill No. 820—An Act to amend Sections 626, 626c, 626d, 626f, 626g, 626h, 627a, 627b, 631, 631a of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631c, all relating to the protection and preservation of game.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Joint Resolution No. 10 ordered on special Senate file.

Assembly Bill No. 820 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to recede from Senate amendments to Assembly Bill No. 540—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries—and, in accordance with the Joint Rules, request a conference thereon, and have appointed as a conference committee Senators Belshaw, Wolfe, and Hahn, and request your honorable body to appoint a like committee.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

#### CONFERENCE COMMITTEE.

The Speaker announced the appointment of Messrs. Waste, Transue, and Ellis as the Assembly conference committee on Assembly Bill No. 540, to confer with a similar committee of the Senate.

#### SENATE MESSAGES—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day return, as per request, Senate Bill No. 325.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Constitutional Amendment No. 14—A resolution proposing to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters.

Also: Passed Senate Bill No. 24—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof.

Also: Assembly Bill No. 928—An Act to create a firemen's relief, health, and life insurance, and pension fund in the several counties, cities and counties, cities and towns of the state.

Also: Senate Bill No. 624—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors.

Also: Senate Bill No. 169—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved March 23, 1901, by amending Section 208 thereof, relating to counties of the fifty-first class.

Also: Assembly Bill No. 737—An Act to amend Section 3819 of the Political Code, relating to the recovery of taxes paid under protest.

Also: Senate Bill No. 518—An Act to authorize the construction, maintenance, and operation of private spur tracks in municipalities.

Also: Assembly Bill No. 611—An Act to amend an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

Also: Senate Bill No. 866—An Act appropriating \$675 to pay for postage, expressage, and telegraphing, Secretary of State's office, for the balance of the fifty-sixth fiscal year.

Also: Senate Bill No. 748—An Act to provide that no person shall be eligible to the office of justice of the peace in any incorporated city or town of California having a population of more than ten thousand persons, excepting a regularly admitted attorney at law, and providing a special means of determining, for the purposes of this Act, the population of incorporated cities and towns.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Constitutional Amendment No. 14 ordered to enrollment.

Assembly Bills Nos. 928, 737, and 611 ordered to enrollment.

Senate Bill No. 24 read first time, and ordered on special Senate file without reference to a committee, it being identical with Assembly Bill No. 152, and considered by committees.

Senate Bill No. 624 read first time, and referred to Committee on Judiciary.

Senate Bill No. 169 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 518 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 866 read first time, and, on motion of Mr. McGowan, ordered on special Senate file, it being identical with Assembly Bill No. 1087 (No 82 on file), which had been passed upon by Committee on Ways and Means.

Senate Bill No. 748 read first time, and referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed Assembly Bill No. 92—An Act to promote the drainage of wet swamp and overflowed lands, and to promote the public health in the communities in which they lie.

Also: Assembly Bill No. 160—An Act to amend an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards, and providing when proceedings under this Act shall be admissible in evidence." approved February 26, 1905

Also: Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued license to practice in all the courts of this State.

And respectfully ask your concurrence in same.

LEWIS A. HILBORN, Secretary of Senate  
By J. W. HARPER, Assistant Secretary.

#### ASSEMBLY BILLS AMENDED IN THE SENATE.

The following Assembly bills, amended in Senate, were called up for consideration of Senate amendments:

Assembly Bill No. 92—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court

#### SENATE AMENDMENT.

The following Senate amendment to Assembly Bill No. 92 was read:

Amend by striking out of Section 1, line 6, the words "three thousand dollars," and inserting in lieu thereof the words "twenty-five hundred dollars."

#### SENATE AMENDMENT CONCURRED IN.

Mr. Treadwell moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 92?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Beckett, Bliss, Boyle, Burge, Burke, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Drew, Duryea, Espey, Estudillo, Gans, Goodrich, John, Johnson, Johnstone, Jury, Lucey, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Whiting, and Mr. Speaker—51

NOES—None.

Assembly Bill No. 92 ordered to enrollment.

Assembly Bill No. 160—An Act to amend an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903.

#### SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 160 were read:

##### AMENDMENT No. 1.

On page 7, Section 11, lines 4 and 5, strike out the words "excepting the additional ones above authorized who shall serve without salary," and insert in lieu thereof the following: "except herein otherwise provided."

##### AMENDMENT No. 2.

On page 7, Section 11, lines 9 and 10, strike out the words "in counties of the first class the probation officer shall receive \$125 per month, and each deputy probation officer \$100 per month."

## AMENDMENT No. 3.

On page 7, Section 11, line 13, strike out the figures "\$100" and insert in lieu thereof the words "seventy-five dollars."

## AMENDMENT No. 4.

On page 7, Section 11, lines 13 and 14, strike out the words "In counties of the third class the probation officer shall receive \$125 per month."

## AMENDMENT No. 5.

On page 11, Section 17, line 34, after the word "commitment," insert the following: "Provided, further, that should the legislative body of the county, or city and county, or of a municipality, provide a suitable place for the detention of said dependent and delinquent children, which they are hereby authorized to do, such children may be committed thereto after the adjudication of dependency or delinquency for a definite period to be specified in such order. The court may thereafter set aside, change or modify such order, and may provide for a further detention in said place. Any order providing for the custody of a dependent or delinquent child may provide that the expense of maintenance of said child shall be paid by the parent or parents or guardian, of said child, and in such case shall determine the amount so to be paid, and shall determine whether or not the parent or parents shall exercise any control over said child and the extent thereof, and any disobedience of such order or interference with the custody of the child as therein determined by a parent or guardian having notice of the proceedings or of the order shall constitute a contempt of court."

## SENATE AMENDMENTS CONCURRED IN.

Mr. Espey moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 160?"

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Bliss, Boyle, Burge, Burke, Chandler, Cooper, Creighton, Cromwell, Cullen, Drew, Duryea, Espey, Estudillo, Gans, Goodrich, Jarvis, Johnson, Johnstone, Jury, Lucey, McCartney, McGowan, McKenney, McNamara, Mencke, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Severance, Slaven, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, and Mr. Speaker—47.

NOES—None.

Assembly Bill No. 160 ordered to enrollment.

Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued license to practice in all the courts of this State.

## SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 114 were read:

Amend as follows. By inserting in Section 1, line 2, after the words "California College of Law" the words "and of the Law Department of the Leland Stanford Junior University."

Also Add the words "Section 1," before the word "the" on line 1

Mr. Houser moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 114?"

The roll was called, and the Assembly refused to concur in the Senate amendments by the following vote:

AYES—Mr. Cromwell—1

NOES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bliss, Boyle, Burge, Burke, Busick, Chandler, Cooper, Creighton, Cullen, Drew, Espey, Estudillo, Gans, Goodrich, Held, Houser, Jarvis, John, Johnson, Johnstone, Jury, Lucey, Manwell, McCartney, McKenney, McNamara, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pyle, Severance, Slaven, Stanton, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—48.

## SENATE REQUESTED TO RECEDE.

On motion of Mr. Houser, it was ordered that Assembly Bill No. 114 be transmitted to the Senate, with a request that the Senate recede from its amendments.

## SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 115—An Act making an appropriation for the payment of Division and Brigade N. G. C. Headquarters allowances for the fifty-fifth and fifty-sixth fiscal years.

Also: Assembly Bill No. 902—An Act to amend Section 2189 of the Political Code, relating to the discharge of persons from State hospitals.

Also: Request that Assembly Bill No. 233 be returned to the Senate for reconsideration—An Act to prevent deception in the sale of renovated butter and to license manufacturers and dealers in the same.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary

Senate Bill No. 115 read first time, and ordered on special Senate file, without reference to committee, it being identical with Assembly Bill No. 228, which had been considered by the Assembly in Committee of the Whole.

Assembly Bill No. 233 ordered returned to Senate, as requested.

## BILL ORDERED ON SENATE FILE.

On motion of Mr. Cooper, Senate Bill No. 734 was recalled from the Committee on County and Township Governments, it being identical with Assembly Bill No. 898, and reported back from the committee.

## REFERRED TO SELECT COMMITTEE.

On motion of Mr. Goodrich, Senate Bill No. 547 (No. 455 on file) was ordered referred to a select committee consisting of the Committee on Ways and Means, for further consideration and amendment.

## REQUEST FOR INTRODUCTION OF BILL.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows: "An Act to provide for completing the survey, locating, and constructing a highway from a point in Trinity County, thence westerly about twenty miles to connect with an existing road, and making an appropriation therefor."

H. S. GANS.

Referred to Committee on Introduction of Bills.

## THIRD READING OF BILL.

On motion of Mr. Walsh, Assembly Bill No. 1077 (No. 83 on file) was called up for consideration on third reading.

Assembly Bill No. 1077—An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said court, and to fix the compensation of certain officers thereof.

Read third time

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Burge, Chandler, Cleveland, Cooper, Coyle, Creighton, Devlin, Dorsey, Drew, Estudillo, Gans, Goodrich, Held, Houser, John, Johnson, Johnstone, Jones of San Francisco, Jury, Lucey, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaefle, Pryor, Pyle, Severance, Slaven, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—54.

NOES—None

Title read and approved.

Assembly Bill No. 1077 ordered transmitted to the Senate.

## APPROPRIATION TO SERGEANT-AT-ARMS FOR STORING FURNITURE AND SHIPPING DOCUMENTS, ETC.

Mr. Bliss offered the following resolution, which was read:

*Resolved*, That the sum of six hundred dollars (\$600) is hereby appropriated from the Contingent Fund of the Assembly for the purpose of storing and branding all the furniture belonging to the Assembly Chamber, and for the use of the different committees; also for the purchase of boxes, packing, marking, and paying for the shipping of all papers and documents belonging to Assemblymen to their places of residence at the close of the session.

The Controller is hereby authorized and directed to draw his warrant in favor of J. T. Stafford, Sergeant at Arms of the Assembly, for the above amount, six hundred dollars (\$600), and the State Treasurer is hereby authorized and directed to pay the same.

## RESOLUTION ADOPTED.

Mr. Bliss moved the adoption of the resolution, without reference to a committee.

The roll was called, and the resolution declared adopted by the following vote:

AYES—Messrs Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Bliss, Boyle, Burge, Burke, Busick, Cleveland, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Duryea, Estudillo, Gans, Goodrich, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, Lucey, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mintham, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Stanton, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—58.  
NOES—None.

## BILL MADE A SPECIAL ORDER.

On motion of Mr. Moore, Assembly Bill No. 1082 (No. 205 on file) was made a special order for to-morrow (Friday), immediately after the reading of the Journal.

## SECOND-READING FILE.

Mr. Jury was granted leave to call up Assembly Bill No. 1034 for the purpose of amendment on second reading.

Assembly Bill No. 1034—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions, for the remainder of the fifty-sixth fiscal year.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by adding after the word "provided," on line 8, Section 1, first page of printed bill, the word "further"

Amendment adopted.

## AMENDMENT No. 2.

Amend by adding after the word "year," on line 8, Section 1, first page, printed bill, the following: "Provided, that all requisitions or parts thereof made upon said appropriation may be reduced or rejected by the State Board of Examiners, and."

Amendment adopted.

## AMENDMENT No. 3.

Amend by inserting after the word "payable," on line 2, Section 2, second page, printed bill, the following: "upon demands approved by the State Board of Examiners."

Amendment adopted.

## MOTION.

Mr. Jury moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 1034.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 1034 was considered in Committee of the Whole.

Mr. Jury moved that the Committee of the Whole rise and report back Assembly Bill No. 1034, with the recommendation that it do pass as amended.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1034—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals and other State institutions for the remainder of the fifty-sixth fiscal year—and do now report the same back, with amendments, and recommend that the same do pass as amended.

PRESCOTT, Chairman.

Report adopted.

Assembly Bill No. 1034 ordered to reprint, with a rush order, to engrossment, and, on motion of Mr. Jury, placed on the special file.

## ORDERED ON SPECIAL FILE.

On motion of Mr. McCartney, Assembly Bill No. 1171 was recalled from Committee on Judiciary, and ordered placed on the special file.

## REFERRED TO A SELECT COMMITTEE.

On motion of Mr. Treadwell, Senate Bill No. 755 (No. 465 on file) was referred to a select committee, consisting of the Committee on Judiciary, for further consideration and amendment.

## BILL WITHDRAWN.

Mr. Cleveland requested, and was granted, leave to withdraw Assembly Bill No. 453 (No. 323 on file).

## RESOLUTION TO SUBSTITUTE CLERK.

Mr. Beardslee offered the following resolution, which was read:

*Resolved*, That the name of C. W. Mahoney, heretofore appointed as Sergeant-at-Arms to committee, be stricken from the roll of attachés to the Assembly, and that the name of John Scott be substituted in lieu thereof; and that said John Scott be placed on the payroll beginning with Wednesday, March 1, 1905; and that the said John Scott receive the same per diem as heretofore paid to said C. W. Mahoney.

On motion of Mr. Beardslee, the resolution was adopted.



## CONCURRENT RESOLUTION.

Mr. Stanton offered the following Assembly Concurrent Resolution (No. 25), which was read.

(For committee to represent the State at the Lewis and Clark International Exposition at Portland, Oregon.)

WHEREAS, The Lewis and Clark International Exposition is intended to commemorate an event of great importance in the history of the United States, and more particularly of the entire Pacific Coast; and

WHEREAS, It is fit and proper that the State of California shall be officially represented in the exercises incidental to the formal opening of such exposition in the City of Portland, Oregon, May 11, 1905, therefore, be it

*Resolved by the Assembly of the State of California, the Senate concurring,* That, as part of such celebration, the Lieutenant-Governor shall appoint five members of the Senate, and the Speaker of the Assembly shall name a like number of members of the Assembly, who, with the Governor, the Lieutenant-Governor, the President pro tem of the Senate, and the Speaker and the Speaker pro tem of the Assembly, shall represent the State of California at the time and place and the occasion mentioned;

*Resolved,* That, for the purposes aforesaid, the sum of three thousand dollars, or as much thereof as may be necessary, is hereby appropriated, one half from the Contingent Fund of the Senate, and one half from the Contingent Fund of the Assembly, the same to be expended under the supervision and direction of the select committee authorized, and in the manner herein set forth

## CONCURRENT RESOLUTION ADOPTED.

Mr. Stanton moved the adoption of the resolution.

The roll was called, with the following result:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beckett, Boyle, Burge, Burke, Cleveland, Cooper, Coyle, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Gans, Goodrich, Held, John, Johnstone, King, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobl, Tansue, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—51.

NOES—Mr. Houser—1

Assembly Concurrent Resolution No. 25 was declared adopted.

## URGENCY RESOLUTION.

Mr. McCartney offered the following resolution, which was read:

*Resolved,* That Assembly Bill No. 1167 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Mr. McCartney moved the adoption of the resolution.

The roll was called, and the resolution declared adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Burge, Burke, Busick, Cleveland, Cooper, Coyle, Cromwell, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Gans, Goodrich, Held, Houser, John, King, Lucey, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Thompson, Trausue, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—54.

NOES—None.

Assembly Bill No. 1167—An Act to amend Section 611 of the Civil Code, relating to the issuance of bonds by cemetery corporations.

Read second and third times.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Beckett, Boyle, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Goodrich, Houser, John, Jones of Tuolumne, Jury, King, Lucey,

Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Olmsted, Perkins, Pfaffle, Pyle, Rolley, Slaven, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—49.  
 NAYS—None.

Title read and approved.

Assembly Bill No. 1167 ordered transmitted to the Senate.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Revenue and Taxation was granted leave to submit (out of order) the following report, which was read:

#### ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 514—An Act to establish a tax on gifts, legacies, inheritances, etc.—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended

GOODRICH, Chairman.

#### ORDERED ON SENATE FILE.

On motion of Mr. Goodrich, Senate Bill No. 514 was ordered to second reading on special Senate file.

On motion of Mr. Dorsey, Senate Bill No. 279 was withdrawn from the Committee on Ways and Means, and ordered on special Senate file, it being identical with Assembly Bill No. 403 (No. 266 on file).

#### BILL CALLED UP FOR AMENDMENT.

Mr. Olmsted was granted leave to call up Assembly Bill No. 735 (No. 284 on file) for the purpose of amendment.

Assembly Bill No. 735—An Act to prohibit selling, or giving away, or furnishing any ale, beer, wine, or other intoxicating liquors within one thousand feet outside of any entrance to any United States military reservation, or military camp, or public school house, and providing a penalty therefor, and declaring places where such acts are performed a public nuisance, and providing for the abatement thereof.

Read third time.

#### SELECT COMMITTEE AMENDMENT.

Mr. Olmsted moved that a select committee of one be appointed to amend Assembly Bill No. 735, as follows:

Amend by inserting after the word "camp," line 8, the words "or within one mile of any orphanage or college located outside of any incorporated city or town."

Also: By striking out of line 4, after the word "occupied," the comma (,) and the words "or which may hereafter be occupied."

Motion carried.

Amendment adopted.

Mr. Olmsted was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 735—An Act to prohibit selling, or giving away, or furnishing of any ale, beer, wine, cider or other intoxicating liquor within one thousand feet outside of any entrance to any United States military reservation, or military camp, or public school house, and providing a penalty therefor, and declaring places where such acts are performed a public nuisance, and providing for the abatement thereof—with instructions, does now report that the instructions of the Assembly have been carried out

OLMSTED, Committee.

Assembly Bill No. 735 ordered to reprint, reengrossment, and on file for passage.

## SECOND-READING FILE.

Mr. Amerige was granted leave to call up Assembly Bill No. 1166 (No. 405 on file).

Assembly Bill No. 1166 (Substitute for Assembly Bill No. 1136)—An Act to provide for the establishment and maintenance of a pathological laboratory for the investigation of tree and plant diseases and pests, and branch agricultural experiment station, and making an appropriation therefor.

## MOTION.

Mr. Amerige moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 1166.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 1166 was considered in Committee of the Whole.

Mr. Amerige moved that the Committee of the Whole rise and report back Assembly Bill No. 1166, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

## ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1166 (Substitute for Assembly Bill No. 1136)—An Act to provide for the establishment and maintenance of a pathological laboratory for the investigation of tree and plant diseases and pests, and branch agricultural experiment station, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 1166 ordered to third-reading file.

## REPORT AND RESOLUTION BY STANDING COMMITTEE—(OUT OF ORDER).

The Committee on State Prisons and Reformatories was granted leave to submit (out of order) the following report, which was read:

## ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905

MR. SPEAKER: Your Committee on State Prisons and Reformatories, to whom was granted leave of absence to visit the State Prison at Folsom, report that they have visited the same and that the following members are entitled to mileage for one way to the State Prison at Folsom: to wit, 44 miles—Messrs. Amerige, Lynch, Olmsted, Ellis, Bliss, Boyle, Beckett, Wickersham, and McKenney, and that Messrs. Olmsted, Ellis, Boyle, Lynch, Wickersham, and McKenney are entitled to mileage for 110 miles for visiting the Preston School of Industry at Lone, and your committee would further report that they have expended the sum of \$5.88 for postage in sending the special report of the standing State Prison Committee to the various institutions in this country and Europe which furnished their reports to the committee. Your committee would therefore respectfully ask the adoption of the following resolution:

*Resolved*, That the Controller be and is hereby directed to draw his warrants in favor of C. H. McKenney for the sum of \$111.43, as per above statement, said warrant to be drawn upon the funds of the contingent expenses of the Assembly, and the Treasurer is hereby directed to pay the same.

McKENNEY, Chairman.

## REPORT AND RESOLUTION ADOPTED.

Mr. McKenney moved the adoption of the report and resolution.

The roll was called, and the report and resolution were adopted by the following vote:

**AYES**—Messrs Amerige, Anthony, Barnes, Beardslee, Beckett, Bliss, Boyle, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Gans, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, McKenney, McNamara, Meincke, Mindham, Moore, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Slaven, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—59.

**NOES**—None.

#### SPECIAL ORDER.

Mr. Stanton called up Assembly Constitutional Amendment No. 3, which was a special order for this day.

Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employes of the Senate and Assembly.

Assembly Constitutional Amendment No. 3 was read.

#### ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 3.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employes of the Senate and Assembly.

The Legislature of the State of California at its regular session commencing on the 2d day of January, 1905, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that Sections Nos. 2 and 23 of Article IV of the Constitution of the State of California be amended so as to read as follows:

Section 2. The sessions of the Legislature shall commence at 12 o'clock m. on the first Monday after the first day of January next succeeding the election of its members, and after the election held in the year 1880 be biennial, unless the Governor shall in the interim convene the Legislature by proclamation. No pay shall be allowed to the members for a longer time than eighty days. No bill shall be introduced in either house sixty days after the commencement of each session without the consent of two thirds of the members thereof.

Section 23. The members of the Legislature shall receive for their services a per diem and mileage to be fixed by law and paid out of the public treasury. Such per diem shall not exceed \$8, and such mileage shall not exceed 10c per mile, and for contingent expenses not to exceed \$25 for each session. The Legislature may provide for the employment of help, but in no case shall the expense for employes or attachés exceed the sum of \$600 per day for either house, nor shall the pay of any attaché be increased after he is elected or appointed.

Mr. Drew offered the following amendments to Assembly Constitutional Amendment No. 3, which were read:

Amend by adding after line 25, second page, printed bill, the following.

"Sec. 24. The Legislature may adjourn at the expiration of thirty days from the opening of session, for a period of not more than ten days, for the purpose of permitting the various committees to visit the several public institutions of the State, and the public transportation companies doing business in this State are hereby required to furnish the several committees authorized by the Legislature to visit the public properties, transportation free of charge to said members, or to the State, and the said members of said committees shall receive no mileage from the State for such visitations, but may be paid their actual expenses while engaged in visiting the public properties."

#### COMMITTEE AMENDMENT NO. 1.

In Section 2, lines 8 and 9 of printed bill, strike out the word "January" and insert in lieu thereof the word "February."

#### COMMITTEE AMENDMENT NO. 2.

In Section 2, line 10 of printed bill, strike out the figures "1880" and insert in lieu thereof the figures "1906."

## COMMITTEE AMENDMENT No. 3.

In Section 23, line 19, of printed bill, strike out the figures "\$8.00," and insert in lieu thereof the figures "\$10.00."

## COMMITTEE AMENDMENT No. 4.

In Section 23, line 23, of printed bill, strike out the figures "600.00" and insert in lieu thereof the figures "450.00."

Mr. Drew moved the adoption of the amendments.

The ayes and noes were demanded by Messrs. Beckett, Goodrich, and Held.

The roll was called, with the following result:

AYES—Messrs. Amerige, Anthony, Barnes, Beardslee, Bliss, Burge, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Devlin, Drew, Ellis, Espey, Gans, Goodrich, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lynch, McKenney, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaefle, Pryor, Pyle, Rolley, Stanton, Thompson, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—49.

NOES—Messrs. Beckett, Boyle, Cleveland, Cullen, Dorsey, Hartman, McGowan, McNamara, Meincke, Severance, Slaven, and Vogel—12.

The amendments were declared adopted.

On motion of Mr. Transue, the further consideration of Assembly Constitutional Amendment No. 3 was postponed until to-morrow, Friday, at four o'clock and thirty minutes P. M., but further amendments may be considered this day, at four o'clock and thirty minutes P. M.

## SECOND-READING FILE.

Mr. Cromwell was granted leave to call up Assembly Bill No. 436 (No. 345 on file) for the purpose of amendment.

Assembly Bill No. 436—An Act making an appropriation to pay the claim of Richard Price Morgan.

Read second time.

## COMMITTEE AMENDMENT.

The following committee amendment was read:

Amend by striking out the words "sixty five hundred twenty-nine and eight one-hundredths dollars (\$6529 08)," on lines 1 and 2, Section 1, first page, printed bill, and inserting in lieu thereof the following: "three thousand dollars (\$3,000)."

Amendment adopted.

## MOTION.

Mr. Cromwell moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 436.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 436 was considered in Committee of the Whole.

Mr. Cromwell moved that the Committee of the Whole rise and report back Assembly Bill No. 436, with a recommendation that it do pass as amended.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 436—An Act making an appropriation to pay the claim of Richard Price Morgan—

and do now report the same back with amendments, and recommend that the same do pass as amended.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 436 ordered to reprint, engrossment, and on third-reading file.

RECESS.

The Speaker, at twelve o'clock and twenty-five minutes P. M., on motion of Mr. McCartney, declared a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reassembled at two o'clock P. M.

Speaker Hon. Frank C. Prescott in the chair.

#### REQUEST FOR INTRODUCTION OF BILL.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz.: "An Act to amend Section 3608 of the Political Code of the State of California, and to reenact Sections 3609 and 3610, relating to the general revenue of the State and to property liable to taxation for the purpose of revenue."

E. F. TREADWELL.

#### REPORT ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom were referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The numbers of said bills are as follows:

Assembly Bill No. 1174, by Mr. Dorsey—Entitled "An Act appropriating the sum of \$5,000 for the purpose of procuring guide posts to be erected in the desert sections of California, and particularly in the counties of Kern, Ventura, Los Angeles, Inyo, Riverside, San Bernardino, and San Diego."

Also: Assembly Bill No. 1175, by Mr. Gans—Entitled "An Act to provide for completing the survey, locating and constructing a highway over a point in Trinity County, thence westerly about twenty miles to connect with an existing road, and making an appropriation therefor."

Also: Assembly Bill No. 1176, by Mr. Treadwell—Entitled "An Act to amend Section 3608 of the Political Code of the State of California, and to reenact Sections 3609 and 3610, relating to the revenue of the State, and to property liable to taxation for the purpose of revenue."

McCartney, Chairman.

#### RESOLUTION PERMITTING THE INTRODUCTION OF BILLS.

*Resolved*, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereto, be complied with, and that Assemblyman Dorsey be and is hereby permitted to introduce Assembly Bill No. 1174, Assemblyman Gans to introduce Assembly Bill No. 1175, and Assemblyman Treadwell to introduce Assembly Bill No. 1176.

#### RESOLUTION ADOPTED.

Mr. McCartney moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Beardslee, Beckett, Boyle, Burge, Chandler, Cleveland, Cooper, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McKenney, Meincke, Mitchellree, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strobl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—56.

NOES—None.

## INTRODUCTION OF BILLS.

In compliance with resolutions adopted, the following bills were introduced:

By Mr. Dorsey: Assembly Bill No. 1174—An Act entitled "An Act appropriating the sum of \$5,000 for the purpose of procuring guide posts to be erected in the desert sections of California, and particularly in the counties of Kern, Ventura, Los Angeles, Inyo, Riverside, San Bernardino, and San Diego."

Read first time, and referred to Committee on Roads and Highways.

By Mr. Gans: Assembly Bill No. 1175—An Act entitled "An Act to provide for completing the survey, locating and constructing a highway over a point in Trinity County, thence westerly about twenty miles to connect with an existing road, and making an appropriation therefor."

Read first time, and referred to Committee on Roads and Highways.

By Mr. Treadwell: Assembly Bill No. 1176—An Act entitled "An Act to amend Section 3608 of the Political Code of the State of California, and to reenact Sections 3609 and 3610, relating to the revenue of the State, and to property liable to taxation for the purpose of revenue."

Read first time.

## ORDERED ON FILE OF SPECIAL ORDERS.

On motion of Mr. Treadwell, Assembly Bill No. 1176 was ordered to print with a rush order, and placed on the special orders file for consideration to-morrow (Friday), immediately after the reading of the Journal.

## BILLS RECALLED FROM ENROLLMENT.

On motion of Mr. Drew, Assembly Bills Nos. 389 and 393 were recalled from the Committee on Engrossment and Enrollment for the purpose of correction.

Mr. Drew moved to correct the title of Assembly Bill No. 389 as follows:

Strike out of line 2 of the title of said bill the words "Part II" and insert in lieu thereof the following: "Part IV."

Amendment adopted.

## SPECIAL SENATE FILE.

Bills on the special Senate file were considered, as follows:

Senate Bill No. 565—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

Ayes—Messrs. Amerige, Barnes, Beardslee, Beckett, Boyle, Burge, Burke, Cooper, Creighton, Devlin, Dorsey, Drew, Eils, Espey, Estudillo, Gans, Goodrich, Held, Houser, Jarvis, John, Johnson, Jones of San Francisco, King, Lucey, Lynch, Manwell, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Moore, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Strohl, Thompson, Transue, Vogel, Walsh, Waste, Weyand, Wickersham, and Mr. Speaker—48.

Noes—Messrs. Anthony, Chandler, Cleveland, Johnstone, Jones of Tuolumne, Jury, and Olmsted—7.

Title read and approved.

Senate Bill No. 144 (identical with Assembly Bill No. 382)—An Act making an appropriation of \$915.94 to pay the claim of George H. Shaw against the State of California.

Read second time.

## MOTION.

Mr. Barnes moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 144.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 144 was considered in Committee of the Whole.

Mr. Barnes moved that the Committee of the Whole rise and report back Senate Bill No. 144, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 144 (identical with Assembly Bill No. 382)—An Act making an appropriation of \$915.94 to pay the claim of George H. Shaw against the State of California—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 144 ordered to third reading on special Senate file.

Senate Bill No. 257—An Act to provide for the fencing and improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Beardslee, Beckett, Boyle, Burge, Burke, Chandler, Cleveland, Cooper, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Goodrich, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, McCartney, McKenney, McNamara, Meincke, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Stanton, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—55.

NOES—None.

Title read and approved.

## REPORT OF CONFERENCE COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: Your committee of conference concerning Assembly Bill No. 540—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries—consisting of Messrs. Waste, Ells, and Transue, report that we have met a like committee of the Senate, consisting of Senators Belshaw, Wolfe, and Hahn, and we report that the conference committee met as agreed upon by the respective committees, and after a consideration of said bill, have failed to agree.

WASTE, Chairman.

## SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 378—An Act to appropriate \$7,500 to sink artesian wells and to develop artesian water on the lands of the Mendocino State Hospital.

Passed on file.

Senate Bill No. 601—An Act making an appropriation to pay the claim of the County of El Dorado against the State of California.

Read third time.



The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote :

AYES—Messrs Anthony, Atkinson, Barnes, Beardslee, Beckett, Bliss, Boyle, Burge, Burke, Chandler, Cleveland, Cooper, Cromwell, Cullen, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Held, Houser, John, Johnson, Jones of Tuolumne, Jury, King, Lucey, Lynch, McCartney, McGowan, McKenney, McNamara, Mitcheltree, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Slaven, Thompson, Transue, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Senate Bill No. 285—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

Passed on file.

Senate Bill No. 325—An Act making an appropriation of \$668.65 to pay the claim of Edward W. Lehner against the State of California, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Burge, Busick, Chandler, Cooper, Creighton, Cromwell, Cullen, Devlin, Dorsey, Draw, Ellis, Espey, Estudillo, Gans, Goodrich, Held, Houser, Jarvis, John, Johnson, Jones of Tuolumne, Jury, King, Lucey, Lumley, Lynch, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Moore, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Stanton, Strobbridge, Strohl, Thompson, Transue, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—55.

NOES—None.

Title read and approved.

#### BILLS ON SECOND READING TAKEN UP.

On motion of Mr. McCartney, bills on second reading on the special file were called up.

Senate Bill No. 551—An Act to provide for the better protection of wild deer, and to provide for game preserves for that purpose.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 694—An Act to authorize the deposit of State moneys in banks of this State, and to repeal all Acts or parts of Acts in conflict with this Act.

Read second time.

Senate Bill No. 353—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by adding a new section thereto, to be numbered 7½, relating to the release of prisoners confined in State prisons, and the restoration of them to citizenship, either at the time of or after release.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 499—An Act making an appropriation to the Board of Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against the said society.

Read second time.

#### MOTION.

Mr. Stanton moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 499.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 499 was considered in Committee of the Whole.

Mr. Stanton moved that the Committee of the Whole do rise and report back Senate Bill No. 499, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 499—An Act making an appropriation to the Board of Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against the said society—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 499 ordered to third reading on special Senate file.

Senate Bill No. 598—An Act to create a reclamation district, to be called "Reclamation District No. 70," and providing for the control and management thereof.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 554—An Act to provide for the incorporation of associations for lending money on personal property, and regulating the same, and to forbid certain loans of money, property, or credit.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 675—An Act amending an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1307 thereof.

Read second time.

## COMMITTEE AMENDMENT.

The following committee amendment was read:

Amend by striking out the word "must" in line 12, page 2, printed bill, and inserting in lieu thereof the word "may."

Amendment adopted.

Senate Bill No. 675 ordered to reprint and third reading on special Senate file.

Senate Bill No. 606—An Act to appropriate \$9,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles, to make necessary repairs and improvements in the building of said normal school.

Read second time.

## MOTION.

Mr. Transue moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 606.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 606 was considered in Committee of the Whole.

Mr. Transue moved that the Committee of the Whole do rise and report back Senate Bill No. 606, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 606—An Act to appropriate \$9,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles; to make necessary repairs and improvements in the building of said normal school—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 606 ordered to third reading on special Senate file.

Senate Bill No. 510—An Act to amend an Act entitled "An Act fixing the price and conditions of sale at which jute goods shall be sold by the State," approved February 27, 1893.

Read second time.

## COMMITTEE AMENDMENT.

The following committee amendment was read:

Amend by striking out the period (.) after the word "State," on line 8, Section 1, printed bill, and inserting in lieu thereof the following: "but at no time prior to the 15th day of May of each year shall the price fixed be more than one cent per bag in excess of the net cost of producing the same, exclusive of prison labor."

Amendment adopted.

Senate Bill No. 510 ordered to reprint and to third reading on special Senate file.

Senate Bill No. 539—An Act making an appropriation to pay the claims of Messrs. Daugherty & Lacey against the State of California.

Read second time.

## MOTION.

Mr. Transue moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 539.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 539 was considered in Committee of the Whole.

Mr. Transue moved that the Committee of the Whole do rise and report back Senate Bill No. 539, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 539—An Act making an appropriation to pay the claims of Messrs. Daugherty & Lacey against the State of California—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 539 ordered to third reading on special Senate file.

Senate Bill No. 728—An Act to amend an Act entitled "An Act making an appropriation to the Directors of the California State Agri-

cultural Society for the purpose of paying certain indebtedness, claims, and demands against said society," approved March 25, 1901.

Read second time, and ordered to third reading on special Senate file.

Mr. Atkinson moved to reconsider the action of the Assembly in taking up bills on second reading on the special file.

Motion lost.

Senate Bill No. 608—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 21, 1897, amended March 23, 1901, by amending Section 194 thereof, relating to the compensation of officers of counties of the thirty-seventh class.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 821—An Act to amend an Act entitled "An Act to protect stockholders and persons dealing with corporations in this State," approved March 29, 1878, and all Acts amendatory thereof, and to repeal all laws in conflict therewith.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 91—An Act to amend Section 1238 of the Code of Civil Procedure, relating to the exercise of the power of eminent domain.

Read second time.

#### COMMITTEE AMENDMENT.

The following committee amendment was read :

Amend by inserting in line 53, page 3, printed bill, before the word "roads" the figure "9."

Amendment adopted.

Senate Bill No. 91 ordered to reprint and to third reading on special Senate file.

Senate Bill No. 460—An Act defining bond investment companies and regulating and governing corporations, companies, associations, co-partnerships, and individuals engaged in the business of placing or selling bonds, debentures, or certificates of investment by whatsoever name such bonds, debentures, or certificates of investment may be designated or known as a money or merchandise-paying contract, when placed or sold on the partial payment or installment plan, wherein or whereby the holder or holders of such bonds, debentures, or certificates of investment are or may become entitled to claim or receive from such corporation, company, or association, co-partnership, or individual, a return either at a definite or indefinite time in cash, or in merchandise, or in property for the installments of money so paid, and wherein or whereby the holders may be subject to a forfeiture, fine, or penalty for non-payment of installments, and to protect the holders thereof.

Read second time.

Senate Bill No. 460 ordered to third reading on special Senate file.

Senate Bill No. 645—An Act to amend Section 8, and to repeal Section 13 of an Act entitled "An Act to provide for the planting, maintenance, and care of shade trees upon streets, lanes, alleys, courts, and places within municipalities, and of hedges upon the lines thereof; also for the eradication of certain weeds within the city limits," approved March 11, 1893.

Read second time.

Senate Bill No. 645 ordered to third reading on special Senate file.

Senate Bill No. 273—An Act appropriating money for the building of a library and gymnasium, and for the furniture, equipment, heating, and ventilating apparatus for the same for the State Normal School at San José.

Read second time.

BILL RE-REFERRED.

On motion of Mr. Treadwell, Senate Bill No. 273 was re-referred to the Committee on Ways and Means, to retain its place on file.

Senate Bill No. 774—An Act to amend Section 2584 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Read second time.

Senate Bill No. 774 ordered to third reading on special Senate file.

SENATE COMMITTEE SUBSTITUTE.

Senate Committee Substitute for Senate Bills Nos. 566, 567, 568, 569, 570, 571—An Act to amend Sections 1238, 1240, 1241, 1247, and 1248 of the Code of Civil Procedure, all relating to eminent domain.

Read second time.

Senate Committee Substitute Bill ordered to third reading on special Senate file.

Senate Bill No. 463—An Act to appropriate \$5,000 for the erection of a dairy building and purchase of equipments therefor for the Southern California State Hospital.

Read second time.

MOTION.

Mr. Espey moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 463.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 463 was considered in Committee of the Whole.

Mr. Espey moved that the Committee of the Whole rise and report back Senate Bill No. 463, with a recommendation that it do pass.

Motion carried.

IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

GENTLEMEN. The Committee of the Whole have had under consideration Senate Bill No. 463—An Act to appropriate \$5,000 for the erection of a dairy building and the purchase of equipments therefor for the Southern California State Hospital—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 463 ordered to third reading on special Senate file.

Senate Bill No. 324—An Act making an appropriation of \$45,616.30 to pay the claim of John Mullan against the State of California, and prescribing the duties of the Controller and the Treasurer of the State in relation thereto.

Read second time.

## MOTION.

Mr. Transue moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 324.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 324 was considered in Committee of the Whole.

Mr. Transue moved that the Committee of the Whole rise and report back Senate Bill No. 324, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 324—An Act making an appropriation of \$45,616.30 to pay the claim of John Mullan against the State of California, and prescribing the duties of the Controller and the Treasurer of State in relation thereto—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 324 ordered to third reading on special Senate file.

Senate Bill No. 533—An Act to provide for the survey, location, plans, and estimate of cost of a highway from San Francisco to the southern boundary of San Diego County, and making an appropriation therefor.

Read second time.

## MOTION.

Mr. Transue moved that the Assembly resolve into a Committee of the Whole, with Hon. Frank C. Prescott in the chair, for the purpose of considering Senate Bill No. 533.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Senate Bill No. 533 was considered in Committee of the Whole.

Mr. Transue moved that the Committee of the Whole rise and report back Senate Bill No. 533, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 533—An Act to provide for the survey, location, plans, and estimates of cost of a highway from San Francisco to the southern boundary of San Diego County, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 533 ordered to third reading on special Senate file.

Senate Bill No. 464—An Act to provide for the building, equipping, and furnishing of a wing to be used for patients at the Southern California State Hospital, and to make an appropriation for the same.

Read second time

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 464—An Act to provide for the building, equipping, and furnishing of a wing to be used for patients at the Southern California State Hospital, and to make appropriation for the same—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 464 ordered to third reading on special Senate file.

Senate Bill No. 728—An Act to amend an Act entitled "An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society," approved March 25, 1901.

Read second time.

## MOTION.

Mr. Busick moved that the Assembly resolve into a Committee of the Whole, with Hon. Frank C. Prescott in the chair, for the purpose of considering Senate Bill No. 728.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

The Speaker in the chair.

Senate Bill No. 728 was considered in Committee of the Whole.

Mr. Busick moved that the Committee of the Whole rise and report back Senate Bill No. 728 with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 728—An Act to amend an Act entitled "An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society," approved March 25, 1901—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 728 ordered to third reading on special Senate file.

## PROTEST.

Mr. Beckett desired his protest entered against the recommendation of the Committee of the Whole, and the action of the House on Senate Bill No. 728.

## REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following report, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly reengrossed:

Assembly Bill No. 51—An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products and places where dairy products are handled and sold; to improve the quality of dairy products of the State, to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions.

DEVLIN, Chairman.

## SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 572—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by adding a new section thereto, relating to the powers and duties of boards of supervisors.

Read second time.

Senate Bill No. 572 ordered to third reading on special Senate file.

Senate Bill No. 260—An Act to authorize the appointment of an interpreter of the Spanish language, in criminal proceedings, in counties, and cities and counties, of one hundred thousand inhabitants and over.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burke, Busick, Cooper, Cullen, Dorsey, Duryea, Estudillo, Hartman, Held, Jarvis, John, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, Lucey, Lumley, Lynch, Manwell, McGowan, McNamara, Meincke, Mindham, Mitcheltree, O'Brien, Pfaffle, Pryor, Pyle, Severance, Slaven, Stanton, Strohl, Transue, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—49.

NOES—Messrs. Amerige, Anthony, Burge, Chandler, Cromwell, Devlin, Drew, Ells, Espey, Gans, Goodrich, Houser, Johnstone, Olmsted, Perkins, Strobbridge, Thompson, Treadwell, and Weyand—19.

Title read and approved.

## NOTICE OF RECONSIDERATION.

Mr. Walsh gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 260 was finally passed this day.

## MOTION TO RECONSIDER CALLED UP.

Mr. Walsh called up his motion to reconsider the vote whereby Assembly Bill No. 974 was passed on Tuesday, February 28, 1905, and continued until this day.

## SPEAKER PRO TEM. CALLED TO THE CHAIR.

The Speaker, at three o'clock and thirty-five minutes P. M., called the Speaker pro tem., Hon. T. E. Atkinson, to the chair.

The question being, "Shall the Assembly reconsider the vote whereby Assembly Bill No. 974 was passed?"

The roll was called, and the vote reconsidered by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Burke, Busick, Cooper, Creighton, Cromwell, Cullen, Devlin, Dorsey, Duryea, Gans, Hartman, Jarvis, John, Jones of Tuolumne, Jones of San Francisco, Jury, Lucey, Lynch, McGowan, McNamara, Meincke, Mindham, Mitcheltree, O'Brien, Pfaffle, Rolley, Severance, Slaven, Strohl, Treadwell, Vogel, Walsh, Waste, Weyand, and Whiting—42.

NOES—Messrs. Amerige, Arnerich, Bliss, Branstetter, Burge, Chandler, Cleveland, Coyle, Drew, Ells, Gates, Goodrich, Held, Houser, Johnson, Johnstone, King, McKenney, Olmsted, Perkins, Pryor, Pyle, Tripp, and Wickersham—24.

Assembly Bill No. 974—An Act to amend an Act entitled "An Act to add a new section to the Penal Code, to be known and numbered as 679a, regulating and limiting the sale of convict-made articles, and providing a penalty for the violation of the same," became a law under constitutional provision, without the Governor's approval, March 16, 1901.



## SELECT COMMITTEE AMENDMENT.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 974, as follows:

Amend by striking out the word "except," on line 14, and all of lines 15 and 16, page 1, printed bill, and inserting in lieu thereof the following: "that nothing in this Act shall be construed to prevent the manufacture of any article necessary for the public institutions of the State"

Mr. Drew moved the adoption of the amendment.

The ayes and noes were demanded by Messrs. Amerige, Coyle, and Cleveland.

The roll was called on the motion to adopt Mr. Drew's amendment, with the following result:

AYES—Messrs Amerige, Arnerich, Barnes, Branstetter, Chandler, Cooper, Coyle, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Houser, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, McKenney, O'Brien, Olmsted, Perkins, Pryor, Pyle, Stanton, Strobbridge, Thompson, Waste, Whiting, and Wickersham—32.

NOES—Messrs. Anthony, Atkinson, Bates, Beardslee, Beckett, Boyle, Burge, Burke, Busick, Creighton, Cromwell, Cullen, Devlin, Dorsey, Duryea, Hartman, Held, Jarvis, John, Jones of San Francisco, Jury, Lucey, Manwell, McNamara, Meincke, Mindham, Mitcheltree, Pfaeffle, Rolley, Severance, Slaven, Strohl, Treadwell, Tripp, Vogel, Walsh, and Weyand—37.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 974 was refused passage by the following vote:

AYES—Messrs Amerige, Arnerich, Branstetter, Chandler, Drew, Ellis, Espey, Gans, Goodrich, Held, Houser, Johnstone, King, Lynch, Manwell, McCartney, McKenney, Olmsted, Pryor, Pyle, Stanton, Thompson, and Waste—23.

NOES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Burge, Burke, Cooper, Creighton, Cromwell, Cullen, Devlin, Dorsey, Duryea, Estudillo, Hartman, Jarvis, John, Jones of San Francisco, Jury, Lucey, Lumley, McGowan, McNamara, Meincke, Mindham, Mitcheltree, O'Brien, Perkins, Rolley, Severance, Slaven, Strohl, Treadwell, Tripp, Vogel, Walsh, Weyand, and Whiting—41.

## TIME FOR RECESS EXTENDED.

On motion of Mr. Amerige, at four o'clock and twenty-nine minutes P. M., the hour of recess was extended for thirty minutes.

## MADE A SPECIAL ORDER.

On motion of Mr. McGowan, Assembly Bill No. 1024 was made a special order for twelve o'clock M. to-morrow, Friday, March 3d.

## SPECIAL ORDER.

Assembly Bill No. 734, which was set as a special order for four o'clock and thirty minutes P. M., was called up.

Assembly Bill No. 734—An Act to prevent any combination, agreement, confederation, compact, or understanding, directly or indirectly, by or between two or more fire insurance companies, transacting business in this State, or between officers, agents, or employes of any such companies, relating to the rates to be charged for insurance, regulating and fixing the minimum price or premium to be paid for insuring property located within this State, and providing the punishment for a violation thereof, and providing certain requirements to be had for insurance companies desiring to transact business within this State, in addition to the requirements now provided by law.

Read third time.

The question being on the passage of the bill.

## PREVIOUS QUESTION DEMANDED.

Mr. McGowan moved the previous question.

The question, "Shall the main question be now put?" was put to vote and declared carried.

The roll was called, and Assembly Bill No. 734 was refused passage by the following vote:

**AYES**—Messrs. Beckett, Chandler, Hartman, Houser, Jarvis, Jury, McGowan, Slaven, Strohl, Vogel, and Wickersham—11.

**NOES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Cooper, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, Johnson, Johnstone, Jones of Tuolumne, King, Lucey, Lumley, Lynch, Manwell, McCartney, McNamara, Meincke, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Stobridge, Thompson, Treadwell, Tripp, Walsh, Waste, Weyand, and Whiting—54.

## COMMITTEE OF FREE CONFERENCE.

The Speaker pro tem., Hon. T. E. Atkinson, announced the appointment for the Speaker of Messrs. O'Brien, McGowan, and Estudillo as the committee of free conference, to act with a similar committee of the Senate on Assembly Bill No. 540.

## REPORTS OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following reports, which were read:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

**MR. SPEAKER:** Your Committee on Engrossment and Enrollment have examined and found correctly enrolled Assembly Bill No. 1163 (case of urgency)—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session—and presented the same to the Governor on this day at three o'clock and forty minutes P. M.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

**MR. SPEAKER:** Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 1166—An Act providing for the establishment and maintenance of a pathological laboratory, for the investigation of tree and plant diseases and pests, and branch agricultural experiment station, and making an appropriation therefor.

Assembly Bill No. 809—An Act concerning warehouse receipts, and the issuing, sale, and transfer thereof, and the sale of goods, wares, and merchandise, stored in public or private warehouses in other States.

Assembly Bill No. 984—An Act to add a new section to the Political Code of California, to be known as Section 1374a, establishing a tribunal for settling contested primary elections, prescribing its powers and providing punishments for contempts thereof, and for false testimony before it, and for violations of the provisions hereof.

Assembly Bill No. 967—An Act to provide for the formation, functions, government, operation, and dissolution of water-supply districts; for the development and acquisition thereby, by purchase, condemnation, or otherwise, of sources of water supply for domestic and public purposes; and for the construction or acquisition thereby, by purchase, condemnation, or otherwise, of water works and water systems and other property, and of the operation thereof, and the fixing of water rates thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds.

Assembly Bill No. 1039—An Act authorizing and directing the Board of State Capitol Commissioners to remodel and repair the State Capitol building, making the same fire proof, rendering all space therein available, and making an appropriation therefor.

Assembly Bill No. 1040—An Act authorizing and directing the Board of State Capitol Commissioners to make certain repairs and improvements and to remodel the State Capitol building and its appurtenances, and making an appropriation therefor.

Assembly Bill No. 1139—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and prohibiting the use of the word "trust" in combination or connection with the word "company," "corporation," "incorporation," "association," "society," "organization," or "syndicate" by any person, corporation, or association which is not subject to the provisions of the Act last mentioned.

DEVLIN, Chairman.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

Reports of standing committees were submitted (out of order) and read, as follows:

## ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 803—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for the violation hereof—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

GATES, Chairman.  
MEINCKE.  
OLMSTED.  
MOORE.  
COYLE.  
ESPEY.

## SECOND READING.

Mr. Transue moved to take up Assembly Bill No. 803, and read it a second time for the purpose of amendment.

Motion carried.

Assembly Bill No. 803—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation thereof.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

Amend by striking out all of the printed bill after the enacting clause, and in lieu thereof insert the following:

SECTION 1. Commencing in the month of July, 1905, and at least semi-annually thereafter, the Board of Regents of the University of California shall hold, or cause to be held, such examination or examinations as they may deem proper to test the qualifications and fitness of applicants for certificates and registration as registered nurses within the State of California. Such examinations shall be practical in character, and a reasonable notice designating the time and place thereof must be given by publication in at least two daily papers published within the State of California.

SEC. 2. All applicants for examination must furnish satisfactory evidence of good moral character and of having complied with the provisions of this Act relative to qualifications; and any examiner may inquire of any applicant for examination concerning his or her character, qualifications, or experience, and may take testimony in regard thereto, under oath, which he is hereby empowered to administer.

SEC. 3. All persons satisfactorily passing such examinations shall be granted by the Board of Regents of the University of California a certificate stating that he or she is a registered nurse within the State of California, and shall thereafter be known and styled as a registered nurse. The secretary of the said Board of Regents shall keep in his office a book showing the names of all persons to whom certificates as registered nurses have been granted. Graduates of all training schools for nurses which shall have been approved by the said Board of Regents may be certified as registered nurses, without examination, at any time within three years after the passage of this Act, upon payment of the fee prescribed in Section 4 hereof.

SEC. 4. Every person applying for examination, or for registration as a registered nurse, shall pay to the secretary of said Board of Regents a fee of five dollars, which shall in no case be refunded. A certificate of registration shall be void three years after the date thereof, but a new certificate may be issued to the holder upon the payment of a fee of one dollar. All expenses incurred in carrying out the provisions of this Act shall be paid from the fees and fines collected hereunder, and the surplus receipts, if any, shall be used to provide for education in nursing.

SEC. 5. (1) No persons shall be eligible for examination or for registration as a registered nurse who shall not furnish satisfactory evidence of having graduated from a nurses' training school: (a) that is attached to a reputable hospital; (b) that gives a general training and systematic, theoretical, and practical course of study covering a period of at least two years; (c) and that has been approved by the Board of Regents of the University of California.

(II) After January 1, 1908, no person shall be eligible for examination or for registration as a registered nurse unless:

(a) He or she is at least twenty-one years of age.

(b) He or she is a graduate of a training school approved by the Board of Regents of the University of California, and after said date no school shall be approved or remain on the list of schools approved by said Board of Regents unless it is attached to a general hospital, and its course requires a three years' training in that hospital, *provided* that a training school approved as aforesaid may graduate students who have spent a year therein subsequent to completing a two years' course in the training school attached to a special hospital.

(III) After January 1, 1910, no person shall be eligible for examination or for registration unless he or she furnishes satisfactory evidence of having substantially completed the course of studies pursued in the grammar schools of the State of California, or an equivalent course.

SEC. 6. The Board of Regents of the University of California shall have power to revoke any certificate of registration for incompetency, dishonesty, intemperance, immorality, or unprofessional conduct, after a full and fair investigation of the charges preferred against the accused. Prior to such hearing a written copy of such charges shall be furnished to the accused, who shall have at least twenty days' notice in writing of the time and place where such charges will be heard and determined.

SEC. 7. Any person procuring registration under this Act by false representation, or who shall refuse to surrender a certificate of registration which has been revoked as set out in this Act, or who shall use the title of "registered nurse," or append the letters "R. N." or any other words, letters or figures to indicate that the person using the same is a registered nurse, unless such person shall be lawfully entitled so to do, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than five days nor more than six months, or by both such fine and imprisonment; *provided, however*, that nothing in this Act contained shall be construed to prohibit or affect the gratuitous nursing of the sick, nor to nursing the sick for hire by a person who does not in any way assume to be a registered nurse.

Amendment adopted.

Assembly Bill No. 803 ordered to reprint, engrossment, and to third reading.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

##### ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: Your select Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 843—An Act to amend Sections 3, 7, and 10 of an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that it do pass as amended.

BATES, Chairman.

Assembly Bill No. 843 ordered on third-reading file.

##### IN MEMORIAM OF HON. J. H. KRIMMINGER.

The special committee to draft resolutions of respect to the late Hon. J. H. Krimminger presented the following:

We, your committee appointed to draw up resolutions of respect to the memory of the late J. H. Krimminger, beg leave to report as follows:

WHEREAS, We have learned with profound regret of the death of Hon. J. H. Krimminger, Assemblyman-elect of the Assembly of the State of California from the Seventy-fifth District; and

WHEREAS, He was always true to his own convictions of duty, both in public and private life, and always rose to the demands of every occasion, and never failed to wield a powerful influence for what was honest, just, and right; and

WHEREAS, He was admired for his many talents, for his honesty, uprightness, and sterling qualities of superb manhood that brought reputation to himself and honor to the State; therefore, be it

*Resolved*, That the announcement of the death of the late Assemblyman-elect J. H. Krimminger has been received by this body with profound sorrow and regret;

That by his death California has lost a distinguished citizen, a diligent, faithful public servant, whose unflinching devotion and unswerving loyalty to her interests endeared him to the hearts of all;

*Resolved*, That the Assembly deeply sympathize with the bereaved family in the loss of a true and affectionate husband and a kind and indulgent father;

That the Chief Clerk of the Assembly be and he is hereby directed to transmit to the family of the deceased an engrossed copy of these resolutions, duly attested;

*Resolved further,* That when we adjourn we do so as a mark of respect to his memory.

P. A. STANTON,  
GEO. A. MCGOWAN,  
GEO. T. ROLLEY,  
Committee.

The resolutions were ordered printed in the Journal.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

Reports of standing committees were submitted (out of order) and read, as follows:

##### ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 600—An Act to regulate the operation of motor vehicles on public highways—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STANTON, Chairman.

Senate Bill No. 600 ordered on special Senate file.

The Committee on Ways and Means, as a select committee, submitted the following report, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER. Your Committee on Ways and Means, as a select committee of one, to whom was referred Senate Bill No. 547—An Act relating to revenue and taxation, providing for a license tax upon corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STANTON, Chairman.

Senate Bill No. 547 ordered on special Senate file.

##### ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1133—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of, and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 9, 1899, relating to the alteration of the boundaries of, and for the annexation of territory to incorporated towns and cities.

Also: Senate Bill No. 576—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof," approved March 23, 1901, by amending Section 201 thereof.

Also: Senate Bill No. 217—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof," approved March 23, 1901, by amending Section 191.

Also: Senate Bill No. 2—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.

Also: Senate Bill No. 207—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof, in relation to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law, or by virtue of their office.

Also: Senate Bill No. 446—An Act to amend Section 169 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Senate Bill No. 734—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the several Acts amendatory thereof and supplemental thereto.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BURKE, Chairman.

Assembly Bill No. 1133 ordered on second-reading file.

Senate Bills Nos. 576, 217, 2, 207, 448, and 734 ordered to second reading on special Senate file.

## TIME FOR RECESS EXTENDED.

At five o'clock and fifteen minutes p. m., Mr. Anthony moved to extend the time of recess to six o'clock p. m.

Motion carried.

Senate Bill No. 508—An Act to appropriate \$40,000 for the purchase of additional land for the use of the Stockton State Hospital.

Read second time.

## MOTION.

Mr. Beardslee moved that the Assembly resolve into a Committee of the Whole, with Hon. T. E. Atkinson in the chair, for the purpose of considering Senate Bill No. 508.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Hon. T. E. Atkinson in the chair.

Senate Bill No. 508 was considered in Committee of the Whole.

Mr. Beardslee moved that the Committee of the Whole do now rise and report back Senate Bill No. 508, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Hon. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 508—An Act to appropriate \$40,000 for the purchase of additional land for the use of the Stockton State Hospital—and do now report the same back, and recommend that the same do pass.

ATKINSON, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 508 ordered to third reading on special Senate file.

Assembly Bill No. 554—An Act to provide for completing the survey, locating and constructing a State highway from a point on the Trinity River, in Trinity County, near the town of North Fork; thence westerly down said river about forty miles, to connect with an existing road in Humboldt County, and making an appropriation therefor.

Read second time.

## MOTION.

Mr. McGowan moved that the Assembly resolve into a Committee of the Whole, with Hon. T. E. Atkinson in the chair, for the purpose of considering Assembly Bill No. 554.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Hon. T. E. Atkinson in the chair.

Assembly Bill No. 554 was considered in Committee of the Whole.

Mr. Beardslee moved that the committee rise and report back Assembly Bill No. 554, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Hon. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 554—An Act to provide for completing the survey, locating and constructing a

State highway from a point on the Trinity River, in Trinity County, near the town of North Fork; thence westerly down said river about forty miles, to connect with an existing road in Humboldt County, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass.

ATKINSON, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 554 ordered on the third-reading file.

Senate Bill No. 498—An Act making an appropriation for the erection and construction of buildings and equipping the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society, for exposition and State fair purposes, and for the payment of other expenses incidental and relating thereto; providing that certain moneys now in the State Treasury may be used in connection with this appropriation for such purposes.

Read second time.

Senate Bill No. 498—An Act making an appropriation for the erection and construction of buildings and equipping the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society, for exposition and State fair purposes, and for the payment of other expenses incidental and relating thereto; providing that certain moneys now in the State Treasury may be used in connection with this appropriation for such purposes.

Read third time.

Mr. Busick moved that a select committee of one be appointed to amend Senate Bill No. 498, as follows:

Amend by striking out the word "any" in line 3, Section 5, page 3, printed bill, and all of line 4 of said section on said page, down to and including the word "act," and inserting in lieu thereof the words "the purpose of improving the said fair grounds."

Motion carried.

Amendment adopted.

Mr. Busick was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 498—An Act making an appropriation for the erection and construction of buildings and equipping the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society, for exposition and State fair purposes, and for the payment of other expenses incidental and relating thereto; providing that certain moneys now in the State Treasury may be used in connection with this appropriation for such purposes—with instructions, does now report that the instructions of the Assembly have been carried out.

BUSICK, Committee

The report of the select committee of one was adopted.

Senate Bill No. 498 ordered to print and on special Senate file for final passage.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received (out of order) and read:

#### ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 858—An Act to create a commission to examine, take into consideration, arrange for, and devise plans for the removal of the annual State Fair of the State Agricultural Society to San Francisco, or within fifty miles thereof, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass

Also: Senate Bill No. 320—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Assembly Bill No. 954—An Act to amend Section 1 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897—have had the same under consideration, and respectfully report the same back, without recommendation.

STROBRIDGE, Chairman.

Assembly Bills Nos. 858 and 954 ordered on third-reading file.

Senate Bill No. 320 read first time, and ordered to second reading on special Senate file.

Senate Joint Resolution No. 10—A resolution relating to the immigration of Japanese laborers, and to restrict or prevent their immigration into the United States—(being the same as Assembly Joint Resolution No. 9, adopted by the Assembly and printed in the Journal of March 1, 1905).

Mr. McGowan moved that Senate Joint Resolution No. 10 be adopted.

Motion carried.

Senate Bill No. 664—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence.

Read second time.

Senate Bill No. 664 ordered to third reading on special Senate file.

#### SPECIAL ORDERS.

Mr. Stanton moved that Assembly Constitutional Amendment No. 3 be made a special order for Friday, March 3, 1905, at eleven o'clock A. M.

Mr. McCartney moved that Senate Bill No. 508 be made a special order for Friday, March 3, 1905, at twelve o'clock M.

On motion of Mr. Dorsey, Assembly Bill No. 313 was made a special order for Monday, March 6, 1905, at four o'clock and thirty minutes P. M.

#### SENATE BILL CONSIDERED.

Senate Bill No. 279—An Act making an appropriation of \$750 to pay the claim of W. W. Kaye.

Read second time.

#### AMENDMENTS.

The following amendments were submitted by Mr. Dorsey:

Amend by striking out the words "seven hundred and fifty," on line 1, first page, printed bill, and inserting in lieu thereof the words "five hundred."

Amendment adopted.

Amend by striking out the word "seven," on line 5, first page, printed bill, and inserting in lieu thereof the word "five."

Amendment adopted.

Amend by striking out the words "and fifty," before the word "dollars," on line 6, first page, printed bill.

Amendment adopted.



## MOTION.

Mr. Dorsey moved that the Assembly resolve into a Committee of the Whole, with Hon. T. E. Atkinson in the chair, for the purpose of considering Senate Bill No. 279.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Hon. T. E. Atkinson, Speaker pro tem., in the chair.

Senate Bill No. 279 was considered in Committee of the Whole.

Mr. Dorsey moved that the committee do now rise and report back Senate Bill No. 279, with the recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Hon. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 279—An Act making an appropriation of \$750 to pay the claim of W. W. Kaye—and do now report the same back, with amendments, and recommend that same do pass as amended

ATKINSON, Chairman

The report of the Committee of the Whole was adopted.

Senate Bill No. 279 ordered to print, and on special Senate file for final passage.

Senate Bill No. 769—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 207 thereof, relating to the compensation of officers of counties of the fiftieth class.

Read second time.

Senate Bill No. 769 ordered to third reading on special Senate file.

## RECESS.

At five o'clock and forty minutes P. M., on motion of Mr. Chandler, the Speaker pro tem., Hon. T. E. Atkinson, declared a recess until eight o'clock P. M.

## EVENING SESSION.

The Assembly reconvened at eight o'clock P. M.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of a standing committee was received (out of order) and read:

## ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 74—An Act making an appropriation of \$6,000 for the construction of cement sidewalks on the public streets of the town of Berkeley, surrounding and adjacent to the grounds of the University of California in Alameda County, and prescribing the duties of the Controller and Treasurer in relation thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 34—An Act to provide for locating, surveying, and constructing a State highway from a point in the Congress Hall road, at or near Fair View school

house, in the County of Santa Clara, thence along the summit lying between the Pescadero and San Lorenzo creeks, in a southwesterly direction, to the northerly rim of the Big Basin Redwood Park, about ten miles, to connect with an existing State road in said Redwood Park, in Santa Cruz County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STANTON, Chairman.

Assembly Bill No. 74 ordered on third-reading file.

Senate Bill No. 34 ordered on special Senate file.

#### SPECIAL FILE.

Bills on special file were taken up for consideration, as follows:

Assembly Bill No. 1159—An Act appropriating \$15,000 to complete and equip the building known as the President's house of the University of California, at Berkeley.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Boyle, Burge, Chandler, Coyle, Creighton, Cronwell, Cullen, Drew, Gates, Goodrich, Hartman, Jarvis, Johnstone, Jones of Tuolumne, Jury, Lucey, Lynch, McCartney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Rolley, Severance, Slaven, Stanton, Strohl, Transue, Tripp, Vogel, Waste, Weyand, Whiting, and Mr Speaker—45.  
 NOES—Mr. Held—1

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 123—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Boyle, Burge, Chandler, Coyle, Creighton, Cronwell, Cullen, Drew, Gates, Goodrich, Held, Johnson, Johnstone, Jones of Tuolumne, Jury, Lumley, Lynch, McCartney, Meincke, Mindham, Moore, O'Brien, Perkins, Pfaffle, Pyle, Rolley, Severance, Slaven, Stanton, Strohl, Transue, Tripp, Vogel, Waste, Weyand, Whiting, and Mr Speaker—44.  
 NOES—Mr. Jarvis—1

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 280—An Act providing for the purchase of a university farm for the use of the College of Agriculture of the University of California; providing for the appointment of a commission to select and purchase said farm; providing for a school of agriculture and a system of instruction on said farm, and appropriating money therefor.

Passed on file.

Assembly Bill No. 865—An Act to prohibit the sale of spirits, liquors, or wines without a State license, to provide for the issuance of such a license, and for the violation of the provisions of this Act, and prescribing the duties of certain officers in connection therewith.

Passed on file.

Assembly Bill No. 619—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending

Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Barnes, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Coyle, Creighton, Cromwell, Cullen, Drew, Estudillo, Gates, Goodrich, Hartman, Held, Johnson, Johnstone, Jones of Tuolumne, Jury, Lynch, McCartney, McGowan, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pyle, Rolley, Severance, Slaven, Stanton, Transue, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—46.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 786—An Act making an appropriation of \$650, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new sewing machines for use in said school.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Chandler, Cromwell, Cullen, Drew, Estudillo, Gates, Goodrich, Hartman, Held, Johnson, Johnstone, Jones of Tuolumne, Jury, Lumley, Lynch, Manwell, McCartney, McGowan, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaeltle, Pyle, Rolley, Severance, Slaven, Stanton, Strohl, Transue, Vogel, Weyand, Whiting and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 943—An Act to appropriate the sum of \$2,000 for the purpose of diffusing information regarding tuberculosis and the methods of preventing the spread of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Beckett, Boyle, Branstetter, Burge, Coyle, Cromwell, Cullen, Drew, Estudillo, Gates, Goodrich, Hartman, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, McCartney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pyle, Rolley, Severance, Slaven, Stanton, Strohl, Tripp, Vogel, Weyand, Whiting, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 440—An Act to amend Section 10 of an Act entitled "An Act creating a State commission on voting or balloting machines; defining their powers, and providing for the use, at the option of indicated local authorities, of voting or balloting machines for receiving or registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result of such elections, and providing for the punishment of all violations of the provisions of this Act relating to voting machines."

Passed on file.

Assembly Bill No. 527—An Act to add a new section, to be known as Section 42½, to an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of

free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, extending the provisions of Sections 19 to 33, inclusive, and Sections 39 to 42, inclusive, of said Act, to primary elections, and so providing for punishment of offenses at primary elections.

Passed on file.

Assembly Bill No. 839—An Act to amend Section 12 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Beardslee, Beckett, Boyle, Braustetter, Burge, Burke, Chandler, Coyle, Cullen, Drew, Estudillo, Gates, Goodrich, Hartman, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McNamara, Meincke, Mindham, Moore, Olmsted, Perkins, Pyle, Severance, Slaven, Stanton, Transue, Tripp, Vogel, Walsh, Weyand, Whiting, and Mr. Speaker—47

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 12 of Article XIII, relating to revenue and taxation.

Passed on file.

Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 19 of Article V of said Constitution, relating to the compensation of State officers.

Passed on file.

Assembly Bill No. 842—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the powers of boards of supervisors.

Passed on file.

Assembly Bill No. 536—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to the compensation of county officers in counties of the fourteenth class.

Passed on file.

Assembly Bill No. 1156—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," by adding a new section to said Act, to be known as Section 33½, relating to the power of the board of supervisors to appropriate from the general fund of the county moneys to aid in and carry on the work of the preservation of forests, reforestation, and the protection of forests against fire.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Boyle, Braustetter, Burge, Burke, Chandler, Coyle, Cullen, Estudillo, Gates, Goodrich, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch,

McCartney, McGowan, Meincke, Moore, Olmsted, Pfaefle, Pyle, Rolley, Slaven, Stanton, Transue, Tripp, Vogel, Weyand, Whiting, and Mr. Speaker—42.

NOES—Mr Ellis—1

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 169—An Act to create a department of music in the University of the State of California; to provide a professorship of music and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Arnerich, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Chandler, Coyle, Ellis, Estudillo, Gates, Hartman, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Lucey, Lynch, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaefle, Pyle, Severance, Slaven, Strohl, Transue, Tripp, Vogel, Weyand, Whiting, and Mr. Speaker—41.

NOES—Messrs Amerige, Jones of San Francisco, Rolley, and Stanton—4

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 198—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, by amending Section 34 of said Act."

Passed on file

Assembly Bill No. 247—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 25, 1901.

Passed on file.

Assembly Bill No. 908—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 25, 1901, and amended March 19, 1903, by amending Section 200 thereof, relating to the compensation of officers of counties of the forty-third class.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Branstetter, Burge, Burke, Chandler, Coyle, Cromwell, Dorsey, Estudillo, Goodrich, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lumley, Lynch, McCartney, McGowan, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaefle, Pyle, Transue, Tripp, Vogel, Walsh, Weyand, Whiting, and Mr. Speaker—43

NOES—Mr Stanton—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1140—An Act to authorize the Board of Trustees of the Whittier State School to contract for the care and keeping of girls committed to said school in charitable or benevolent institutions or with private persons, and to pay for their care while in such institutions or with such persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Beckett, Branstetter, Busick, Chandler, Coyle, Cromwell, Ellis, Estudillo, Gates, Goodrich, Held, Jarvis,

Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pyle, Rolley, Strobridge, Strohl, Transue, Tripp, Vogel, Weyand, Whiting, Wickersham, and Mr Speaker—44

Nays—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 832—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 25 of said Act a new subdivision, to be known as Section 6½, and relating to coopération by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services.

Passed on file.

Assembly Bill No. 997—An Act to amend an Act entitled "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employés," approved March 18, 1903; to provide for the appointment and compensation of certain additional assistants, stenographers, and clerks for county officers, in counties of the second class.

Passed on file.

Assembly Bill No. 748—An Act to add a new section to the Political Code, to be numbered 1366a, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

Passed on file.

Assembly Bill No. 712—An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry, and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, making an appropriation for the purposes of this Act, and defining and providing for the punishment of certain officers for violation of the provisions of this Act.

Read second time.

#### COMMITTEE AMENDMENTS.

The following committee amendments were read:

##### AMENDMENT No. 1.

Amend the title by striking out the words "making an appropriation for the purposes of this Act," and inserting in lieu thereof as follows: "and appropriating the moneys in said fund."

Amendment adopted.

##### AMENDMENT No. 2.

Amend Section 2, pages 1 and 2, printed bill, so that it reads as follows:

"Section 2. *State Forester and His Duties.* There shall be a State Forester, who shall be a civil executive officer, and who shall be a technically trained forester, appointed by the Governor, to hold office at the pleasure of the appointing power; and whether any candidate for the position is a technically trained forester shall be determined by certificate from the Secretary of the United States Department of Agriculture, or from the Department of Forestry of the State University after such department is established. He shall receive a salary of twenty-four hundred dollars per annum, and shall be authorized and empowered to appoint two assistant foresters, whose salaries shall not exceed twelve hundred dollars each per annum. He shall maintain headquarters at the State Capitol,

in an office provided by the Secretary of State, and shall be allowed necessary office and contingent expenses. He and his assistants shall be allowed reasonable traveling and field expenses which may be incurred in the necessary performance of their official duties. He shall act as secretary of the State Board of Forestry. He shall under the supervision of the State Board of Forestry execute all matters pertaining to forestry within the jurisdiction of the State; have charge of all fire wardens in the State, and direct and aid them in their duties; direct the protection of State parks and forests; collect data relative to forest destruction and conditions; take such action as is authorized by law to prevent and extinguish forest, brush, and grass fires; enforce all laws pertaining to forest or brush-covered land, and prosecute for any such violation of such laws; cooperate with land owners as described in Section 4 of this Act, and publish from time to time such information of forestry as he may deem wise. He shall prepare annually a report to the Governor on the progress and condition of State forest work, and recommend therein plans for improving the State system of forest protection."

Amendment adopted.

AMENDMENT No. 14.

On page 2, Section 3, line 2, insert the word "and," after the word "park", on lines 2 and 3, of same section, strike out the words "the Santa Monica Forest Station," "the Chico Forest Station."

Amendment adopted.

AMENDMENT No. 6.

On pages 3 and 4, printed bill, amend Section 6 to read as follows:

"Section 6. *Fire Districts.* The State Forester shall divide the State into such number of fire districts as shall be deemed by him most necessary to the efficiency of his work, and furthermore, any county or combination of less than four counties shall be made a separate fire district upon request of the county board or boards of supervisors, in which case such special fire district shall pay the cost of maintaining its district fire warden."

Amendment adopted.

AMENDMENT No. 4.

Amend lines 1 and 2, Section 7, page 4, printed bill, to read as follows: "*Duties of Assistant Foresters.* The duties of the assistant foresters shall be to devote their entire time to State."

Amendment adopted.

AMENDMENT No. 5.

Amend Section 8, page 4, printed bill, to read as follows:

"Section 8. *Voluntary Fire Wardens and their Duties.* The State Forester shall appoint, in such number and localities as he deems wise, public-spirited citizens to act as voluntary fire wardens, who may receive payment for their services from the counties or from private sources. They shall promptly report all fires and take immediate and active steps toward their extinguishment, report any violation of the forest laws, assist in apprehending and convicting offenders, and perform such other duties as the State Forester may direct. The supervisors and rangers on the Federal forest reserve within the State, whenever they formally accept the duties and responsibilities of fire wardens, may be appointed as voluntary fire wardens, and shall have all powers given to fire wardens by this Act."

Amendment adopted.

AMENDMENT No. 6.

Amend Section 9, page 5, line 13, by inserting after the word "any" the word "paid."

Amendment adopted.

AMENDMENT No. 7.

Amend line 1, Section 10, page 5, printed bill, by striking out the words "and compensation."

Amendment adopted.

AMENDMENT No. 8.

Amend Section 10, pages 5 and 6, by striking out all of the section after the word "imprisonment" in line 10, and insert in lieu thereof the following: "*provided, that no citizen shall be called upon to fight fire a total of more than five days in any one year.*"

Amendment adopted.

## AMENDMENT No. 9.

Amend Section 11, page 6, printed bill as follows: In line 3, strike out the word "district"; in line 4, strike out the words "one half of"; in line 6, strike out the words "and one half by the State"; in line 9, strike out the words "two thirds of", in lines 10 and 11, strike out the words "and the remaining one third by the State."

Amendment adopted.

## AMENDMENT No. 10

Amend Section 16, page 8, printed bill, by striking out of line 10 the words "the district fire warden," and inserting in lieu thereof "a fire warden in that district"

## AMENDMENT No. 11.

Amend Section 18, page 9, printed bill, by inserting after the word "State," in line 17, the words "or county," and after the word "State," in line 18, the words "or county."

Amendment adopted.

## AMENDMENT No. 12.

Amend Section 20, page 10, printed bill, by inserting after the word "fund" in line 5, the following: "which fund is hereby created and the moneys therein are hereby appropriated for purposes of forest protection, management, and replacement under direction of the State Board of Forestry."

Amendment adopted.

## AMENDMENT No. 13

Amend Section 22, page 10, printed bill, to read as follows:  
"Section 22. *Payment of Expense under this Act.* There is hereby appropriated for the fifty-seventh and fifty-eighth fiscal years, the sum of seventeen thousand six hundred dollars (\$17,600) for carrying out the provisions of this Act, and for the payment of all salaries and expenses herein provided for"

Amendment adopted.

By Mr. Johnstone:

## AMENDMENT No. 1

Strike out of title of printed bill, the period at the end, insert a comma in its place, and insert after it the following. "and making an appropriation therefor."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out of Section 17, line 5, page 8, of printed bill, the words "which will," and inserting in lieu thereof the word "to."

Amendment adopted.

## AMENDMENT No. 3

Amend by striking out of Section 17, line 6, page 8, of printed bill, the word "adequate"

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out of Section 18, line 2, page 8, of printed bill, the word and figures: "15, 16, 17, and 18," and inserting in lieu thereof the figures "14, 15, 16, and 17."

Amendment adopted.

## AMENDMENT No. 5.

Amend by striking out of Section 18, line 12, of printed bill, the figures "18," and inserting in lieu thereof the figures "17."

Amendment adopted.

## AMENDMENT No. 6

Amend by striking out of Section 18, line 13, of printed bill, the figures "17," and inserting in lieu thereof the figures "16."

Amendment adopted.

## AMENDMENT No. 7

Amend by striking out of Section 18, line 16, of printed bill, the word and figures "15, 16, 17, or 18," and inserting in lieu thereof the figures "14, 15, 16, or 17."

Amendment adopted.



## MOTION.

Mr. Johnstone moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 712.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 712 was considered in Committee of the Whole.

Mr. Johnstone moved that the Committee of the Whole rise and report back Assembly Bill No. 712, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

## ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 712—An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry, and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, making an appropriation for the purposes of this Act, and defining and providing for the punishment of certain offenses for violation of the provisions of this Act—and do now report the same back, with amendments, and recommend that the same do pass as amended.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted, and Assembly Bill No. 712 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 852—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Coyle, Cromwell, Cullen, Ellis, Estudillo, Goodrich, Hartman, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, McCartney, McGowan, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Strohl, Transue, Tripp, Vogel, Weyand, Whung, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 912—An Act to amend Section 622a of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to taxation of insurance companies.

Passed on file.

Assembly Constitutional Amendment No. 20—A resolution proposing to the people of the State of California amendments to the Constitution of the State, to wit: A new Article XIII, relating to revenue and taxation, and repealing the present Article XIII of the Constitution of the State, relative to the same subject.

Passed on file.

Assembly Constitutional Amendment No. 6 was read, as follows:

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 6.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State amending Section 1 of Article IV, providing for the enactment of certain laws by popular vote, in State legislation.

*Resolved by the Assembly, the Senate concurring* That the Legislature of the State of California at its regular session commencing on the 2d day of January, 1905, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes that section one of article four of the Constitution of the State of California be amended so as to read as follows:

Section 1. The legislative power of this State shall be vested, save as otherwise in this Constitution provided, in a Senate and Assembly, which shall be designated "The Legislature of the State of California," and the enacting clause of every law shall be "The State of California doth enact as follows:"

Any law that said Legislature itself or the electorate of the State, as herein provided, may enact, the Legislature may submit to a vote of the electors of the State at a general or special election.

Upon the presentation to the Legislature of a petition or petitions signed by qualified electors of the State in number equal to ten per cent of all the votes cast for persons voted for for Governor at the then last election of Governor, asking for the submission to the electors of a law set forth in full in such petition or petitions, being a law that the Legislature itself may enact, it must either enact such law without amendment or submit the same to the electors at the next succeeding general election, occurring subsequent to eighty days after the presentation of the petition or petitions.

If such proposed law is a law that the Legislature itself may enact, except for the fact that it involves the repeal or amendment of a law adopted by the electorate as herein provided, and if in such case said petition or petitions are signed by qualified electors, in number equal to fifteen per cent of the total number of all the votes cast for persons voted for for Governor at the then last election of Governor, then such proposed law must be submitted to the electors as herein provided.

If a majority of the votes cast on any law or measure submitted as herein provided, to the electors of the State, shall be in favor thereof, said law or measure shall, if not already in effect, go into effect ten days after the official count shall be determined; otherwise such law or measure shall stand repealed or rejected; such repeal shall take effect ten days after the official count shall be determined.

No measure adopted or approved by vote of the electorate shall be subject to veto, or be amended or repealed except by vote of the electorate.

If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

A petition presented to the Legislature shall be binding upon the incumbents in office and their successors, until due action is had thereon.

The method of signing and presenting petitions provided for herein shall be as follows:

After each signature shall be written the signer's place of residence. Each separate sheet of the petition shall have attached thereto the affidavit of a registered voter of the State, stating that all the signatures to the paper were made in his presence, and to the best of his knowledge and belief, each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Each petition shall be filed with the clerk of the county, or city and county, in which it was circulated and said clerk shall forthwith determine the number of names upon said petition which were upon the great register of the county, or city and county, at the last preceding general election or thereafter. Said clerk shall thereupon forward to the Secretary of State a copy of said petition, except as to the signatures thereon, and a certificate giving the total number of names of said registered voters of the county that are appended to said petition. When from the copies of petitions and certificates as to number of signers thus filed with him, the Secretary of State shall ascertain that any petition is sufficient in form to require action on his part, or the part of the Legislature, as herein provided for, he shall forthwith notify the various clerks from whom he has received the copies of the petition to determine the genuineness of the signatures attached thereto. This shall be done by each county, or city or county, clerk publishing once in the official newspaper of the county, a copy of the petition filed with him, including the signatures thereunto appended arranged alphabetically.

Any signatures of registered voters to said petition filed with the clerk subsequent to his report to the Secretary of State shall be included in said publication.

Each signature whose genuineness is not called in question by the sworn affidavit of the owner thereof within ten days of the date of said publication, shall be accepted as genuine, and the number of genuine signatures to the petition as thus determined, shall be certified by the clerk to the Secretary of State. The original sheets of the petition shall also be forwarded to the Secretary of State, who shall present the same together with the certificate of the county, and city and county clerks, to the Legislature.

COMMITTEE AMENDMENT.

The following committee amendment was read:

In line 89, page 3 of printed bill, add an "s" to the word "certificate."

Amendment adopted.

Assembly Constitutional Amendment No. 6 ordered to reprint, with rush order, to retain its place on the special file for adoption.

SPEAKER PRO TEM. IN THE CHAIR.

At nine o'clock P. M., Speaker pro tem. Hon. T. E. Atkinson was called to the chair.

Assembly Constitutional Amendment No. 7 was read, as follows:

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 7.

To propose to the people of the State of California an amendment to the Constitution of the State amending article eleven, by adding thereto a new section to be numbered Section 20, providing for the enactment of certain laws by popular vote in counties, cities and counties, and cities.

The Legislature of the State of California at its regular session, commencing on the — day of January, 1905, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes that article eleven of the Constitution of the State of California be amended by adding thereto a section to be numbered Section 20, to read as follows:

Section 20. The basis of the percentage hereinafter provided for any petition shall be the total number of voters registered in the county, city and county, or city, as the case may be, at the last general election preceding the filing of said petition, and all voters registered at said general election or thereafter shall be qualified to sign the petitions herein provided for

Upon presentation to the legislative body of any county, city and county, or city, of a petition or petitions signed by qualified electors therein in number equal to 10 per cent of said registration, asking for submission to the electors of a measure fully set forth in said petition or petitions, being a measure that said body might itself adopt, it must either adopt such measure without alterations, or submit the same to its electorate at the next succeeding general election occurring subsequent to sixty days after the filing of said petition or petitions. But if such petition or petitions are signed by qualified electors in number equal to 15 per cent of said registration, then such measure, if not so adopted by such legislative body, must be submitted to such electorate at a special election to be called within sixty days from the filing of such petition or petitions

If such proposed measure is a measure that said legislative body might adopt except for the fact that it involves the repeal or amendment of a measure adopted by the electorate, as herein provided, and if in such case said petition or petitions are signed by qualified electors in number equal to 25 per cent of said registration, then such proposed measure must be submitted to the electors of the county, city and county, or city, as the case may be, at the next succeeding general election occurring subsequent to sixty days after the filing of said petition or petitions.

Any measure that the legislative body or the electorate thereof of any county, city and county, or city has authority to adopt as herein provided, said legislative body may submit to a vote of its constituent electors at a general or special election.

Except as herein provided, no penal ordinance or measure, no ordinance or measure granting any franchise or privilege, and no ordinance or measure making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessment, and contracts where the subject-matter involved is of less value than \$5,000, in cities and counties of more than 100,000 population, and \$1,000 in cities of less than 100,000 population), passed by the legislative body of any county, city and county, or city, shall go into effect in less than 40 days after its final passage. But ordinances and contracts, declared by the legislative body to be necessary for the immediate preservation of the public peace, health or safety, passed by a three-fourths vote of the legislative body, and not obligating the county, city or county, or city, as the case may be, for a longer period of time than one year, may go into effect at the will of the legislative body adopting the same.

If within said 40 days a petition or petitions signed by qualified electors of the county, city and county, or city, in number equal to 10 per cent of said registration, is filed with the county clerk or city clerk, as the case may be, asking that any penal ordinance or measure, any ordinance or measure granting any franchise or privilege, or making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessment, and contracts where the subject-matter involved is of less value than \$5,000 in cities and counties of more than 100,000 population, and \$1,000 in cities of less than 100,000 population), adopted by its legislative body, be submitted to such electorate, then such ordinance or measure must either be repealed or submitted to the electors for approval or rejection at the next succeeding general election occurring subsequent to sixty days after the filing of said petition or petitions, or at a special election called prior to such general election; and if such ordinance or measure has not gone into effect before the filing of such petition or petitions, and said petition or petitions are signed by qualified electors of the county, city and county, or city, in number equal to 15 per cent of said registration, then said ordinance

or measure shall not go into effect until and unless adopted at such election, and no ordinance or measure once so submitted shall be again so submitted except by a vote of the legislative body or on a petition signed by 25 per cent of said registration.

If a majority of the votes cast on any ordinance or measure referred, as herein provided, to the electors of any county, city and county, or city, shall be in favor thereof, it shall, if not already in effect, go into effect ten days after the official count shall be determined, otherwise such ordinance or measure shall be repealed or rejected; such repeal shall take effect ten days after the official count shall be determined. No ordinance or measure approved by an electorate under the provisions of this section shall be subject to veto, or be amended or repealed except by vote of the same electorate or by legislative authority superior to that of the legislative body of such electorate.

If the provisions of two or more measures approved and adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control

#### COMMITTEE AMENDMENTS.

The following committee amendments were read :

##### AMENDMENT No. 1.

After the title, and preceding line 1, printed bill, insert the words "Resolved by the Assembly, the Senate concurring, that."

Amendment adopted.

##### AMENDMENT No. 2.

In the blank space occurring between the words "the" and "day," in line 2, printed bill, insert the word "second."

Amendment adopted.

##### AMENDMENT No. 3.

Amend by striking out the word "and" in line 50, printed bill, in which it occurs between the words "cities" and "cities," and inserting after the word "counties" the words "and counties."

Amendment adopted.

##### AMENDMENT No. 4.

Amend by inserting after the word "cities," in line 51, page 2, the words "cities and counties and counties"

Amendment adopted.

##### AMENDMENT No 5

Amend by striking out the word "and" preceding the word "cities," in line 70, page 3, and inserting after the word "counties" the words "and counties."

Amendment adopted.

##### AMENDMENT No. 6.

Amend by inserting after the word "cities," in line 71, page 3, the words "cities and counties and counties."

Amendment adopted.

Assembly Constitutional Amendment No. 7 was ordered to reprint with rush order, and to retain its place on the special file for adoption.

Assembly Constitutional Amendment No. 16—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 14 of Article I, relating to taking or damaging private property for a public use.

Passed on file.

Assembly Constitutional Amendment No. 18 was read, as follows :

#### ASSEMBLY CONSTITUTIONAL AMENDMENT No. 18.

A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California, by amending Section 12 of Article 13, relating to revenue and taxation.

*Resolved by the Assembly, the Senate concurring,* That the Legislature of the State of California, at its regular session commencing on the 2nd day of January, A. D. 1905, two thirds of the members of each of the two houses of said Legislature voting in favor thereof, hereby proposes that Section 12 of Article 13 of the Constitution of the State of California be amended as follows:

Section 12. The Legislature shall provide for the levy and collection of an annual poll

tax of not less than two dollars on every male inhabitant of this State, over twenty-one and under fifty years of age, except paupers, idiots, insane persons, and Indians not taxed. Said tax shall be paid into the State School Fund.

## COMMITTEE AMENDMENTS.

The following committee amendment was read:

After the word "except," occurring in line 11 of printed bill, insert the words "active members of volunteer fire companies."

Amendment adopted.

Assembly Constitutional Amendment No. 18 ordered to reprint with rush order, and to retain its place on the special file for adoption.

Assembly Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 23 of Article IV of said Constitution, limiting the expenses of the Legislature and regulating the salary of the members thereof.

Passed on file.

Assembly Constitutional Amendment No. 15—A resolution to propose to the people of the State of California a constitutional amendment, relating to recall by electors of elective officials, by adding a new section, to be known as Section 18½ of Article IV, to the Constitution of the State of California.

Passed on file.

Assembly Bill No. 1145—An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof, to provide for the creation of said commission, and to define its powers.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Branstetter, Burge, Burke, Chandler, Coyle, Cromwell, Cullen, Ells, Espey, Estudillo, Gates, Goodrich, Held, Jarvis, Johnson, Jones of Tuolumne, Jury, King, Lynch, McCartney, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pyle, Slaven, Transue, Tripp, Weyand, Whiting, Wickersham, and Mr. Speaker—42

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 936—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 207 thereof, relating to the compensation of officers of counties of the fiftieth class.

Passed on file.

Assembly Bill No. 1018—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 203 thereof, relating to the compensation of county and township officers in counties of the forty-sixth class.

Passed on file.

Assembly Bill No. 1080—An Act to provide for the location and construction of a public highway from Grant Park to the Kings River Cañon, a distance of thirty miles, and making an appropriation for the construction thereof, and providing for a commission to take charge of, locate, and construct said highway.

Passed on file.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reengrossed:

Assembly Bill No. 344—An Act to provide for the formation and government of mosquito-extinguishing districts, and for the levy, collection, custody, and disbursement of taxes therein.

Assembly Bill No. 802—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Assembly Bill No. 836—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 412 thereof, relating to the service of summons by publication and as to the nature of the judgment in such cases.

Assembly Bill No. 899—An Act to amend Sections 3943, 3945, 3962, and 3966, all relating to county boundaries.

Assembly Bill No. 697—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.

Assembly Bill No. 895—An Act to add a new section to the Code of Civil Procedure, the said section to be designated 1106a, relating to actions for obtaining possession of real property upon default in payment of rent, to the manner in which tenants may be ejected, and providing a summary proceeding therefor.

Assembly Bill No. 968—An Act to amend Section 770 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeals from judgments of removal from office.

Assembly Bill No. 73—An Act making an appropriation of \$150,000 for the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the university, for the use and accommodation of students of agriculture of the university, also providing for the time of payment thereof and prescribing the duties of the Controller and Treasurer in relation thereto.

Assembly Bill No. 937—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 198 thereof, relating to the compensation of officers of counties of the forty-first class.

Assembly Bill No. 905—An Act making an appropriation of \$5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of replumbing the main building of said school.

Assembly Bill No. 953—An Act to amend Section 1 of an Act entitled "An Act to promote the apicultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize the board of supervisors of the several counties of the State to appoint inspectors of apiaries and provide for their compensation and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," said first named Act having been approved February 20, 1901.

Assembly Bill No. 897—An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe-line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin and for other expenses incidental and relating thereto.

Assembly Bill No. 869—An Act to add a new section to the Penal Code, to be numbered 367a, prohibiting unauthorized performances and representations of certain dramatic or musical compositions.

Assembly Bill No. 862—An Act making an appropriation of \$5,000 for the purpose of building a photograph laboratory in combination with a fire-proof vault for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.

DEVLIN, Chairman.

## SPECIAL FILE—(RESUMED).

Assembly Bill No. 905—An Act making an appropriation of \$8,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of replumbing the main building of said school.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arnerich, Atkinson, Barnes, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Coyle, Eills, Estudillo, Gates, Goodrich, Hartman, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, Manwell, McCartney, McGowan, Mindham, Mitchellree, Moore, Olmsted, Perkins, Pfaefle, Pyle, Slaven, Strobridge, Transue, Tripp, Weyand, Whiting, Wickersham, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

## BILL WITHDRAWN.

Assembly Bill No. 964—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 21 thereof, relating to counties of the seventeenth class.

Mr. Pyle was granted leave to withdraw Assembly Bill No. 964.

Senate Bill No. 736—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 21 thereof.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Branstetter, Burke, Busick, Chandler, Cleveland, Coyle, Cromwell, Drew, Eills, Estudillo, Gates, Goodrich, Hartman, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, Manwell, McCartney, Mindham, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Slaven, Strobridge, Transue, Tripp, and Weyand—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 937—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 198 thereof, relating to the compensation of officers of counties of the forty-first class.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Atkinson, Barnes, Beckett, Branstetter, Burke, Busick, Chandler, Cleveland, Coyle, Cromwell, Drew, Eills, Estudillo, Goodrich, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Manwell, McCartney, McGowan, McKenney, Mindham, Moore, O'Brien, Perkins, Pryor, Pyle, Slaven, Strobridge, Transue, Tripp, Weyand, Whiting, and Wickersham—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 973—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Atkinson, Barnes, Beckett, Branstetter, Burke, Chandler, Cleveland, Coyle, Cromwell, Dorsey, Drew, Ellis, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, Manwell, McCartney, McKenney, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Slaven, Transue, Tripp, Weyand, Whiting, and Wickersham—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 183 thereof, relating to salaries and fees of county and township officers in counties of the twenty-sixth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Atkinson, Barnes, Beardslee, Branstetter, Chandler, Cleveland, Coyle, Cromwell, Dorsey, Drew, Ellis, Estudillo, Gans, Goodrich, Hartman, Held, Houser, Johnson, Jones of Tuolumne, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Transue, Tripp, and Whiting—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### SENATE BILL CONSIDERED.

Senate Bill No. 33—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and the best methods of preserving the forests thereof; and to make an appropriation for the expenses of such investigation.

Read second time.

#### MOTION.

Mr. Estudillo moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Senate Bill No. 33.

Motion carried.

#### IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

Senate Bill No. 33 was considered in Committee of the Whole.

Mr. Estudillo moved that the committee do rise and report back Senate Bill No. 33, with a recommendation that it do pass.

Motion carried.



## IN ASSEMBLY.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 33—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and the best methods of preserving the forests thereof; and to make an appropriation for the expenses of such investigation—and do now report the same back, and recommend that the same do pass

ATKINSON, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 33 ordered on special Senate file for final passage.

## SPECIAL FILE—(RESUMED).

Assembly Bill No. 1037—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897," and amended March 23, 1901, by amending Section 193 thereof, relating to the fees, salaries, and compensation of officers of counties of the thirty-sixth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Branstetter, Chandler, Coyle, Cromwell, Devlin, Dorsey, Drew, Estudillo, Gans, Goodrich, Held, Houser, Jarvis, Johnson, Jones of Tuolumne, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKennex, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pryor, Rolley, Slaven, Thompson, Transue, Tripp, Walsh, and Whiting—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

## SENATE BILL CONSIDERED.

Senate Bill No. 217—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof, approved March 23, 1901," by amending Section 191.

Read second time.

Senate Bill No. 217 ordered to third reading on special Senate file.

## SPECIAL ORDER.

On motion of Mr. Houser, Assembly Constitutional Amendment No. 25 was made a special order for Friday, March 3, 1905, at eleven o'clock A. M.

## THIRD-READING FILE.

The following bill on third-reading file was taken up for consideration:

Assembly Bill No. 947—An Act to add a new section to the Penal Code, to be known as Section 353*d*, relating to attempts by members of boards of directors of State institutions or State commissions to ask, solicit, demand, or control appointments to be made by any officer appointed by said State board or commission.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Arnerich, Atkinson, Barnes, Beardslee, Branstetter, Burke, Chandler, Coyle, Cromwell, Devlin, Dorsey, Drew, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lumley, Lynch, Manwell, McCartney, McKenney, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Thompson, Transue, Tripp, Walsh, Whiting, and Wickersham—42.  
NAYS—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### SPECIAL ORDERS.

The following bills on Special Order file were taken up for consideration:  
Assembly Bill No. 51—An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions.

Read third time on a previous day.

#### MOTION TO SUSPEND RULES.

Mr. Branstetter moved that the rules be suspended and that the action whereby Assembly Bill No. 51 was read the third time be reconsidered.  
Motion carried unanimously.

#### MOTION.

Mr. Branstetter moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 51.

Motion carried.

#### IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

Assembly Bill No. 51 was considered in Committee of the Whole.

Mr. Branstetter moved that the Committee of the Whole rise and report back Assembly Bill No. 51, with a recommendation that it do pass.

Motion carried.

#### IN ASSEMBLY.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

##### ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 51—An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions—and do now report the same back, and recommend that the same do pass.

ATKINSON, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 51 read third time.

## MOTION TO RESCIND ACTION ON ASSEMBLY BILL NO. 51

Pending the calling of the roll, Mr. Transue moved that the action whereby third reading of Assembly Bill No. 51 was reconsidered, be rescinded.

Motion carried.

## MOTION.

Mr. Transue moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 51.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

Assembly Bill No. 51 was considered in Committee of the Whole.

Mr. Transue moved that the Committee of the Whole do rise and report back Assembly Bill No. 51 with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 51—An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions, to provide for the inspection of dairy stock, dairies, factories for the production of dairy products and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions—and do now report the same back, and recommend that it do pass.

ATKINSON, Chairman.

The report of the Committee of the Whole was adopted.

## SPECIAL ORDER.

Mr. Branstetter moved that the consideration of Assembly Bill No. 51 be made a special order for to-morrow, Friday, March 3, 1905, at twelve o'clock noon.

Motion carried.

## SPECIAL FILE—(RESUMED).

Assembly Bill No. 748—An Act to add a new section to the Political Code, to be numbered 1366a, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Amerige, Beardslee, Busick, Chandler, Coyle, Cromwell, Devlin, Drew, Ells, Estudillo, Gans, Goodrich, Held, Houser, Johnson, Jones of Tuolumne, King, Lynch, Maxwell, McKenney, Moore, Olmsted, Perkins, Pryor, Pyle, Stanton, Strobridge, Thompson, Tripp, Waste, Whiting, and Wickersham—32

NOES—Messrs. Arnerich, Atkinson, Branstetter, Burke, Cleveland, Dorsey, Duryea, Jury, McCartney, McGowan, Mitcheltree, O'Brien, Rolley, Transue, and Walsh—15.

## NOTICE OF RECONSIDERATION.

Mr. McCartney gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 748 was refused passage this day.

## SPECIAL ORDER.

On motion of Mr. Atkinson, Assembly Bill No. 970 was ordered placed on special file for to-morrow, Friday, March 3, 1905.

## SPECIAL FILE—(RESUMED).

Assembly Bill No. 1123—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, and amended March 23, 1901, by amending Section 199 thereof, relating to the fees and salaries of county and township officers in counties of the forty-second class."

Read second time, and ordered on third-reading file.

Assembly Bill No. 802—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Atkinson, Beardslee, Branstetter, Burke, Busick, Chandler, Cleveland, Coyle, Cromwell, Devlin, Dorsey, Duryea, Espey, Estudillo, Gans, Held, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Mitcheltree, Moore, O'Brien, Olmsted, Pryor, Rolley, Strobridge, Thompson, Transue, Tripp, Walsh, Waste, Whiting, and Wickersham—42.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 320—An Act to amend Section 3821 of the Political Code of the State of California, relating to the collection of taxes.

Read third time.

The question being on the passage of the bill.

The roll was called, with the following result:

AYES—Messrs. Amerige, Arnerich, Atkinson, Beardslee, Branstetter, Burke, Busick, Cleveland, Coyle, Devlin, Duryea, Estudillo, Gans, Gates, Johnson, Jones of Tuolumne, Jury, King, Lumley, Lynch, McCartney, McGowan, McKenney, Moore, O'Brien, Olmsted, Strobridge, Thompson, Transue, Walsh, Waste, and Wickersham—32.

NOES—Messrs. Chandler, Cromwell, Dorsey, Espey, Held, Mitcheltree, and Stanton—7.

There being no quorum, as shown by the roll call, Assembly Bill No. 320 was ordered on unfinished business file.

## ADJOURNMENT.

At ten o'clock and fifty minutes P. M., the Speaker pro tem., Hon. T. E. Atkinson, declared the Assembly adjourned for want of a quorum until Friday, March 3, 1905, at nine o'clock and thirty minutes A. M.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,

Friday, March 3, 1905. }

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr Speaker—88.

Quorum present.

## LEAVE OF ABSENCE.

Leave of absence for the afternoon was granted Mr. Cullen.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Weyand, its further reading was dispensed with.

## APPROVAL OF JOURNALS.

The Journals of Tuesday, February 28, and Wednesday, March 1, 1905, were corrected, and, as corrected, approved.

## SPECIAL ORDERS.

Special orders were considered, as follows:

Senate Bill No. 717—An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin; for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe-line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto.

Read second time.

## AMENDMENTS.

Mr. Olmsted submitted the following amendments, which were read:

Amend by striking out of Section 3, line 12 of printed bill, the words "and the," and inserting in lieu thereof the words "provided, the State Board of Prison Directors shall have the power to reject any or all bids for cause. The"

Also By striking out of Section 4, line 13 of printed bill, the word "allowed," and inserting in lieu thereof the word "paid"

Also: By inserting a new section as follows. "Sec. 5. This Act shall be exempt from the provisions of an Act approved March 23, 1896, relative to contracts."

Also: By striking out of Section 5, line 1 of printed bill, the figure "5," and inserting in lieu thereof the figure "6."

Also: By striking out of Section 6, line 1 of printed bill, the figure "6," and inserting in lieu thereof the figure "7"

The amendments were adopted.

#### MOTION.

Mr. Olmsted moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 717.

Motion carried.

#### IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 717 was considered in Committee of the Whole.

Mr. Olmsted moved that the Committee of the Whole rise and report back Senate Bill No. 717, with a recommendation that it do pass as amended.

Motion carried.

#### IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 717—An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin; for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe-line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 717 ordered to reprint with a rush order, and to third reading.

Senate Bill No. 725—An Act making an appropriation for the erection and construction of additional cells at the State Prison at Folsom, the erection of a wall around said prison, the purchase of necessary cement, derricks, and tools, and other expenses incidental and relating to the purposes in this Act mentioned.

Read second time.

#### AMENDMENTS.

Mr. Olmsted submitted the following amendments, which were read:

Amend by striking out of Section 2, line 12 of printed bill, the words "and the," and inserting in lieu thereof the words "provided, the Board of Prison Directors shall have the power to reject any or all bids for cause."

Also: By striking out of Section 3, line 13 of printed bill, the word "allowed," and inserting in lieu thereof the word "paid."

Also: By inserting a new section as follows: "Sec 4 This Act shall be exempt from the provisions of an Act approved March 23, 1896, relative to contracts."

Also: By striking out of Section 4, line 1 of printed bill, the figure "4," and inserting in lieu thereof the figure "5"

Also: By striking out of Section 5, line 1 of printed bill, the figure "5," and inserting in lieu thereof the figure "6."

The amendments were adopted.

## MOTION.

Mr. Olmsted moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 725.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 725 was considered in Committee of the Whole.

Mr. Olmsted moved that the Committee of the Whole do rise, and report back Senate Bill No. 725, with a recommendation that it do pass as amended.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 725—An Act making an appropriation for the erection and construction of additional cells at the State Prison at Folsom, the erection of a wall around said prison, the purchase of necessary cement, derricks, and tools, and other expenses incidental and relating to the purposes in this Act mentioned—and do now report the same back, with amendments, and recommend that the same do pass as amended.

PRESCOTT, Chairman

The report of the Committee of the Whole was adopted.

Senate Bill No. 725 ordered to reprint with a rush order, and to third reading.

## MADE SPECIAL ORDERS.

On motion of Mr. Olmsted, Senate Bills Nos. 717 and 725, amended this morning, were made special orders for to-morrow (Saturday), immediately after the reading of the Journal.

## SPECIAL ORDERS—(RESUMED).

Assembly Bill No. 1176—An Act to provide for the establishment and maintenance of a pathological laboratory for the investigation of the tree and plant diseases and pests and branch agricultural experiment station, and making an appropriation therefor.

Read second time, and ordered to third reading.

On motion of Mr. Treadwell, Assembly Bill No. 1176 was made a special order for to-morrow, Saturday, at four o'clock P. M.

On motion of Mr. Houser, the consideration of Assembly Constitutional Amendment No. 25, set for this morning, was continued until four o'clock and thirty minutes P. M. this day.

## RULE 69 TO BE ENFORCED

Mr. Cromwell moved that Rule 69 of the Assembly, relative to admission to the floor, be strictly enforced.

Motion carried.

Assembly Bill No. 1082 (Committee Substitute for Assembly Bill No. 721)—An Act to create a drainage district to be called "Sacramento Drainage District," to promote drainage therein, to provide for the election and appointment of officers for said drainage district, defining the powers, duties, and compensation of such officers, and providing for the

creation, division and management of reclamation, swamp land, levee, drainage, and protection districts within said "Sacramento Drainage District," and providing for the levying and collection of assessments upon lands within said drainage districts.

Read third time on February 27, 1905.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Cleveland, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, Maxwell, McArtney, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—67

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

#### REPORTS OF STANDING COMMITTEES.

Reports of standing committees were submitted and read, as follows:

##### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly engrossed:

Assembly Bill No. 1123—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 189 thereof, relating to the fees and salaries of county and township officers in counties of the forty-second class.

DEVLIN, Chairman.

##### ON PUBLIC LANDS AND FORESTRY

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Assembly Joint Resolution No. 10—Relative to forest reserves of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

MITCHELTREE, Chairman.

Assembly Joint Resolution No. 10 was ordered on special file.

##### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 1078—An Act providing for the selection and sale by the State of California of lands in lieu of the vacant sixteenth and thirty-sixth school sections, embraced in confirmed or proposed Government forest reserves—reports the same back, with the recommendation that it do pass as amended.

Also: Assembly Bill No. 1079—An Act forfeiting to the State of California all payments for State lands where a fraudulent title was sought to be obtained thereto—reports the same back, with the recommendation that it do pass.

Also: Senate Bill No. 51—An Act to add an additional section to the Code of Civil Procedure, to be numbered 583, relating to the dismissal of actions—reports the same back, with the recommendation that it do pass

Also: Senate Bill No. 3—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 987½, relating to the payment of fees to attorneys assigned by courts to defend persons unable from lack of means to procure counsel—reports the same back, with the recommendation that it do not pass.

Also: Senate Bill No. 530—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment, or other lawful termination thereof, in the State of California, defining the duty and power of such commission, and authorizing the employment of agents, clerks, and other employees, and for other purposes connected with the duty of the commission, and appropriate money for the use and control of said commission, its agents, clerks, and employees—reports the same back, with the recommendation that it do pass.



Also: Assembly Bill No. 1152—An Act to amend Section 204 of the Code of Civil Procedure of the State of California, concerning the listing of grand and trial jurors—reports the same back, with the recommendation that it do pass, by a majority vote.

Also: Assembly Bill No. 1131—An Act to amend Section 1143 of the Penal Code, relating to the payment of jurors' fees—reports the same back, with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Bill No. 1132—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be numbered Section 196, relating to the fees of jurors—reports the same back, with one amendment, and with the recommendation that it do pass as amended.

Also: Assembly Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XI, by adding thereto a new section, to be known as Section 20, relating to fixing the compensation of jurors—reports the same back without recommendation.

Also: Assembly Bill No. 1135—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known and numbered as Section 131½, relating to damages caused to sheep, cashmere and angora goats by the ravages of dogs—reports the same back with the recommendation that it do not pass.

Also: Assembly Bill No. 995—An Act entitled "An Act to protect the purchaser of merchandise against fraud and deception"—reports the same back, with three amendments, and without recommendation.

DURYEA, Chairman.

Assembly Bills Nos. 1078, 1079, 1152, 1131, 1132, 1135, and 995 ordered on second-reading file.

Senate Bills Nos. 51 and 3 ordered to second reading on special Senate file.

Senate Bill No. 530 referred to Committee on Ways and Means, and ordered to second reading on special Senate file.

Assembly Constitutional Amendment No. 27 ordered on special file.

#### ON CONSTITUTIONAL AMENDMENTS

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, compensation of members of the Legislature and limiting the expenditures for employes of Senate and Assembly.

Also: Assembly Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Sections 2 and 3 of Article IV thereof, relating to the legislative department of the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they be not adopted.

Also: Assembly Constitutional Amendment No. 22—To propose to the people of the State of California an amendment of Article XIII of the Constitution of the State of California, by repealing Section 12 of said Article XIII, thereby abolishing State poll tax—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Constitutional Amendment No. 9—Relative to the exemption from taxation of all of the buildings used solely and exclusively for the accommodation, support, and maintenance of minor orphans, or half orphans, or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use, and occupation thereof—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted, by a majority.

HOUSER, Chairman.

Assembly Constitutional Amendments Nos. 24, 23, 22, and 9 were ordered on special file.

#### ON FEDERAL RELATIONS

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 8—A resolution relative to parcels post—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

AMERIGIE, Chairman.

Assembly Joint Resolution No. 8 ordered on special file.

## ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 1148—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered and designated Section 595a, relating to certificates of authority to be issued to insurance companies—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that it do pass as amended.

BATES, Chairman.

Assembly Bill No. 1148 ordered on second-reading file.

## ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 891—An Act to authorize cities owning their own lighting plants to furnish lamps and fixtures to consumers, and to install same, and to wire buildings for electric lighting—have had the same under consideration and respectfully report the same back, and recommend that it do not pass, by a majority vote.

BEARDSLEE, Chairman.

Assembly Bill No. 891 ordered on second-reading file.

## ON STATE PRISONS AND REFORMATORIES.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 1172—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and also recommend that it be read the second time and placed on third-reading special file.

McKENNEY, Chairman.

On motion of Mr. Olmsted, Assembly Bill No. 1172 was called up for second reading.

Assembly Bill No. 1172—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Read second time.

On motion of Mr. Olmsted, Assembly Bill No. 1172 was ordered to third reading on special file.

## ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER: Your Committee on Rules and Regulations beg leave to report the following special rule, and recommend its adoption:

*Resolved*, That the session this evening, from 7:30 o'clock P. M. to 11 o'clock P. M., be devoted first to the consideration of bills to be designated by each member from any part of the file, the names of the members to be called according to the roll call, alternating from the top to the bottom of the same; *provided*, that no member shall designate any bill of which he is not the author.

McCARTNEY, Chairman

## RULE FOR CONSIDERATION OF BILLS ADOPTED.

Mr. McCartney moved the adoption of the report.

Mr. Atkinson moved to amend the rule giving members the right to call up any Senate bill that any Senator may request

Amendment lost.

The report of the committee was adopted.

Mr. Espey moved to reconsider the rule just adopted.

Mr. McCartney moved to lay the motion on the table.

Motion carried.

## SENATE MESSAGE.

A message from the Senate was read, as follows:

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 849—An Act to authorize the Board of Trustees of the Whittier State School to contract for the care and keeping of girls committed to said school in charitable or benevolent institutions or with private persons, and to pay for their care while in such institution or with such persons.

Also: Senate Bill No. 850—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889, relating to the alteration of such boundaries of and for the annexation of territory to incorporated towns and cities.

Also: Senate Bill No. 751—An Act to amend an Act entitled "An Act to amend Section 36 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901, relating to counties of the thirtieth class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the county surveyor," approved March 19, 1903, and in this Act relating to the compensation of the county recorder, auditor, treasurer, county surveyor, county clerk, district attorney, and members of the board of supervisors

Also: Assembly Bill No. 604—An Act to amend Section 515 of the Political Code, and to provide for the appointment of a statistician, a clerk and stenographer, and a text-book clerk for the Superintendent of Public Instruction, and to fix their compensation.

Also: Senate Bill No. 797—An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees dikes and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining said districts.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 849 read first time, and ordered on special Senate file.

Senate Bill No. 850 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 751 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 797 read first time, and referred to Committee on Levees and River Improvements.

Assembly Bill No. 604 ordered to enrollment.

## SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day request Assembly Bill No. 839 returned to the Senate for reconsideration.

Also: Passed Assembly Bill No. 800—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 180 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-third class.

Also: Senate Bill No. 625—An Act to amend Section 1142 of the Political Code, relating to boards of election

Also: Senate Bill No. 809—An Act to protect the purchaser of merchandise against fraud and deception.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bill No. 839 ordered to unfinished business, at the request of Mr. Estudillo.

Assembly Bill No. 800 ordered to enrollment.

Senate Bill No. 625 read first time, and referred to Committee on Election Laws.

Senate Bill No. 809 read first time, and ordered to second reading on special Senate file.

## SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, March 2, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed Assembly Bill No. 357—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby.

Also: Assembly Bill No. 439—An Act to provide for the disposition of the funds which may hereafter be collected by the State of California from the United States in payment of the claims arising out of the War of the Rebellion.

And respectfully ask your concurrence in same.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary

Assembly Bill No. 357 ordered to unfinished business.

Assembly Bill No. 439 called up for consideration of Senate amendments.

Assembly Bill No. 439—An Act to provide for the disposition of the funds which may hereafter be collected by the State of California from the United States in payment of the claims arising out of the War of the Rebellion.

## SENATE AMENDMENTS.

The following Senate amendments were read to Assembly Bill No. 439:

## AMENDMENT No. 1.

On page 1 of the bill strike out the whole of Section 1 and insert in lieu thereof the following:

"Section 1. From the moneys hereafter collected and received by the State of California from the United States in payment of the claims of this State arising out of the Indian and Civil Wars, there is hereby appropriated the sum of one hundred thousand dollars, which shall be set aside and conveyed into the "State Forestry Fund," which fund is hereby created, and which moneys shall be devoted by the State of California for the acquisition, preservation, and protection of the forests within the State, and to the interests of scientific forestry generally within the State"

Amendment adopted.

## AMENDMENT No. 2.

Strike out on page 1, the whole of Section 2 of said bill, and insert in lieu thereof the following:

"Section 2. The State Board of Examiners shall constitute a commission for the carrying into effect of the provisions of this Act, and is hereby authorized to expend such moneys in such manner and for such purposes within the purview of this Act as it shall deem advisable, and for that purpose shall audit all claims and demands arising hereunder, and the Controller is hereby directed to draw his warrants for the amounts as the same may become due and payable, and the Treasurer of the State is directed to pay such warrants.

"Section 3. This Act shall take effect and be in force from and after its passage"

Amendment adopted.

## AMENDMENT No. 3.

Strike out on page 1 of the printed bill the whole of the title thereof, and insert in lieu thereof the following:

"An Act to appropriate one hundred thousand dollars from any moneys hereafter collected and received by the State of California from the United States in payment of the claims of this State arising out of the Indian and Civil Wars, to be expended in the acquisition, preservation, and protection of the forests in this State; creating the State Board of Examiners a commission to carry this Act into effect, and for the disbursement of said moneys, and creating the State Forestry Fund."

Amendment adopted.

## SENATE AMENDMENTS CONCURRED IN.

Mr. McGowan moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 439?"

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Drew, Ellis, Espey, Gans, Goodrich, Hartman, Houser, Jarvis, John, Johnstone, Lucey, Lumley, Lynch, McCartney, McGowan, McNamara, Mindham, O'Brien, Olmsted, Perkins, Pfeaffle, Pryor, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—50.

NOES—None

Assembly Bill No. 439 ordered to enrollment.

#### SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 196—An Act to pay the claim of Fred E. Borton, and making an appropriation therefor.

Also: Senate Bill No. 663—An Act appropriating money to pay the expenses of collecting, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the International Exposition at Liege, Belgium, in 1905. Also for preparing and printing literature relating to the State for distribution at said exposition, and providing a commission and expense of commission and attachés.

Also: Senate Bill No. 692—An Act to amend Section 1 of an Act entitled "An Act to authorize suits against the State and regulating the procedure therein," approved February 28, 1893.

Also: Senate Bill No. 641—An Act to amend Sections 233, 239, 245, 246, 415, and 420 of the Political Code of the State of California, relating to the officers, attachés, and employés of the Legislature and their compensation.

Also: Senate Bill No. 107—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class," approved March 16, 1903.

Also: Substitute for Senate Bill No. 723—An Act to repeal Title XVI of Part IV of Division I of the Civil Code of the State of California, and each and every part and section of said title, and to enact and substitute a new Title XVI to take the place thereof in said Code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.

Also: Assembly Bill No. 830—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 537 and 538 thereof, relating to the cases in which a writ of attachment shall issue, and to the contents of the affidavit for attachment.

LEWIS A. HILBORN, Secretary of Senate  
By J. W. HARPER, Assistant Secretary

Senate Bills Nos. 196 and 663 read first time, and referred to Committee on Claims.

Senate Bill No. 692 (being identical with Assembly Bill No. 946) read first time, and ordered to second reading on special Senate file.

Senate Bill No. 641 read first time, and referred to Committee on Attachés.

Senate Bill No. 107 read first time, and referred to Committee on County and Township Governments.

Substitute for Senate Bill No. 723 (being identical with Assembly Bill No. 1162) read first time, and ordered to second reading on special Senate file.

Assembly Bill No. 830 ordered to unfinished business.

#### SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, March 3, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day received the report of the conference committee on Assembly Bill No. 540, showing that no agreement had been reached, and have appointed Senators Shortridge, Leavitt, and Curtin as a committee of free conference, and request that the Assembly appoint a like committee.

LEWIS A. HILBORN, Secretary of Senate  
By J. W. HARPER, Assistant Secretary.

## FREE CONFERENCE COMMITTEE.

The Speaker announced the appointment of Messrs. McGowan, Estudillo, and Transue as the free conference committee, to act with a like committee of the Senate on Assembly Bill No. 540.

## SENATE MESSAGES.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bills Nos. 165 and 166

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 13—An Act to amend Section 3928 of the Political Code, relating to the boundary line between the counties of Sacramento and San Joaquin.

Also: Assembly Bill No. 918—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Also: Assembly Bill No. 919—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justices' courts.

Also: Assembly Bill No. 658—An Act to amend Section 1278 of the Code of Civil Procedure of the State of California, relating to hearing application for change of names, and remonstrances, and requiring production of the certificate of the Secretary of State, by corporations, that name desired is not the name of any other corporation or so closely resembles the same as will tend to deceive.

Also: Denied third reading to Assembly Bill No. 437—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Also: Denied third reading to Assembly Bill No. 62—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1409, relating to succession.

Also passed Assembly Bill No. 659—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section to said Code of Civil Procedure, to be numbered 1760, relating to the removal of guardianship proceedings, from the Superior Court of any county in this State to the Superior Court of any other county thereof, and providing for the payment of the fees thereon.

Also: Assembly Bill No. 752—An Act to amend the Political Code by adding thereto a new section, to be numbered 1874a, creating the office of Secretary to the State Text-Book Committee, defining the duties pertaining to said office, authorizing the said Text-Book Committee to elect a secretary to fill said office, and fixing his compensation, and to repeal all Acts and parts of Acts in conflict with this Act.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 13, 918, 919, 658, 659, and 752 ordered to enrollment.

Assembly Bills Nos. 437 and 62 ordered to unfinished business.

## SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed Assembly Bill No. 1157—An Act making appropriations for the support of the government of the State of California for the fifty-seventh and fifty-eighth fiscal years.

Also: Assembly Bill No. 288—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-fourth, fifty-fifth, and fifty-sixth fiscal years.

Also: Assembly Bill No. 99—An Act to amend Section 1167 of the Code of Civil Procedure, relating to summons in summary proceedings for obtaining possession of real property.

Also: Assembly Bill No. 457—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expenses of actions, alimony, and actions for maintenance and support.

Also: Assembly Bill No. 19—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 69 of said Civil Code, relating to marriage licenses.

Also: Assembly Bill No. 36—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county and township officers, and providing for the appointment of certain deputy county officials.

And respectfully ask your concurrence in same.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

#### PRIVILEGES OF THE FLOOR.

On motion of Mr. Weyand, the privileges of the floor were extended to Hon. G. W. Hamilton, an ex-member of the Assembly.

Assembly Bills Nos. 1157, 288, 99, and 457 ordered to unfinished business.

Assembly Bill No. 19 was called up for consideration of Senate amendments.

Assembly Bill No. 19—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 69 of said Civil Code, relating to marriage licenses.

#### SENATE AMENDMENTS.

On page 1, Section 1, line 5, strike out the words "and in which the," and on line 6, strike out the words "male or female resides when residents of this State"

On page 1, strike out all of Subdivision 4.

On page 2, renumber subdivisions 5, 6, and 7, as subdivisions 4, 5, and 6, respectively.

On page 2, Section 1, line 15, strike out the words "a habitual drunkard, epileptic," and insert in lieu thereof the word "an."

#### SENATE AMENDMENTS CONCURRED IN.

Mr. McCartney moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 19?"

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Amerige, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Burke, Chandler, Cleveland, Cooper, Coyle, Cromwell, Drew, Duryea, Ellis, Espey, Gans, Gates, Hartman, Held, Houser, John, Johnstone, Jury, Lucey, Lynch, McCartney, McGowan, Meincke, Mumham, O'Brien, Olmsted, Perkins, Pfäffle, Pryor, Pyle, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—46.

NOES—None.

Assembly Bill No. 36 was called up for consideration of Senate amendments.

On motion of Mr. McCartney, the consideration of Senate amendments to Assembly Bill No. 36 was made a special order for to-morrow (Saturday), immediately after the reading of the Journal.

#### SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 963—An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term "boulevard."

Also: Assembly Bill No. 747—An Act to amend Section 954 of the Penal Code, relating to the joinder of charges in one indictment or information.

Also: Assembly Bill No. 104—An Act to appropriate \$3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 162—An Act to appropriate \$500 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 534—An Act to appropriate the sum of \$2,000 to pay the claim of W. C. Van Fleet for legal services rendered the State of California, in the

Superior Court of the City and County of San Francisco, and the Supreme Court of the State of California, in an action entitled Jeremiah F. Sullivan, et al., vs Henry T. Gage, et al., constituting the State Board of Examiners.

Also: Assembly Bill No. 562—An Act appropriating the sum of \$2,160 for rental of a building or buildings for the use of the San Francisco State Normal School.

Also: Assembly Bill No. 156—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the inquiry into the aggravation or mitigation of punishment, the imposition or execution of sentence, and the suspending thereof by probation on plea or verdict of guilty.

Also: Receded from Senate amendments to Assembly Bill No. 114.

LEWIS A. HILBORN, Secretary of Senate  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 963, 747, 104, 162, 534, 562, 156, and 114 were ordered to enrollment.

#### SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 403—An Act making an appropriation to pay the claim of W. F. Gornley for the funeral and burial of W. L. Cotter.

Also: Senate Bill No. 383—An Act providing pay for holidays for employés of the State of California, or of any political subdivision thereof.

Also: Senate Bill No. 563—An Act to provide for the location, construction, and management of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's, to Tahoe City, and making an appropriation therefor.

Also: Senate Bill No. 883—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1899, relating to moneys received by wardens thereof.

Also: Assembly Bill No. 352—An Act to amend Section 1185 of the Code of Civil Procedure, relating to mechanics' liens.

Also: Assembly Bill No. 706—An Act to amend Sections 1359 and 1367 of the Political Code of the State of California, relating to primary elections.

Also: Assembly Bill No. 201—An Act authorizing the directors of the Veterans' Home of California to purchase and take over, for the State of California, to be used and controlled by said board in the interests of the Veterans' Home of California, a certain piece of land adjoining the premises of the said Veterans' Home of California, in the County of Napa, and appropriating the sum of \$3,000 to pay for the purchase of the same.

Also: Assembly Bill No. 289—An Act making an appropriation for transportation of prisoners for the fifty-fifth and fifty-sixth fiscal years.

Also: Assembly Bill No. 283—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard, for the fifty-fifth fiscal year.

Also: Refused passage to Assembly Bill No. 61—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1314, relating to devises and bequests to persons convicted of murder of their testators.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 403 read first time, and referred to Committee on Claims.

Senate Bill No. 383 read first time, and ordered to second reading on special Senate file, being identical with Assembly Bill No. 676.

Senate Bill No. 563 read first time, and ordered to second reading on special Senate file, being identical with Assembly Bill No. 279.

Senate Bill No. 883 read first time, referred to Committee on Ways and Means, and ordered to second reading on special Senate file, being identical with Assembly Bill No. 1173.

Assembly Bills Nos. 352, 706, 201, 289, and 283 ordered to enrollment.

Assembly Bill No. 61 ordered to unfinished business file.

#### SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, March 3, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed Assembly Bill No. 409—An Act to amend Section 25 of



an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 38 of said Section 25, relating to a special road fund tax—and respectfully ask your concurrence in same.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bill No. 409 called up for consideration of Senate amendments.

Mr. Johnstone moved that the Senate amendments be read.

Mr. McGowan moved that consideration of the amendments go on file of unfinished business.

So ordered.

#### SENATE MESSAGES.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 623—An Act to amend Section 206 of the Code of Civil Procedure, relating to the selecting and returning jurors for courts of record.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 623 read first time, and referred to Committee on Judiciary.

Senate Bill No. 797 read first time, and withdrawn from the Committee on Swamp and Overflowed Lands and Drainage, and ordered to second reading on the special Senate file, being identical with Assembly Bill No. 969.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the committee of free conference in regard to Assembly Bill No. 540.

LEWIS A. HILBORN, Secretary of Senate  
By J. W. HARPER, Assistant Secretary.

#### BILL RETURNED TO COMMITTEE.

On motion of Mr. Drew, Assembly Bill No. 393 was ordered returned to the Committee on Engrossment and Enrollment, having been recalled by mistake.

#### SECOND READING RESCINDED.

Mr. Drew moved that the action of the Assembly in reading Senate Bill No. 763, Senate Bill No. 254, Senate Bill No. 255, and Senate Bill No. 435 a second time, on March 1, 1905, be rescinded, and that said bills be now read a second time, and ordered to the special third-reading file of Code Revision bills.

Upon being put to vote, the motion was declared carried.

#### SECOND READING OF CODE BILLS.

Senate Bill No. 763—An Act to amend Section 1387 of the Penal Code, relating to an order for dismissal being a bar in cases of misdemeanor.  
Read second time.

Senate Bill No. 763 ordered to third reading on Special Code Revision file.

Senate Bill No. 254—An Act to add a new section to the Code of Civil Procedure, to be known as Section 1639, relating to the settlement of accounts of an executor or administrator after his death.

Read second time.

Senate Bill No. 254 ordered to third reading on Special Code Revision file.

Senate Bill No. 255—An Act to repeal Section 1639 of the Code of Civil Procedure, approved March 24, 1874, and to add a new section to said Code, to be numbered 1527, both relating to sale of personal property of a deceased person upon application for sale of real property.

Read second time.

Senate Bill No. 255 ordered to third reading on special Senate file.

Senate Bill No. 435—An Act to add a new section to the Penal Code, to be numbered 397b, relating to the sale, giving, or delivering of intoxicating liquors to minor children, and to the preventing of minor children from visiting saloons or public houses where intoxicating liquors are sold.

Read second time.

Senate Bill No. 435 ordered to third reading on Special Senate file.

#### SPECIAL ORDERS.

Bills on file of special orders were considered, as follows:

Assembly Bill No. 51—An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Eells, Espey, Estudillo, Gans, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnson, Jury, King, Lucey, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Stanton, Strobridge, Thompson, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Senate Bill No. 508—An Act to appropriate \$40,000 for the purchase of additional land for the use of the Stockton State Hospital.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Chandler, Coyle, Creighton, Cromwell, Devlin, Eells, Espey, Estudillo, Gans, Gates, Hartman, Held, Houser, Jarvis, John, Johnson, Jones of Tuolumne, Jury, King, Lucey, Lynch, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Slaven, Stanton, Strobridge, Strohl, Thompson, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Assembly Bill No. 1024—An Act to amend Section 340 of the Penal Code of the State of California, relating to and defining the rate of interest which may be charged by pawnbrokers.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Anthony, Atkinson, Boyle, and Duryea—4.  
NOES—Messrs. Amerige, Bates, Burge, Busick, Chandler, Coyle, Creighton, Devlin, Eells, Espey, Gans, Gates, Hartman, Held, Houser, Jarvis, John, Johnson,

King, Lynch, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Plaisille, Pryor, Pyle, Slaven, Stanton, Strobridge, Thompson, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—44.

## RECESS.

The Speaker, at twelve o'clock and thirty minutes P. M., declared a recess until two o'clock P. M.

## REASSEMBLED.

The Assembly reconvened at two o'clock P. M.

Speaker Hon. Frank C. Prescott in the chair.

## BILL ORDERED ON SPECIAL SENATE FILE.

On motion of Mr. Creighton, Senate Bill No. 169 was ordered placed on the special Senate file, it being identical with Assembly Bill No. 188.

## SPECIAL ORDERS.

On motion of Mr. Lynch, Assembly Bills Nos. 1039 and 1040 were made a special order for to-morrow (Saturday), March 4, 1905, immediately after the reading of the Journal.

## SPECIAL SENATE FILE.

The following bills on the special Senate file were taken up for consideration, as follows:

Senate Bill No. 144 (identical with Assembly Bill No. 382)—An Act making an appropriation of \$915.94 to pay the claim of George H. Shaw against the State of California.

Passed on file.

Senate Bill No. 605—An Act for the relief of E. D. McCabe, and to appropriate money therefor.

Read second time.

The following committee amendment was read:

Amend by striking out the words "State Treasury," on line 3, Section 1, first page, printed bill, and inserting in lieu thereof the words "Building and Loan Association Inspection Fund."

Amendment adopted.

## MOTION.

Mr. Espey moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 605.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 605 was considered in Committee of the Whole.

Mr. Espey moved that the committee rise and report back Senate Bill No. 605, with the recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill

No. 605—An Act for the relief of E. D. McCabe, and to appropriate money therefor— and do now report the same back, and recommend that the same do pass as amended,

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 605 ordered to print and third reading on special Senate file.

Senate Bill No. 752—An Act to amend Section 791 of the Political Code, relating to the number of notaries public.

Read second time.

Senate Bill No. 752 ordered to third reading on special Senate file.

Senate Bill No. 576—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, approved March 23, 1901," by amending Section 201 thereof.

Read second time.

Senate Bill No. 576 ordered to third reading on special Senate file.

Senate Bill No. 781—An Act amending an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens of mechanics and others.

Read second time.

Senate Bill No. 781 ordered to third reading on special Senate file.

Senate Bill No. 149—An Act to amend Section 1 of an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State, who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, relating to the burial of soldiers who served in the war with Spain and in the Philippine insurrection.

Senate Bill No. 149 ordered stricken from the file.

Senate Bill No. 787 (identical with Assembly Bill No. 1038)—An Act making an appropriation to pay the claim for services, subsistence, supplies, and transportation of the National Guard of California called into service by order of the Governor in the month of July, 1903.

Read second time.

#### MOTION.

Mr. Bates moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 787.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 787 was considered in Committee of the Whole.

Mr. Bates moved that the committee rise and report back Senate Bill No. 787, with the recommendation that it do pass.

Motion carried.

#### IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 787—An Act making an appropriation to pay the claim for services, subsistence, supplies, and transportation of the National Guard of California called into service by

order of the Governor in the month of July, 1903—and do now report the same back, and recommend that the same do pass

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 787 ordered to third reading on special Senate file.

Senate Bill No. 34—An Act to provide for locating, surveying, and constructing a State highway from a point in the Congress Hall road at or near the Fair View school house in the County of Santa Clara, thence along the summit lying between the Pescadero and San Lorenzo creeks in a southwesterly direction, to the northerly rim of the Big Basin Redwood Park, about ten miles, to connect with an existing State road in said Redwood Park, in Santa Cruz County, and making an appropriation therefor.

Read second time.

MOTION.

Mr. Arnerich moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 34.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 34 was considered in Committee of the Whole.

Mr. Arnerich moved that the committee rise and report back Senate Bill No. 34, with the recommendation that it do pass.

Motion carried.

IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

GENTLEMEN. The Committee of the Whole have had under consideration Senate Bill No. 34—An Act to provide for locating, surveying, and constructing a State highway from a point in the Congress Hall road at or near Fair View school house, in the County of Santa Clara, thence along the summit lying between the Pescadero and San Lorenzo creeks in a southwesterly direction, to the northerly rim of the Big Basin Redwood Park, about ten miles, to connect with an existing State road in said Redwood Park, in Santa Cruz County, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 34 ordered to third reading on special Senate file.

Senate Bill No. 393 (identical with Assembly Bill No. 664)—An Act to provide for completing the survey, locating, and constructing a State highway from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles, to connect with an existing road in Humboldt County, and making an appropriation therefor.

Read second time.

COMMITTEE AMENDMENTS.

The following committee amendments were read:

AMENDMENT No. 1.

Amend by striking out the words "fifteen thousand dollars (\$15,000)" on line 3, first page, printed bill, and inserting in lieu thereof the following: "ten thousand dollars (\$10,000)"

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the words "seven thousand five hundred dollars (\$7,500)," on line 3, page 2, printed bill, and inserting in lieu thereof the following: "five thousand dollars (\$5,000)."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out the words "seven thousand five hundred dollars (\$7,500)," on lines 4 and 5, page 2, printed bill, and inserting in lieu thereof the following: "five thousand dollars (\$5,000)."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out the words "All Acts or parts of Acts in conflict with this Act are hereby repealed," on second page, printed bill, and inserting in lieu thereof the following: "It is distinctly understood and stipulated that when said road shall be completed all responsibility and care of maintenance shall be borne by Trinity County."

"Sec. 5. All Acts and parts of Acts in conflict with this Act are hereby repealed."

Amendment adopted.

## MOTION.

Mr. Coyle moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 393.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 393 was considered in Committee of the Whole.

Mr. Coyle moved that the committee rise and report back Senate Bill No. 393, with the recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

## ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 393—An Act to provide for completing the survey, locating, and constructing a State highway, from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles, to connect with an existing road in Humboldt County, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass as amended.

PRESCOTT, Chairman.

Report of the Committee of the Whole adopted.

Senate Bill No. 393 ordered to print, and to third reading on special Senate file.

Senate Bill No. 693—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and prohibiting the use of the word "trust" in combination or connection with the word "company," "corporation," "incorporation," "association," "society," "organization," or "syndicate," by any person, corporation, or association which is not subject to the provisions of the Act last mentioned.

Read second time.

## COMMITTEE AMENDMENT.

The following committee amendment was read:

Amend by inserting in line 7, page 2 of the printed bill, before the first "the" the figures "23"

Amendment adopted.

Senate Bill No. 693 ordered to print, and to third reading on special Senate file.

Senate Bill No. 718—An Act to establish a State hospital for the care, custody, and maintenance of insane convicts, and certain other insane persons charged with the commission of a felony, near Folsom, California, and to provide for the government and management thereof, and to direct the expenditure of money heretofore appropriated by an Act entitled "An Act to provide for the erection at Folsom State Prison of a building for the accommodation of insane prisoners, and making an appropriation therefor," approved March 26, 1903, and declaring that the same may be used and expended for the purposes of this Act.

Read second time.

MOTION.

Mr. Atkinson moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 718.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 718 was considered in Committee of the Whole.

Mr. Atkinson moved that the committee rise and report back Senate Bill No. 718, with the recommendation that it do pass.

Motion carried.

IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 718—An Act to establish a State hospital for the care, custody, and maintenance of insane convicts and certain other insane persons charged with commission of a felony, near Folsom, California, and to provide for the government and management thereof, and to direct the expenditure of money heretofore appropriated by an Act entitled "An Act to provide for the erection at Folsom State Prison of a building for the accommodation of insane prisoners, and making an appropriation therefor," approved March 26, 1903, and declaring that the same may be used and expended for the purposes of this Act—and do now report the same back, and recommend that the same do pass

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 718 ordered to third reading on special Senate file.

SENATE CONSTITUTIONAL AMENDMENT No 2.

To propose to the people of the State of California an amendment to Article XX, Section 18 of the Constitution, to provide for legislation concerning the term of officers or commissioners and certain employes whose terms of office are not provided for in the Constitution.

The Legislature of the State of California, at its thirty-sixth session, commencing on the second day of January, nineteen hundred and five, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby proposes that section sixteen of article twenty of the Constitution be amended to read as follows:

Section 16. When the term of any officer or commissioner is not provided for in this Constitution, the term of such officer or commissioner may be declared by law, and, if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years; *provided, however,* that in the case of any officer or employe of any municipality governed under a legally adopted charter, the provisions of such charter with reference to the tenure of office or the dismissal from office of any such officer or employe shall control.

Senate constitutional amendment was read.

The question being on the final adoption of Senate Constitutional Amendment No. 2.

The roll was called, and Senate Constitutional Amendment No. 2 was declared adopted by the following vote:

AYES—Messrs. Amerige, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, McGowan, McKenney, McNamara, Meincke, Mitcheltree, O'Brien, Perkins, Pfaffle, Pryor, Slaven, Stanton, Strobridge, Strobl, Thompson, Transue, Treadwell, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—55.

NOES—None.

#### SENATE JOINT RESOLUTION No. 9.

Relative to the retention of the old Spanish names given to cities, towns, and villages in this State.

WHEREAS, The citizens of this commonwealth treasure the memories connected with the traditions of its early settlement, and desire to perpetuate the monuments and names that have given local color to its history; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That it is the sense of this Legislature that, as far as possible, the old Spanish names, where given to cities, towns, and villages in this State, should be preserved in their original forms and not changed by the Government postal authorities to new names unconnected with local sentiment or tradition; and, be it

*Further resolved,* That the Secretary of the Senate be and is hereby directed to forthwith forward an engrossed copy of these resolutions to the President and the Postmaster-General of the United States.

Senate Joint Resolution No. 9 was read.

Mr. McGowan moved the adoption of Senate Joint Resolution No. 9. Motion carried and Senate Joint Resolution No. 9 was declared adopted.

Senate Bill No. 866—An Act making an appropriation of \$675 to pay for postage, expressage, and telegraphing, Secretary of State's office, for the balance of the fifty-sixth fiscal year.

Read second time.

#### MOTION.

Mr. Atkinson moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 866.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 866 was considered in Committee of the Whole.

Mr. Atkinson moved that the committee rise and report back Senate Bill No. 866, with the recommendation that it do pass.

Motion carried.

#### IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

#### ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 866—An Act making an appropriation of \$675 to pay for postage, expressage, and telegraphing, Secretary of State's office, for the balance of the fifty-sixth fiscal year—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 866 ordered to third reading on special Senate file.



## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read :

## ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed :

Assembly Bill No. 1172—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Assembly Bill No. 1176—An Act to amend Section 3608 of the Political Code of the State of California, and to reenact Sections 3609 and 3610, relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue.

DEVLIN, Chairman.

Assembly Bills Nos. 1172 and 1176 ordered on third-reading file.

## BILL ORDERED TO ENGROSSMENT.

On motion of Mr. Devlin, Assembly Bill No. 1078 was ordered to the Committee on Engrossment and Enrollment for engrossment.

## SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 115—An Act making an appropriation for the payment of Division and Brigade, National Guard of California, Headquarters allowances for the fifty-fifth and fifty-sixth fiscal years.

Read second time.

## MOTION.

Mr. Weyand moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 115.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 115 was considered in Committee of the Whole.

Mr. Weyand moved that the Committee of the Whole rise and report back Senate Bill No. 115, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 115—An Act making an appropriation for the payment of Division and Brigade, National Guard of California, Headquarters allowances for the fifty-fifth and fifty-sixth fiscal years—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 115 was ordered to third reading on special Senate file.

Senate Bill No. 514—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers; to provide for its collection and to direct the disposition of its proceeds; to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests and devises; to provide for its collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read :

## AMENDMENT No 1.

Amend by striking out the word "or" on line 27, second page, printed bill, and inserting in lieu thereof the word "of."

Amendment adopted.

## AMENDMENT No 2.

Amend by striking out the figures "\$5000.00," on line 15, Section 4, page 4, printed bill, and inserting in lieu thereof the following: "ten thousand (\$10,000.00) dollars."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out the figures "\$2,000 00" on line 16, Section 4, page 4, printed bill, and inserting in lieu thereof the following: "two thousand (\$2,000 00) dollars."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out the figures "\$1,000" on line 19, Section 4, page 4, printed bill, and inserting in lieu thereof the words "two thousand (\$2,000) dollars."

Amendment adopted.

## AMENDMENT No. 5

Amend by striking out the figures "\$750," on line 22, Section 4, page 4, printed bill, and inserting in lieu thereof the words "one thousand five hundred (\$1,500) dollars."

Amendment adopted.

## AMENDMENT No 6

Amend by striking out the figures "\$500" on line 25, Section 4, page 4, printed bill, and inserting in lieu thereof the words "one thousand (\$1,000.00) dollars."

Amendment adopted.

## AMENDMENT No. 7.

Amend by striking out the figures "\$250" on line 28, Section 4, page 5, printed bill, and inserting in lieu the words "five hundred (\$500 00) dollars."

Amendment adopted.

## AMENDMENT No. 8.

Amend by striking out the word "article" on line 29, page 9, printed bill, and inserting in lieu thereof the word "act."

Amendment adopted.

## AMENDMENT No 9.

Amend by striking out all of lines 33, 34, 35, 36, 37, and 38, Section 19, page 12, printed bill; also all of lines 39, 40, and 41 of Section 19, page 13, printed bill.

Amendment adopted.

Senate Bill No. 514 was ordered to print and to third reading on special Senate file.

Senate Bill No. 113—An Act to amend Section 849 of the Code of Civil Procedure, relating to service of summons issued out of justices' courts.

Passed on file.

Senate Bill No. 282—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeal.

Read second time.

## COMMITTEE AMENDMENT.

The following committee amendment was read:

Amend by striking out of line 8 the word "such," and in lieu thereof inserting the word "each."

Amendment adopted.

## MOTION.

Mr. Atkinson moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 282.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 282 was considered in Committee of the Whole.

Mr. Atkinson moved that the Committee of the Whole rise and report back Senate Bill No. 282, with recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 282—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeal—and do now report the same back, with amendment, and recommend that the same do pass as amended

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 282 ordered to reprint, engrossment, and to third reading on special Senate file.

Senate Bill No. 262—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Read second time.

## SPEAKER PRO TEM. CALLED TO THE CHAIR.

At two o'clock and thirty minutes P. M., Speaker pro tem. Hon. T. E. Atkinson was called to the chair.

## MOTION.

Mr. Cooper moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Senate Bill No. 262.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

Senate Bill No. 262 was considered in Committee of the Whole.

Mr. Cooper moved that the Committee of the Whole rise and report back Senate Bill No. 262, with recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 262—An Act to provide for the payment of the claim of Fred A. Treat, District Attor-

ney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass.

ATKINSON, Chairman.

The report of Committee of the Whole was adopted.

Senate Bill No. 262 ordered to third reading on special Senate file.

Senate Bill No. 600—An Act to regulate the operation of motor vehicles on public highways.

Read second time.

Senate Bill No. 600 ordered to third reading on special Senate file.

Senate Bill No. 2—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to salaries and fees of county and township officers in counties of the fifteenth class.

Read second time.

Senate Bill No. 2 ordered to third reading on special Senate file.

Senate Bill No. 207—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof, in relation to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices.

Read second time.

Senate Bill No. 207 ordered to third reading on special Senate file.

Senate Bill No. 448—An Act to amend Section 169 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read second time.

Senate Bill No. 448 ordered to third reading on special Senate file.

Senate Bill No. 734—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the several Acts amendatory thereof and supplemental thereto.

Read second time.

Senate Bill No. 734 ordered to third reading on special Senate file.

Senate Bill No. 320—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read second time.

#### MOTION.

Mr. Espey moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Senate Bill No. 320.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

Senate Bill No. 320 was considered in Committee of the Whole.

Mr. Espey moved that the Committee of the Whole rise and report back Senate Bill No. 320, with recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 320—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto—and do now report the same back, and recommend that the same do pass.

ATKINSON, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 320 ordered to third reading on special Senate file.

## SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 787—An Act making an appropriation to pay the claim for services, subsistence, supplies, and transportation of the National Guard of California called into service by order of the Governor in the month of July, 1903.

Read second time.

## AMENDMENT.

Mr. Weyand submitted the following amendment, which was read:

After the word "auditors," in line 3, Section 2 of the printed bill, strike out the period and insert a comma, and insert the following: "and the treasurer is hereby directed to pay the same."

Amendment adopted

Senate Bill No. 787 ordered to print, and third reading on special Senate file.

Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Creighton, Cromwell, Cullen, Duryea, Ellis, Espey, Estudillo, Gates, Held, Houser, Jarvis, John, Johnson, King, Lynch, McGowan, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Strobbridge, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—51.

NOES—Mr. Coyle—1.

Title read and approved.

Senate Bill No. 378—An Act to appropriate \$7,500 to sink artesian wells and to develop artesian water on the lands of the Mendocino State Hospital.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Atkinson, Barnes, Cleveland, Coyle, Creighton, Estudillo, Gans, Gates, Jury, King, Lumley, McKenney, Meincke, O'Brien, Pfaffle, Pryor, Slaven, Strohl, Thompson, and Whiting—20.

NOES—Messrs. Anthony, Arnerich, Bates, Beckett, Boyle, Branstetter, Burge, Burke, Cooper, Cromwell, Devlin, Drew, Ellis, Espey, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnson, Lucey, Lynch, McGowan, McNamara, Olmsted, Perkins, Pyle, Rolley, Severance, Stanton, Transue, Vogel, Waste, Weyand, and Wickersham—37.

## NOTICE OF RECONSIDERATION.

Mr. Held gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 378 was refused passage this day.

## SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 144 (identical with Assembly Bill No 382)—An Act making an appropriation of \$915.94 to pay the claim of George H. Shaw against the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Cooper, Coyle, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, Lumley, Lynch, McGowan, McKenney, Meincke, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Rolley, Slaven, Stanton, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Wickersham—54.

NOES—Mr. Hartman—1.

Title read and approved.

Senate Bill No. 285—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Anthony, Arnerich, Bates, Burge, Chandler, Cleveland, Drew, Duryea, Ells, Espey, Gans, Held, Houser, Johnson, Jones of Tuolumne, King, Lumley, McKenney, Moore, Olmsted, Thompson, Vogel, Waste, and Weyand—24.

NOES—Messrs. Amerige, Atkinson, Barnes, Beckett, Boyle, Cooper, Creighton, Estudillo, Gates, Goodrich, Hartman, Jarvis, John, Johnstone, Jury, McCartney, McGowan, Mindham, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Slaven, Stanton, Strohl, Transue, Treadwell, Walsh, Whiting, and Wickersham—31.

Senate Bill No. 192—An Act to amend Section 855 of the Code of Civil Procedure, relating to the defendant's pleadings in justices' courts.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Chandler, Cooper, Coyle, Creighton, Cromwell, Drew, Duryea, Ells, Estudillo, Gans, Gates, Goodrich, Held, John, Jones of Tuolumne, Jury, King, McCartney, McGowan, McKenney, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Wickersham—54.

NOES—None

Title read and approved.

Senate Bill No. 208—An Act to amend Section 853 of the Code of Civil Procedure, relating to plaintiff's pleading in justices' courts.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Burge, Burke, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Devlin, Duryea, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, John, Johnstone, Jones of Tuolumne, Jury, King, Lumley, McCartney, McGowan, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Weyand, Whiting, and Wickersham—52.

NOES—None.

Title read and approved.

Senate Bill No. 316—An Act to amend an Act to amend the Political Code, by repealing Sections 1357 to Section 1380 thereof, both inclusive, and adding certain new sections to said Code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361,

1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, concerning primary elections.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Burge, Burke, Cooper, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Held, Houser, John, Johnstone, Jones of Tuolumne, Jury, King, Lynch, McCartney, McGowan, Meincke, Moore, Olmsted, Perkins, Pryor, Pyle, Stanton, Strobridge, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—49.

NOES—None.

Title read and approved.

Senate Bill No. 245—An Act appropriating the sum of \$12,000 for the purchase and installment of a heating plant for the use of the State Normal School at Chico.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnstone, Jones of Tuolumne, Jury, King, Lynch, McCartney, McGowan, Meincke, Moore, Olmsted, Perkins, Pryor, Pyle, Stanton, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—54.

NOES—None.

Title read and approved.

Senate Bill No. 426—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to the compensation of county officers in counties of the fourteenth class.

Passed on file.

Senate Bill No. 238—An Act to amend Sections 270 and 271 of the Penal Code of the State of California, relating to the abandonment and neglect of children.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Gans, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnstone, Jones of Tuolumne, Jury, King, McCartney, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strobridge, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—52.

NOES—None.

Title read.

#### TITLE AMENDED.

Mr. Transue submitted the following amendment to the title:

Amend the bill by striking out of line 2 of title the figures "270," and inserting the figures "271."

Amendment adopted.

Senate Bill No. 238 ordered to print, and on special Senate file for approval of title.

Senate Bill No. 369—An Act to amend Section 948 of the Code of Civil Procedure of the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Cullen, Devlin, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, McGowan, Meincke, Moore, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—52.

NOES—None.

Title read and approved.

Senate Bill No. 148—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Boyle, Burge, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Held, Houser, John, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, McGowan, Meincke, Moore, O'Brien, Perkins, Pryor, Pyle, Rolley, Slaven, Stanton, Strobridge, Transue, Treadwell, Waste, Whiting, and Wickersham—49.

NOES—None.

Title read and approved.

#### DISTURBANCE IN THE LOBBY.

During the calling of the roll on Assembly Bill No. 344, the proceedings were interrupted by a disturbance in the lobby.

Mr. Waste moved that the Sergeant-at-Arms bring the combatants before the bar of the House.

Motion carried.

The Sergeant-at-Arms brought T. J. Green and M. A. Ferrer, two Assistant Sergeants-at-Arms, before the bar of the House.

Messrs. Ferrer and Green made statements under oath of the difficulty that had taken place between them.

Mr. Treadwell moved that the matter of the difficulty between the two attachés of the Assembly be referred to the Committee on Attachés for investigation.

Motion lost.

Mr. McKenney moved that the Speaker pro tem. appoint a special investigating committee of three to report at this evening's session.

Motion carried.

The Speaker pro tem. appointed Messrs. McKenney, Waste, and Transue to constitute the special investigating committee.

#### INVESTIGATING COMMITTEE GIVEN POWER.

Mr. Waste offered the following resolution, which was read:

WHEREAS, A committee consisting of Messrs. McKenney, chairman, Waste, and Transue, have been appointed by this Assembly to investigate and report concerning the misconduct of M. A. Ferrer and T. J. Green, attachés of this Assembly, occurring in the presence and hearing of the Assembly on this day, and during the session of this body;

Resolved, That for the purpose of this investigation the said committee is hereby authorized and empowered to send for papers and persons, to administer oaths and to



take testimony. The Sergeant-at-Arms of the Assembly is directed to furnish said committee a suitable room and such clerical and other help as may be needed, from the list of attachés of the Assembly, and to attend said committee and serve the processes thereof. Said committee shall have full power to subpoena witnesses and enforce their attendance and do and perform all things necessary in the premises.

## SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 133—An Act making an appropriation for the construction and furnishing of a domestic science building at the California Polytechnic School.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Busick, Chandler, Coghlan, Cooper, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Moore, O'Brien, Perkins, Pryor, Pyle, Rolley, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Whiting, and Wickersham—57.

NOES—None.

Title read and approved.

Senate Bill No. 334—An Act to provide for an appropriation for the preservation, protection, and improvement of the Monterey Custom House property.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Gans, Gates, Goodrich, Hartman, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, McCartney, McGowan, Meincke, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—57.

NOES—None.

Title read and approved.

Senate Bill No. 7—An Act to provide for the erection of a State historical building, to be located in the City of Los Angeles; to provide for the acquisition, maintenance, and display of historical and educational exhibits, and for the collection and preservation of historical records and all objects of interest connected with the history of California; to provide within such building rooms for the Supreme Court of California, for the Court of Appeals for the Second District, and for an armory and other rooms for the accommodation of the National Guard of California located at Los Angeles; to provide for the appointment of trustees as a body corporate for the management, control, and care of said building and its uses, its archives, exhibits, and appurtenances, and making an appropriation for the purposes above stated.

Read third time.

Mr. Transue moved that Senate Bill No. 7 be re-referred to the Committee on Ways and Means, as a select committee, to report the same back to-morrow (Saturday), the bill to be placed on the unfinished business file.

So ordered.

Senate Bill No. 297—An Act to provide for the appointment of a board of trustees, to be known as the "Trustees of Fort Humboldt," for

the acquisition of the Fort Humboldt property, and provide for an appropriation for the purchase thereof by the State and for the preservation, protection, and improvement of the said property.

Passed on file.

#### SPECIAL ORDERS CONTINUED.

On motion of Mr. Houser, the consideration of Assembly Constitutional Amendment No. 25, which had been set as a special order for four o'clock and thirty minutes P. M. this day, was continued until to-morrow (Saturday) at eleven o'clock A. M.

On motion of Mr. Stanton, Assembly Constitutional Amendment No. —, set as a special order for this day, was continued for consideration until to-morrow (Saturday) under the head of special orders.

#### BILL RE-REFERRED.

On motion of Mr. Stanton, Senate Bill No. 297 was re-referred to the Committee on Ways and Means.

Senate Bill No. 440—An Act to prevent the spread of contagious diseases among animals.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Lucey, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mitchelltree, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Severance, Strohl, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Wickersham—52.

NOES—None.

Title read and approved.

#### SPEAKER RESUMES THE CHAIR.

The Speaker, Hon. Frank C. Prescott, resumed the chair at four o'clock and fifty minutes P. M.

Senate Bill No. 17—An Act permitting all ex-Union soldiers and sailors honorably discharged from the military or marine service of the United States, the right to vend, hawk, and peddle goods, wares, fruit, or merchandise not prohibited by law, in any county, town, village, incorporated city, or municipality in the State of California, without paying a license.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Espey, Estudillo, Gans, Goodrich, Held, John, Johnson, Jones of Tuolumne, Jury, Lucey, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mitchelltree, Moore, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Strohl, Thompson, Treadwell, Vogel, Waste, Weyand, Wickersham, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Senate Bill No. 707 (identical with Assembly Bill No. 890)—An Act to authorize actions against any board or commission of the State in certain cases, and regulating procedure therein.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beckett, Boyle, Branstetter, Busick, Chandler, Cooper, Coyle, Creighton, Cullen, Devlin, Drew, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, Lynch, McGowan, McKenney, McNamara, Meincke, Mitchelltree, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Strohl, Thompson, Vogel, Waste, Weyand, Whiting, and Wickersham—50.

NOES—Mr. Treadwell—1.

Title read and approved.

#### NOTICE OF RECONSIDERATION.

Mr. Chandler gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 440 was finally passed this day.

#### RULE 69 TO BE ENFORCED

Mr. Barnes offered the following resolution, which was read:

WHEREAS, The Assembly is continually disturbed in its deliberations by visitors and lobbyists in the lobby, talking, blocking the way, and buttonholing members of the Assembly; therefore, be it

*Resolved by the Assembly,* That the Sergeant-at-Arms shall seat all visitors in the lobby, and admit only those to the floor who are invited guests, or wives of the Assemblymen, or regular attachés and others, as provided in Rule Sixty-nine.

The resolution, upon being put to vote, was declared adopted.

#### SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 749—An Act to amend Section 3881 of the Political Code of the State of California, relating to correcting of errors, omissions, defects in form or in descriptions, erroneous or double assessments in any assessment roll.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Cullen, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lumley, Lynch, McCartney, McGowan, McNamara, Meincke, Mitchelltree, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Severance, Slaven, Stobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Senate Bill No. 506—An Act to amend Sections 1830, 1831, 1832, 1835, 1836, 1837, and 1839 of the Political Code, relating to district school tax.

Read third time.

The question being on the final passage of the bill

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beckett, Boyle, Branstetter, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Cullen, Devlin, Drew, Espey, Estudillo, Gans, Gates, Goodrich, Held, Houser, John, Johnson, Johnstone, Jury, Lucey, Lynch, McGowan, McNamara, Meincke, Mitchelltree, Moore, Olmsted, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Strohl, Thompson, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—51.

NOES—None.

Title read and approved.

#### RECESS.

At five o'clock and ten minutes P. M., the Speaker, on motion of Mr. McCartney, declared a recess until eight o'clock P. M.

## EVENING SESSION.

The Assembly reconvened at eight o'clock p. m.  
 Speaker pro tem. Hon. T. E. Atkinson in the chair.

## ASSEMBLY JOINT RESOLUTION NO 11

Mr. Stanton was granted unanimous consent to introduce the following Assembly joint resolution, which was read :

## CONGRATULATIONS TO PRESIDENT ROOSEVELT.

WHEREAS, To-morrow, the fourth day of March, there will be inaugurated into the office of Chief Magistrate of these United States, the present incumbent, Theodore Roosevelt, and

WHEREAS, The nation, appreciating and realizing the beneficent effects of a Republican policy in the conduct of public affairs, and appreciating the private and civil virtues of its Chief Executive, join in one accord in expression of thankfulness upon the re-election of Theodore Roosevelt; now be it therefore

*Resolved by the California Legislature,* That the President of the Senate, and Speaker of the Assembly, attested by the Governor of the State, be authorized to telegraph a message of congratulation to the President of the United States, in the name of the Legislature, and people of California (the same to be paid for out of the Contingent Expense Fund of the Assembly).

Mr. Stanton moved the adoption of Assembly Joint Resolution No. 11 by a rising vote

Assembly Joint Resolution No. 11 was declared unanimously adopted.

Mr. Stanton moved that Assembly Joint Resolution No. 11 be immediately transmitted to the Senate.

Motion carried.

## GENERAL APPROPRIATION BILL FINALLY PASSED.

Mr. Stanton was granted unanimous consent to take up Assembly Bill No. 1157 for the consideration of Senate amendments.

Assembly Bill No. 1157—An Act making appropriations for the support of the government of the State of California for the fifty-seventh and fifty-eighth fiscal years.

## SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 1157 were read:

On Section 1 page 12, after the word "for" strike out the word "the."

On page 20, Section 1, between lines 643 and 644, strike out the word "the" and insert in lieu thereof the word "for."

On page 22, Section 3, line 5, strike out the word "the" and insert in lieu thereof the word "this."

On page 2, line 32, strike out the word "salaries" and insert in lieu thereof the word "salary"

Amend Section 1 as follows:

On page 2, line 32, strike out the word "three."

On page 2, line 32, strike out the letter "s" at the end of the word "reporters"

On page 2, line 33, strike out the words "fourteen thousand and four" and insert in lieu thereof the words "four thousand eight."

On page 2, line 44, strike out the words "nine thousand" and insert in lieu thereof the words "seven thousand two hundred."

On page 3, line 61, strike out the words "fourteen thousand and four" and insert in lieu thereof the words "ten thousand and eight."

On page 5, strike out all of lines 142, 143, 144, 145, and 146.

On page 5, line 157, strike out the words "three thousand" and insert in lieu thereof the words "eleven thousand seven hundred and seventy-five."

On page 6, line 159, strike out the words "twenty-five thousand," and insert in lieu thereof the words "twenty-seven thousand nine hundred"

On page 9, lines 274 and 275, strike out the words "one thousand eight" and insert in lieu thereof the words "two thousand and four"

On page 9, line 289, strike out the words "seventy-five" and insert in lieu thereof the word "eighty"

On page 9, line 291, strike out the words "one thousand" and insert in lieu thereof the words "fifteen hundred."

On page 9, line 296, strike out the word "two" and insert in lieu thereof the word "three."

On page 10, line 249, strike out the word "three," and insert in lieu thereof the word "five."

On page 10, line 254, strike out the word "three," and insert in lieu thereof the word "four."

On page 10, line 276, strike out the word "five," and insert in lieu thereof the word "six."

On page 12, strike out lines 326, 326½, 327, 328, 329, 330, 331, 332, and 333, and insert in lieu thereof the following: "for Commissioner for Revision and Reform of the Law

"For salary of Commissioner for Revision and Reform of the Law, seven thousand two hundred dollars.

"For salary of stenographer to Commissioner for Revision and Reform of the Law, two thousand four hundred dollars.

"For postage, expressage, and telegraphing, office of Commissioner for Revision and Reform of the Law, two hundred and fifty dollars.

"For printing, binding, ruling, and all other work performed and materials furnished by the State Printing Office for the Commissioner for Revision and Reform of the Law, one thousand dollars."

After line 392 insert the following: "For salary of female physician at Agnews State Hospital, three thousand dollars."

On page 14, after line 396, insert the following: "For salary of female physician at Mendocino State Hospital, one thousand six hundred dollars."

On page 14, after line 400, insert the following: "For salary of female physician at Southern California State Hospital, one thousand six hundred dollars."

On page 14, line 403, strike out the words "home of" and insert in lieu thereof the words "home for."

On page 14, after line 405, insert the following: "For salary of female physician at the Home for Feeble-Minded Children, one thousand six hundred dollars."

On page 15, line 433, strike out the word "twenty," and insert in lieu thereof the word "forty."

On page 16, line 475, strike out the word "two," and insert in lieu thereof the word "three."

On page 17, line 485, strike out the word "two," and insert in lieu thereof the word "three."

On page 18, line 514, strike out the word "two," and insert in lieu thereof the word "three."

On page 19, line 546, strike out the word "ten," and insert in lieu thereof the word "fifteen."

On page 19, after line 559, insert the following: "for State Board of Education."

On page 19, after line 564, insert the following: "for Veterans Home."

On page 19, after line 567, insert the following: "For State Agricultural Society.—For aid to State Agricultural Society; *provided*, that the State Agricultural Society create and maintain a statistical department for the annual collection, compilation, and distribution of statistics relating to the products and resources of the State, thirty thousand dollars.

"For printing, binding, ruling, and all other work performed and materials furnished by the State Printing Office to the Agricultural Society, six thousand dollars."

On page 5, line 155, strike out the word "twenty," and insert in lieu thereof the word "five."

On page 16, line 460, strike out the word "one"

On page 20, lines 586 and 587, strike out the words "two hundred," and insert in lieu thereof the words "four hundred and forty"

On page 16, Section 1, after line 443, insert the following: "for reform schools."

On page 13, Section 1, line 345, after the word "for," insert the words "pay of."

On page 19, between 567 and 568, insert before the word "state," the word "the."

#### SENATE AMENDMENTS CONCURRED IN.

Mr. Stanton moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No 1157?"

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Amerige, Arnerich, Atkinson, Bates, Beckett, Boyle, Branstetter, Burke, Chandler, Cooper, Coyle, Drew, Espey, Estudillo, Gans, Held, Houser, John, Johnson, Johnstone, Jury, Lucey, Lynch, Manwell, McNamara, Meincke, Mitchelltree, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Strobridge, Thom Transue, Treadwell, Vogel, Walsh, Waste, Whiting, and Wickersham—44  
 NOES—None.

Title read and approved.

Assembly Bill No. 1157 ordered to enrollment.

## ASSEMBLY BILL RECALLED FROM COMMITTEE.

On motion of Mr. Transue, Assembly Bill No. 731 was recalled from the Committee on Engrossment and Enrollment.

## SENATE MESSAGE.

The following message from the Senate was read :

SENATE CHAMBER, SACRAMENTO, March 3, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following by rising vote:

Assembly Joint Resolution No. 11—Relative to congratulating the President of the United States upon the occasion of his inauguration.

LEWIS A. HILBORN, Secretary of Senate  
By J. W. HARPER, Assistant Secretary

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 1034—An Act making an appropriation to pay for printing, binding, and ruling and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions, for the remainder of the fifty-sixth fiscal year.

Assembly Bill No. 784—An Act making an appropriation of \$675, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing one team, four sets of harness, one mowing machine, and one set of platform scales for use of said school.

Assembly Bill No. 661—An Act appropriating money to pay the claim of A. S. Bosquit against the State of California.

Assembly Bill No. 1018—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 203 thereof, relating to the compensation of county and township officers in counties of the forty-sixth class.

Assembly Bill No. 1146—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 755 thereof, relating to the salary of the Clerk of the Supreme Court

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reengrossed:

Assembly Bill No. 550—An Act making an appropriation for the purchase of land adjoining the Napa State Hospital, and for the construction thereon of a dam and storage reservoir.

Assembly Bill No. 80—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and the best methods of preserving the forests thereof; and to make an appropriation for the expenses of such investigations.

Assembly Bill No. 932—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

DEVLIN, Chairman.

Assembly Bills Nos. 1034, 784, 661, 1018; 1146, 550, 80, and 932 ordered to third-reading file.

## ON SWAMP AND OVERFLOWED LANDS AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands and Drainage, to whom was referred Senate Bill No. 838—An Act to provide for deepening and widening the channel or outlet of Clear Lake, in Lake County—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

MOORE, Chairman.

Senate Bill No. 838 ordered to second reading on special Senate file.

## ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905

MR. SPEAKER. Your Committee on Corporations, to whom was referred Assembly Bill No. 831—An Act to amend Section 1056 of the Code of Civil Procedure, relating to sureties on undertakings and bonds

Also: Assembly Constitutional Amendment No. 21—A resolution to propose to the people of the State of California the amendment of Section 26 of Article IV of the Constitution of said State, relating to lotteries and to fictitious sales of corporate stock, etc.

Also: Assembly Concurrent Resolution No. 17—A resolution relative to the adjusting of freight rates in the State of California

Have had the same under consideration, and respectfully report the same back, and recommend that the same be referred to Committee on Judiciary.

Also: Assembly Bill No. 477—An Act for the better protection of the investing public, providing that any corporation or association formed for or with the idea of raising its circulating capital, investment, or operating fund or funds, or the equivalent thereof by the sale of its own bonds, debentures, investment certificates, contracts or other choses in action, must make a deposit with the State Treasurer; must register with the Secretary of State, and pay certain fees; must make and file annual reports, pay annual fees and submit to an expert examination by a disinterested public accountant, to be designated by the Secretary of State, and providing penalties for violations of the provisions hereof

Also: Assembly Bill No. 571—An Act to regulate the placing, installing and maintaining of electrical work, wiring, and appliances in buildings and other structures

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass

WALSH, Chairman.

Assembly Bill No. 881 ordered to second-reading file.

Assembly Concurrent Resolution No. 17 referred to the Committee on Judiciary.

Assembly Bills Nos. 477 and 571 ordered to second-reading file.

## ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER. Your Committee on Ways and Means, to whom was referred Assembly Bill No. 763—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Also: Assembly Bill No. 1165—An Act appropriating the sum of \$20,000 for construction of a building and supporting and maintaining a University School of Observation and Practice, and providing for the drawing of a warrant therefor by the Controller in favor of the Regents of the University of California and the payment of said warrant by the State Treasurer

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 7—An Act to provide for the erection of a State historical building—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Senate Bill No. 530—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment, or other lawful termination thereof, in the State of California, defining the duty and power of such commission, and authorizing the employment of agents, clerks, and other employes, and for other purposes connected with the duty of the commission, and appropriate money for the use and control of said commission, its agents, clerks, and employes.

Also: Senate Bill No. 399—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of \$3,000 therefor.

Also: Senate Bill No. 273—An Act appropriating money for the building of a library and gymnasium, and for the furniture, equipment, heating, and ventilating apparatus for the same, for the State Normal School at San José

Also: Assembly Bill No. 1173—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Also: Senate Bill No. 676—An Act to pay the claim of S. P. Maslin against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

STANTON, Chairman.

Assembly Bills Nos. 763, 1173, and 1165 ordered on second-reading file.

Senate Bill No. 7 ordered to second reading on the special Senate file.

Senate Bills Nos. 530, 399, 273, and 676 ordered to second reading on special Senate file.

## ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 336—An Act to appropriate money to pay the claim of E. J. Card—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

SEVERANCE, Chairman.

Senate Bill No. 336 ordered to second reading on special Senate file.

## RESOLUTION—(OUT OF ORDER).

The Committee on Ways and Means was granted leave to submit (out of order) the following, which was read:

(Assembly property to be delivered to Secretary of State.)

*Resolved*, That the Sergeant at-Arms of the Assembly be, and he is hereby directed, at the adjournment of the present session of the Legislature, to invoice all furniture and other property purchased or owned by the State and used in and about the Assembly Chamber and the committee rooms thereof, for the purposes of the Assembly, and to deliver all of said furniture and other property to the Secretary of State, together with a copy of said invoice, and the Secretary of State is hereby directed to safely keep and store said furniture and other property, and to deliver the same, together with a copy of said invoice, to the Speaker of the Assembly of the thirty-seventh session of the Legislature

STANTON, Chairman.

Mr. Stanton moved the adoption of the resolution.

Motion carried and resolution declared adopted.

## PRESENTATION TO L. P. BRANSTETTER, JR.

Mr. Weyand, on behalf of the members of the Assembly, presented to Hon. L. P. Branstetter a silver cup, appropriately inscribed, to be delivered to the newly-born L. P. Branstetter, Jr.

Mr. Branstetter briefly acknowledged his thanks for the token of esteem.

## THIRD-READING FILE.

The following bills on third-reading file were considered:

Assembly Bill No. 1166—An Act to provide for the establishment and maintenance of a pathological laboratory for the investigation of tree and plant diseases and pests, and branch agricultural experiment station, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Creighton, Cullen, Devlin, Drew, Ellis, Estudillo, Hartman, Held, John, Johnson, Johnstone, Jury, King, Lucey, Lynch, Maxwell, McCartney, McGowan, McKenney, Meincke, Mitchell, Moore, O'Brien, Perkins, Pfaffle, Fryor, Pyle, Severance, Slaven, Stanton, Strobridge, Strohl, Transue, Treadwell, Vogel, Waste, Whiting, and Wickersham—54.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 968—An Act to amend Section 770 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeals from judgments of removal from office.

Read third time.



The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Devlin, Ellis, Espey, Estudillo, Gans, Goodrich, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Wickersham—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 821—An Act to amend an Act entitled "An Act to protect stockholders and persons dealing with corporations in this State," approved March 29, 1878, and all Acts amendatory thereof, and to repeal all laws in conflict therewith.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Espey, Estudillo, Gans, Goodrich, Hartman, Held, John, Johnson, Johnstone, Jury, King, Lucey, Lynch, Maxwell, McCartney, McGowan, McKenney, McNamara, Meincke, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Strobridge, Strohl, Thompson, Treadwell, Vogel, Waste, Weyand, Whiting, and Wickersham—57.

NOES—None.

Title read and approved.

Assembly Bill No. 862—An Act making an appropriation of \$10,000 for the purpose of building a photograph laboratory in combination with a fire-proof vault for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Cullen, Devlin, Drew, Espey, Estudillo, Gans, Goodrich, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, McCartney, McKenney, McNamara, Meincke, Mindham, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, and Whiting—54.

NOES—Mr. Hartman—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 773—An Act to amend Section 3916 of the Political Code of the State of California, relating to the boundary line of the County of Colusa.

Read third time.

#### SELECT COMMITTEE AMENDMENTS.

Mr. Weyand moved that a select committee of one be appointed to amend Assembly Bill No. 773, as follows:

##### AMENDMENT No. 1.

Strike out the word "northerly," in line 9, Section 1, page 1 of the printed bill, and insert instead thereof the word "northwesterly."

##### AMENDMENT No. 2.

Strike out the word "western," in line 10, Section 1, page 1 of the printed bill, and insert instead thereof the word "eastern."

## AMENDMENT No. 3.

Strike out the word "western," in line 12, Section 1, page 1 of the printed bill, and insert instead thereof the word "eastern."

Motion carried.

Amendments adopted.

Mr. Weyand was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 773—An Act to amend Section 3916 of the Political Code of the State of California, relating to the boundary line of the County of Colusa—with instructions, does now report that the instructions of the Assembly have been carried out.

WEYAND, Committee.

The report of the select committee of one was adopted.

Assembly Bill No. 773 ordered to reprint, reengrossment, and on file for passage.

Senate Bill No. 766—An Act to add a new section to the Political Code, to be numbered 2524a, relating to the powers of the Board of State Harbor Commissioners.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Cullen, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Goodrich, Hartman, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, McCartney, McGowan, Meincke, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Slaven, Strobridge, Strohl, Thompson, Treadwell, Vogel, Waste, Weyand, and Whiting—53

NOES—None

Title read and approved.

Assembly Bill No. 73—An Act making an appropriation of two hundred and fifty thousand dollars (\$250,000) for the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the use and accommodation of students in agriculture of the University, also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Held, John, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McNamara, Meincke, Moore, Olmsted, Perkins, Pyle, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Treadwell, Vogel, Waste, Weyand, Whiting, and Wickersham—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 774—An Act to amend Section 2584 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Atkinson, Barnes, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Hartman, Held, Houser, John, Johnson, Johnstone, Jury, King, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Slaven, Stanton, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Wickersham—55

NOES—None.

Title read and approved.

#### MOTION ON ADJOURNMENT.

Mr. Barnes moved that when the Assembly adjourn this evening it be until ten o'clock Monday morning, March 6, 1905.

Motion carried.

#### THIRD-READING FILE—(RESUMED).

Senate Bill No. 645—An Act to amend Section 8, and to repeal Section 13 of an Act entitled "An Act to provide for the planting, maintenance, and care of shade trees upon streets, lanes, alleys, courts, and places within municipalities, and of hedges upon the lines thereof; also, for the eradication of certain weeds within city limits," approved March 11, 1893.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, King, McCartney, McGowan, Meincke, Mitcheltree, Moore, Olmsted, Perkins, Pryor, Pyle, Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Wickersham—54

NOES—None.

Title read and approved.

Assembly Bill No. 181—An Act to create and regulate public warehouses.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Duryea, Ellis, Hartman, Held, Houser, Johnson, Johnstone, Jones of Tuolumne, King, Lynch, McCartney, McKenney, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strobridge, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Whiting, and Wickersham—47.

NOES—Messrs. Coyle, Espey, and Jury—3.

Title read and approved.

#### NOTICE OF RECONSIDERATION.

Mr. Hartman gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 181 was passed this day.

Senate Bill No. 600—An Act to regulate the operation of motor vehicles on public highways.

Read third time on a previous day.

## SUSPENSION OF RULES.

Mr. McGowan moved that the rules be suspended whereby a bill should be considered in Committee of the Whole on second reading, and that Senate Bill No. 600 be considered in Committee of the Whole on third reading.

The motion was carried unanimously.

## MOTION.

Mr. McGowan moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Senate Bill No. 600.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

Senate Bill No. 600 was considered in Committee of the Whole.

Mr. McGowan moved that the Committee of the Whole rise and report back Senate Bill No. 600, with recommendation that it do pass

Motion carried.

## IN ASSEMBLY.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 600—An Act to regulate the operation of motor vehicles on public highways—and do now report the same back, and recommend that the same do pass.

ATKINSON, Chairman.

The report of the Committee of the Whole was adopted.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Hartman, Held, Jarvis, John, Johnson, Jones of Tuolumne, Jury, Lynch, McCartney, McGowan, McNamara, Meincke, Mitcheltree, O'Brien, Pfaeffle, Pyle, Severance, Slaven, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—52.

NOES—Messrs. Johnstone, King, Olmsted, and Perkins—4.

Title read and approved.

## MOTION ON ADJOURNMENT RECONSIDERED.

Mr. Stanton moved that the vote whereby the motion to adjourn until Monday, March 6, 1905, was carried, be reconsidered.

## POINT OF ORDER.

Mr. Manwell raised the point of order that a vote could not be reconsidered on the same legislative day.

The Chair ruled that the point of order was not well taken, on the ground that this was a motion and the rule relating to reconsideration only applied to bills and resolutions.

The roll was called, and the motion to reconsider the vote on the adjournment until Monday next was carried by the following vote:

AYES—Messrs. Arnerich, Beardslee, Branstetter, Busick, Chandler, Cleveland, Coyle, Cromwell, Devlin, Drew, Ellis, Espey, Estudillo, Gates, Goodrich, Houser, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, McCartney, McKenney, McNamara,

Moore, O'Brien, Olmsted, Perkins, Pyle, Severance, Stanton, Thompson, Transue, Treadwell, Waste, Weyand, Whiting, and Wickersham—39

NOES—Messrs. Barnes, Bates, Boyle, Burge, Burke, Cooper, Creighton, Cullen, Duryea, Gans, Hartman, Held, John, Manwell, McGowan, Meincke, Mitcheltree, Pfaefle, Pryor, Slaven, Vogel, and Walsh—22.

Mr. Stanton moved to amend Mr. Barnes's original motion that when the Assembly adjourns this evening it be until Saturday, March 4, 1905, at ten o'clock A. M.

A division was called for by Messrs. Transue, Moore, and Stanton.

The amendment, on division, was declared carried by a vote of 35 ayes to 20 noes.

The motion as amended was put to vote and declared carried.

THIRD-READING FILE—(RESUMED).

Senate Bill No. 231—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cooper, Coyle, Cromwell, Devlin, Drew, Duryea, Estudillo, Goodrich, Held, Houser, John, Johnson, Jones of Tuolumne, Jury, King, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaefle, Pryor, Severance, Slaven, Thompson, Transue, Vogel, Waste, Weyand, and Whiting—49.

NOES—None.

Title read and approved.

Assembly Bill No. 705—An Act to add a new section to the Code of Civil Procedure, to be known as Section 203, relating to the discharge of jurors in courts of record.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Houser, John, Johnson, Jones of Tuolumne, Lynch, Manwell, McCartney, McGowan, Meincke, Mitcheltree, Moore, Olmsted, Perkins, Pfaefle, Pyle, Severance, Slaven, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, and Whiting—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1021—An Act to provide against the adulteration of milk and cream, and to fix the standard of purity thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Boyle, Branstetter, Burge, Busick, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Houser, John, Johnson, Jones of Tuolumne, King, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaefle, Pyle, Severance, Slaven, Thompson, Transue, Vogel, Waste, Weyand, and Whiting—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

## REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following report, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly engrossed:

Assembly Bill No. 731—An Act to appropriate \$40,000 for the repair of the buildings of the State Normal School at Los Angeles, California, including the construction and installation of a steam-heating plant and boiler-house for heating said buildings, and authorizing the board of trustees of said school to make and construct said plant and boiler-house.

DEVLIN, Chairman.

Assembly Bill No. 731 ordered on third-reading file.

## INVESTIGATING COMMITTEE REPORT.

The special committee to investigate disturbances in the lobby this afternoon presented its report.

On motion of Mr. Transue, consideration of the report was deferred until later in the evening.

## NOTICE OF RECONSIDERATION WITHDRAWN.

Mr. Hartman withdrew his notice of motion to reconsider the vote whereby Assembly Bill No. 181 was passed this day.

## MOTIONS TO RECONSIDER POSTPONED.

On motion of Mr. Atkinson, his notice of motion to reconsider the vote whereby Assembly Bill No. 970 was refused passage was continued until Monday, March 6, 1905.

On motion of Mr. McCartney, his notice of motion to reconsider the vote whereby Assembly Bill No. 748 was refused passage was continued until Monday, March 6, 1905.

## ORDERED ON SPECIAL FILE.

Mr. Waste moved that Senate Bill No. 518 (identical with Assembly Bill No. 673) be recalled from the Committee on Municipal Corporations and placed on the special Senate file for Monday.

Motion carried.

## BILL WITHDRAWN.

Mr. Atkinson requested, and was granted, leave to withdraw Assembly Bill No. 972 (No. 295 on file).

## REPORT OF COMMITTEE OF FREE CONFERENCE.

The committee of free conference on Assembly Bill No. 540 submitted the following report, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER: Your committee of free conference concerning Assembly Bill No. 540—An Act to provide for the appointment and employment of the officers in the District Courts of Appeal, and providing for their salaries—report that we have met a like committee of the Senate, consisting of Senators Leavitt, Shortridge, and Curtin, and we report that the committee of free conference have agreed to recommend that the Assembly recede from its position and adopt the Senate amendment.

O'BRIEN,  
McGOWAN,  
ESTUDILLO,  
Committee.

## SENATE AMENDMENT TO ASSEMBLY BILL NO. 540.

Amend by striking out all of lines 3 to 9, inclusive, and inserting in lieu thereof the following:

"Section 758. Each of the three District Courts of Appeal may employ and appoint the following officers of their respective courts, and whose salaries shall be as follows: One clerk, at twenty-four hundred dollars per annum; one deputy clerk at eighteen hundred dollars per annum; one stenographer, who shall be a deputy clerk, at eighteen hundred dollars per annum, and one bailiff at twelve hundred dollars per annum."

## REPORT ADOPTED.

Mr. McCartney moved that the consideration of the report of the committee of free conference be continued until Monday next.

Mr. Transue moved to amend that the report be considered at this time. Amendment carried.

The question being on the adoption of the report of the committee of free conference.

The roll was called, with the following result:

AYES—Messrs. Atkinson, Barnes, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Cooper, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Estudillo, Goodrich, Hartman, Johnson, Jones of Tuolumne, Jury, Lucey, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mitchelltree, O'Brien, Pfaffle, Slaven, Strohl, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—43.  
NOES—Messrs. Amerige, Anthony, Chandler, Cleveland, Coyle, Creighton, Espey, Gans, Gates, Held, King, Moore, Olmsted, Perkins, and Thompson—15.

The report of the committee of free conference was declared adopted.

## THIRD-READING FILE—(RESUMED).

Assembly Bill No. 927—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Beardslee, Beckett, Boyle, Branstetter, Burge, Busick, Chandler, Cleveland, Cooper, Cromwell, Cullen, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Held, Houser, John, Johnson, Jury, King, Lucey, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mitchelltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, and Whiting—49.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 810—An Act to amend an Act entitled "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employes of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employes," approved March 18, 1903; to provide for the appointment and compensation of certain additional assistants, stenographers, and clerks for county officers in counties of the second class.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton,

Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Held, Houser, John, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Moore, Olmsted, Pryor, Severance, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Wickersham—52.

Noes—None.

Title read and approved.

Senate Bill No. 460—An Act defining bond investment companies and regulating and governing corporations, companies, associations, co-partnerships, and individuals engaged in the business of placing or selling bonds, debentures, or certificates of investment by whatsoever name such bond, debentures, or certificates of investment may be designated or known as a money or merchandise paying contract, when placed or sold on the partial payment or installment plan, wherein or whereby the holder or holders of such bonds, debentures, or certificates of investment are or may become entitled to claim or receive from such corporation, company, or association, co-partnership, or individual, a return either at a definite or indefinite time in cash, or in merchandise, or in property for the installments of money so paid, and wherein or whereby the holders may be subject to a forfeiture, fine, or penalty for non-payment of installments, and to protect the holders thereof.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Boyle, Burge, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, John, Johnstone, King, Lucey, Lynch, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pryor, Slaven, Strobridge, Transue, Treadwell, Walsh, Waste, Weyand, Whiting, and Wickersham—47.

Noes—None.

Title read and approved.

Senate Bill No. 33 (identical with Assembly Bill No. 80)—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and the best methods of preserving the forests thereof; and to make an appropriation for the expenses of such investigation.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burge, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Devlin, Drew, Ellis, Estudillo, Gans, Gates, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Olmsted, Perkins, Pfaffle, Slaven, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Wickersham—49.

Noes—None.

Title read and approved.

Assembly Bill No. 922—An Act to amend Section 345 of the Code of Civil Procedure, relating to actions brought by the people.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Creighton, Cullen, Devlin,



Drew, Ells, Espey, Estudillo, Gans, Gates, Hartman, Held, John, Johnstone, Jury, King, Lucey, Lynch, Manwell, McCartney, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaeffe, Pryor, Severance, Slaven, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, and Whiting—51.  
Nays—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 745—An Act making an appropriation to pay assessments for sewers on street frontage at the Industrial Home of Mechanical Trades for the Adult Blind, Oakland, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Hartman, Held, Johnson, Johnstone, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Severance, Slaven, Strobbridge, Strohl, Thompson, Treadwell, Vogel, Waste, Weyand, Whiting, and Wickersham—54.  
Nays—None.

Title read and approved.

Bill ordered transmitted to the Senate.

HON. GEO. A. M'GOWAN CALLED TO THE CHAIR.

At ten o'clock and fifty minutes P. M., Speaker pro tem. Hon. T. E. Atkinson called the Hon. Geo. A. McGowan to the chair.

#### NOTICE OF RECONSIDERATION.

Mr. Treadwell gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 285 was this day refused passage.

Assembly Bill No. 979—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-eighth class.

Read second time, and ordered on third-reading file.

Assembly Bill No. 835—An Act making the cost of certain bonds of receivers, assignees, trustees, guardians, administrators, and executors chargeable to a certain extent against the trust estate.

Read second time.

#### COMMITTEE AMENDMENTS.

The following committee amendments were read :

##### AMENDMENT No. 1.

Amend by striking out in line 5, printed bill, after the word "bond" the words "to y company authorized under the laws of this State"; also amend by striking out in e 6 the words "to furnish such bond"; also amend by striking out the semicolon er the word "bond" in line 6 and insert in lieu thereof a comma.

Amendment adopted.

##### AMENDMENT No. 2.

Amend by striking out all of Section 2.

Amendment adopted.

Assembly Bill No. 835 was ordered to reprint, engrossment, and on third-reading file.

Senate Bill No. 498—An Act making an appropriation for the erection and construction of buildings and equipping the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society, for exposition and State fair purposes, and for the payment of other expenses incidental and relating thereto, and providing that certain moneys now in the State Treasury may be used in connection with this appropriation for such purposes.

Read third time on previous day.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

**AYES**—Messrs. Amerige, Arnerich, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Estudillo, Gates, Hartman, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, Lynch, McCartney, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Severance, Slaven, Strobridge, Strohl, Transue, Treadwell, Walsh, Waste, Weyand, and Whiting—49.

**NOES**—None.

Title read and approved.

Assembly Bill No. 168—An Act amending Section 170 of the Code of Civil Procedure.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Cleveland, Cooper, Creighton, Cromwell, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Hartman, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, McGowan, McCartney, McKenney, Meincke, Mitcheltree, Moore, Perkins, Pfaffle, Severance, Slaven, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Wickersham—47.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 893—An Act to amend Section 1593 of the Political Code, relating to elections of school trustees.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cooper, Coyle, Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Hartman, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pryor, Severance, Slaven, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Wickersham—51.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 907—An Act to amend Section 2181 of the Political Code, relating to the duties of guardians of insane persons.

Read third time.

#### SELECT COMMITTEE AMENDMENTS.

Mr. Burke moved that a select committee of one be appointed to amend Assembly Bill No. 907, as follows:

#### AMENDMENT No. 1.

Amend by striking out all of the title after the words "An Act," and insert in lieu

thereof the following: "to amend section one thousand seven hundred and seventy-four of the Code of Civil Procedure, relating to the accounts of guardians."

### Amendment adopted.

#### AMENDMENT No. 2.

Amend by striking out all after the word and figure "Section 1," and insert in lieu thereof the following: "Section one thousand seven hundred and seventy-four of the Code of Civil Procedure is hereby amended to read as follows:

"1774 The guardian must, upon the expiration of a year from the time of his appointment, and as often thereafter as he may be required, present his account to the court for settlement and allowance; *provided*, that no final account of any insane person who is or who has been during his guardianship confined in a State hospital in this State, shall be settled or allowed unless notice of the settlement of said account shall have been first given to the secretary of the State Commission in Lunacy."

### Amendment adopted.

Mr. Burke was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO. March 3, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 907—An Act to amend Section 2181 of the Political Code, relating to the duties of guardians of insane persons—with instructions, does now report that the instructions of the Assembly have been carried out.

BURKE, Committee.

The report of the select committee of one was adopted.

Assembly Bill No. 907 was ordered to reprint, with rush order, to engrossment, and on file for passage.

Assembly Bill No. 895—An Act to add a new section to the Code of Civil Procedure, the said section to be designated 1166a, relating to actions for obtaining possession of real property upon default in payment of rent, to the manner in which tenants may be ejected, and providing a summary proceeding therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Boyle, Branstetter, Chandler, Cleveland, Cooper, Coyle, Creighton, Drew, Ellis, Estudillo, Gans, Gates, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Manwell, McCartney, McGowan, McKenney, Moore, Olmsted, Pryor, Slaven, Transue, Vogel, and Whiting—32.

NOES—Messrs. Atkinson, Burke, Busick, Cromwell, Cullen, Devlin, King, Lucey, McNamara, Meincke, Strobridge, Strohl, Thompson, Treadwell, Walsh, and Weyand—16.

#### NOTICE OF RECONSIDERATION.

Mr. Atkinson gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 895 was refused passage.

Senate Bill No. 696—An Act to provide for the location and construction of a public highway from the General Grant Park, in Fresno County; thence easterly a distance of about fifty miles to the Kings River Cañon, and making an appropriation for the construction thereof, and providing for a commission to take charge of, locate, and construct said highway.

Read third time on a previous day.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Beardslee, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Held, John, Johnson, Johnstone, King, Lucey,

Lynch, Manwell, McCartney, McGowan, Mitcheltree, Moore, Olmsted, Perkins, Pfaffle, Pryor, Severance, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—50.  
 NOES—None.

Title read and approved.

SPEAKER PRO TEM. RESUMES THE CHAIR.

At eleven o'clock and thirty minutes P. M., Speaker pro tem. Hon. T. E. Atkinson resumed the chair.

MOTION TO RECONSIDER THE VOTE ON ADJOURNMENT.

Mr. Manwell moved to reconsider the vote whereby the Assembly decided that when it adjourned it be until to-morrow (Saturday) at ten o'clock A. M.

Mr. Cromwell moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Weyand, Cromwell, and Johnstone.

The roll was called, and the motion to lay on the table was declared carried by the following vote:

AYES—Messrs. Amerige, Arnerich, Beardslee, Branstetter, Busick, Cleveland, Coyle, Cromwell, Devlin, Drew, Ellis, Gates, Johnson, Johnstone, Jones of Tuolumne, King, Lynch, McKenney, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Severance, Strobridge, Thompson, Treadwell, Vogel, Walsh, Waste, Weyand, and Whiting—32.

NOES—Messrs. Atkinson, Boyle, Burke, Chandler, Cooper, Creighton, Cullen, Espey, Estudillo, Gans, Hartman, Held, John, Jury, Lucey, Manwell, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Pryor, Strohl, Transue, and Wickersham—25.

THIRD-READING FILE—(RESUMED).

Senate Bill No 608 (identical with Assembly Bill No. 716)—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, by amending Section 194 thereof, relating to the compensation of officers of counties of the thirty-seventh class.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Atkinson, Beardslee, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Coyle, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Hartman, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, McCartney, McKenney, McNamara, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Pryor, Severance, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—46.

NOES—Messrs. Arnerich, Cooper, Creighton, and McGowan—4.

Title read and approved.

REPORT OF SPECIAL COMMITTEE ON THE AFTERNOON DISTURBANCE.

The special committee to investigate the charges of disturbance in the lobby submitted the following report, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR SPEAKER: Your special committee appointed this day to investigate the trouble in the lobby of the Assembly Chamber between M. A. Ferrer and T. J. Green, beg leave to report that in pursuance of the following resolution, they thoroughly investigated the affair:

"WHEREAS, A committee consisting of Messrs. McKenney, chairman; Waste, and Transue have been appointed by this Assembly to investigate and report concerning the misconduct of M. A. Ferrer and T. J. Green, attachés of this Assembly, occurring in the presence and hearing of the Assembly on this day, and during the session of this body.

"Resolved, That for the purpose of this investigation, the said committee are hereby authorized and empowered to send for papers and persons, to administer oaths and to

take testimony. The Sergeant-at-Arms of the Assembly is directed to furnish said committee a suitable room and such clerical and other help as may be needed, from the list of the attachés of the Assembly, and to attend said committee and to serve the process thereof. Said committee shall have full power to subpoena witnesses and enforce their attendance and to do and to perform all things necessary in the premises."

Your committee proceeded at once to the discharge of its duty and examined the following witnesses, both of the defendants being present in person at the investigation: Charles Post, Miguel Estudillo, R. H. Jury, G. W. Scott, L. Strohl, Francis McNamara, Cal. Ewing, J. F. Murray, E. N. Baxter, B. W. Rice, Frank Freeman, E. Cave, R. H. McDonald, Peter Kuhl, A. Machen, T. W. Gilbert, William Béchley, and under oath the defendants, T. J. Green and M. A. Ferrer.

After carefully hearing all the testimony and giving it full weight and consideration, your committee is of the opinion that the difficulty between Green and Ferrer was entirely unnecessary and derogatory to the dignity of the Assembly, especially as they were both officers of the Assembly, sworn to preserve good order and decorum during its deliberations. Your committee is, therefore, of the opinion, and so recommends, in view of the fact that both of the defendants have been good and faithful officers of the Assembly and have discharged all the duties assigned them to the best of their ability, and furthermore, because they have evinced before the committee their sincere regret and penitence for their conduct this afternoon, that they be not dismissed permanently from the employment of the Assembly, but that they be brought before the bar of this House by the Sergeant-at-Arms, and there publicly reprimanded by the Speaker for their misconduct—and that as a further punishment they be suspended for two days without pay from the list of attachés of this body.

All of which is very respectfully submitted.

McKENNEY, Chairman  
WASTE.  
TRANSUE.

#### PROTEST.

Mr. Weyand protested against that portion of the report censuring T. J. Green.

#### REPORT ADOPTED.

On motion of Mr. McKenney, the report of the committee was adopted.

#### REPRIMANDED.

In pursuance of the resolutions adopted by the Assembly, the Speaker directed that M. A. Ferrer and T. J. Green be brought before the bar of the House.

The Sergeant-at-Arms carried out the instructions.

Speaker pro tem. Hon. T. E. Atkinson reprimanded M. A. Ferrer and T. J. Green for their misconduct, and suspended them for two days without pay.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 731—An Act to appropriate \$50,000 for the repair of the building of the State Normal School at Los Angeles, California, including the construction and installation of a steam-heating plant and boiler-house for heating said building, and authorizing the board of trustees of said school to make and construct said plant and said boiler-house.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Atkinson, Beardslee, Boyle, Burke, Busick, Coyle, Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Hartman, John, Johnson, Johnstone, Jones of Taolunne, Lynch, McCartney, McGowan, McKenney, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaefle, Pryor, Severance, Strobbridge, Thompson, Transue, Treadwell, Walsh, Waste, Weyand, Whiting, and Wickersham—42.

NOES—Messrs. Cooper, Cullen, Held, Jury, Lucey, Strohl, and Vogel—7.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 869—An Act to prohibit unauthorized performances and representations of certain dramatic or musical compositions.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs Amerige, Arnerich, Atkinson, Beardslee, Boyle, Burke, Cooper, Coyle, Cromwell, Cullen, Devlin, Drew, Duryea, Espey, Estudillo, Gates, Hartman, Held, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, McCartney, McGowan, McKenney, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffle, Pryor, Rolley, Strobridge, Thompson, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Wick-ersham—44.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Committee Substitute for Senate Bills Nos. 566, 567, 568, 569, 570, and 571—An Act to amend Sections 1238, 1240, 1241, 1244, 1247, and 1248 of the Code of Civil Procedure, all relating to eminent domain.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused passage by the following vote:

**AYES**—Messrs. Amerige, Arnerich, Atkinson, Beardslee, Boyle, Burke, Cleveland, Cooper, Coyle, Devlin, Drew, Duryea, Espey, Estudillo, Jonnson, King, Lynch, McCartney, McGowan, McKenney, Mitcheltree, Moore, Olmsted, Pfaeffle, Slaven, Strobl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—36.

**NOES**—Messrs. Creighton, Cromwell, Gans, Held, O'Brien, Perkins, and Strobridge—7.

#### NOTICE OF RECONSIDERATION.

Mr. O'Brien gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Committee Substitute for Senate Bills Nos. 566, 567, 568, 569, 570, and 571 was refused passage.

#### THIRD-READING FILE MADE A SPECIAL ORDER.

Mr. McGowan moved that the consideration of the remainder of the third-reading file be made a special order for Monday, March 6, 1905, at eight o'clock P. M., and that the roll call be continued from where the Speaker pro tem. had concluded this evening.

Motion carried.

#### SUBSTITUTION OF CLERK.

Mr. Transue offered the following resolution, which was read:

*Resolved*, That the name of S. C. Balch, heretofore appointed as Committee Clerk, be stricken from the roll of this Assembly's list of attachés, and the name of M. Brisco be substituted therefor as Committee Clerk at the per diem heretofore allowed, \$4. Said substitution to take effect as of date February 18, 1905, in accordance with the accompanying resignation.

#### RESIGNATION OF S. C. BALCH.

*To the Speaker of the Assembly*.

I have the honor to tender my resignation as Committee Clerk on Building and Loans, to take effect February 18, 1905.

S. C. BALCH.

#### MOTION TO ADOPT RESOLUTION.

Mr. Transue moved the adoption of the resolution.

Motion carried.

#### THIRD-READING FILE—(RESUMED).

Assembly Bill No. 953—An Act to amend Section 1 of an Act entitled "An Act to promote the apicultural interests of the State of California

by providing for county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize the board of supervisors of the several counties of this State to appoint inspectors of apiaries and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883, said first named Act having been approved February 20, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Atkinson, Beardslee, Boyle, Burke, Cleveland, Coghlan, Cooper, Creighton, Cullen, Drew, Duryea, Estudillo, Gans, Hartman, Held, Johnson, Johnstone, Jones of Tuolumne, King, Lucey, Lynch, McCartney, McGowan, McKenney, Moore, O'Brien, Perkins, Pfaffle, Pryor, Severance, Strohl, Thompson, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—41

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### ADJOURNMENT.

At eleven o'clock and fifty minutes P. M. Friday, March 3, 1905, on motion of Mr. King, the Speaker pro tem. declared the Assembly adjourned until Saturday, March 4, 1905, at ten o'clock A. M.

#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Saturday, March 4, 1905. }

The Assembly met at ten o'clock A. M., pursuant to adjournment.

Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

#### ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ella, Estudillo, Gans, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, King, Lucey, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mitchellree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—65.

Quorum present.

#### PRAYER.

Prayer by the Chaplain, Rev. George C. King.

#### REMARKS OF SPEAKER ON INAUGURATION OF PRESIDENT ROOSEVELT.

The Speaker, Hon. Frank C. Prescott, addressed the Assembly as follows:

On this day there takes place a ceremony which in importance exceeds all similar ceremonies which have taken place in the history of the world. With more unanimity than the world has ever seen, eighty millions of people place at the head of their Government the ruler of their choice. It is well for us to remember that it is due to his industry, activity, loyalty, patriotism, probity, and honor, but more especially to his

faith in and faithfulness toward the people of the United States, that Theodore Roosevelt is to-day inaugurated as President. Let the lesson of it inspire us in our work in the people's service in this Assembly.

#### READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Ellis, its further reading was dispensed with.

#### APPROVAL OF JOURNAL.

The Journal of Thursday, March 2, 1905, was corrected, and, as corrected, approved.

#### EXAMINATION OF FILE.

On motion of Mr. Devlin, the Committee on Attachés was requested to make an examination and report on discrepancies in the file prepared for the members.

#### REPORTS OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following reports, which were read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly engrossed:

Assembly Bill No. 436—An Act making an appropriation to pay the claim of Richard Price Morgan

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly reengrossed:

Assembly Bill No. 735—An Act to prohibit the selling or giving away or furnishing of any ale, beer, wine, cider, or other intoxicating liquor within six hundred feet outside of any United States military reservation or military camp, or within three hundred feet of any public schoolhouse, church, or place of worship, and providing a penalty therefor, and declaring places where such acts are performed a public nuisance, and providing for the abatement thereof.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined and found correctly enrolled the following Assembly bills:

Assembly Bill No. 397—An Act to repeal Chapter VII of Title IV of Part IV of Division I of the Civil Code, and each and every section of such chapter, and to substitute a new Chapter VII to take the place thereof in said code, relating to telegraph and telephone corporations.

Assembly Bill No. 391—An Act to amend Section 493 of the Civil Code, relating to franchises for the construction of elevated and underground railroad tracks.

Assembly Bill No. 493—An Act to amend Section 1161 of the Civil Code, relating to the recording of instruments in writing.

Assembly Bill No. 392—An Act to repeal Section 494 of the Civil Code, as approved March 22, 1899, relating to the sale by any railroad company owning any railroad in this State of its property and franchises, or any part thereof, to any other railroad company, whether organized under the laws of this State or of any other State or Territory, or under any Act of Congress, and prescribing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Assembly Bill No. 492—An Act to add a new section to the Civil Code, to be numbered 1296, relating to the mode of transferring real property.

Assembly Bill No. 490—An Act to amend Section 970 of the Civil Code, relating to the rules of navigation.

Assembly Bill No. 489—An Act to add Sections 842 and 843 to the Civil Code, both relating to persons associated in the use of conduits for the conveyance of water.

Assembly Bill No. 488—An Act to amend Section 822 of the Civil Code, relating to the remedies of a lessor of real property against the assignees of his lessee.

Assembly Bill No. 487—An Act to amend Section 793 of the Civil Code, relating to actions for the possession of real property leased or granted with a right of re-entry.



Assembly Bill No. 481—An Act to add a title to Part IV of Division I of the Civil Code, to be known as Title XIIa, relating to societies for the prevention of cruelty to children and animals

Assembly Bill No. 399—An Act to add a new section to the Civil Code, to be numbered 533b, to repeal an Act entitled "An Act to compel all depositaries of money and commercial banks to publish a sworn statement of all unclaimed deposits," approved February 25, 1897, and to repeal an Act entitled "An Act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1893, both relating to statements to be made and notices to be given by depositaries of money

Assembly Bill No. 384—An Act to amend Sections 414, 415, 417, and 418 of the Civil Code, all relating to insurance corporations.

Assembly Bill No. 216—An Act to add four new sections to the Civil Code, to be numbered 51, 52, 53, and 54, all relating to personal rights.

Assembly Bill No. 398—An Act to amend Sections 549 and 551, and to repeal Section 550 of the Civil Code, all relating to water and canal corporations

Assembly Bill No. 483—An Act to repeal Title XV of Part IV of Division I of the Civil Code, and to substitute therefor in said code a new Title XV, relating to corporations formed for the purpose of furnishing light for public use

Assembly Bill No. 484—An Act to repeal Section 648<sup>1/2</sup> of the Civil Code and to add a new section thereto to be numbered 638a, all relating to land and building corporations.

Assembly Bill No. 514—An Act to add a new section to the Civil Code, to be numbered 3346a, relating to damages for negligently firing woods

Assembly Bill No. 515—An Act to amend Section 3366 of the Civil Code, relative to specific and preventive relief

Assembly Bill No. 513—An Act to amend Section 3294 of the Civil Code, relating to exemplary damages

Assembly Bill No. 512—An Act to amend Sections 3131, 3176, 3197, and 3235 of the Civil Code, all relating to negotiable instruments

Assembly Bill No. 511—An Act to add five new sections to the Civil Code, to be numbered 3061, 3062, 3063, 3064, and 3065, all relating to liens on personal property.

Assembly Bill No. 510—An Act to add a new section to the Civil Code, to be numbered 2973, relating to mortgages of personal property.

Assembly Bill No. 479—An Act to repeal Title XI of Part IV of Division I of the Civil Code, and each and every section of said title, and to substitute a new Title XI, to take the place thereof in said code, relating to mining corporations.

Assembly Bill No. 396—An Act to amend Sections 528, 529, and 530 of the Civil Code, all relating to bridge, ferry, wharf, chute, and pier corporations.

Assembly Bill No. 395—An Act to add a new section to the Civil Code, to be numbered 524, relating to franchises for the construction of paths and roads for the use of horseless vehicles

Assembly Bill No. 394—An Act to amend Sections 513, 514, 517, 518, and 522 of the Civil Code, all relating to wagon-road corporations

Assembly Bill No. 390—An Act to amend Sections 468, 481, and 489 of the Civil Code, and to add two new sections thereto, to be numbered 465a and 473a, all relating to railroad corporations

Assembly Bill No. 384—An Act to add a Chapter V to Title II of Part IV of Division I of the Civil Code, relating to corporations to discover fire and save property and human life from destruction thereby.

Assembly Bill No. 386—An Act to repeal Sections 431 and 448 of the Civil Code, and to add thereto a new section, to be numbered 452, all relating to life, health, and accident insurance corporations

Assembly Bill No. 385—An Act to amend Section 428 of the Civil Code, relating to fire and marine insurance corporations.

Assembly Bill No. 335—An Act to repeal Section 399, and to amend Sections 400 and 401 of the Civil Code, Chapter V, relating to the dissolution and extension of the term of existence of corporations

Assembly Bill No. 491—An Act to amend Section 993 of the Civil Code, relating to the transfer of the good will and name of a business

And presented the same to the Governor on this day at four o'clock and forty-five minutes P. M.

DEVLIN, Chairman.

#### SPECIAL ORDERS.

Assembly Bill No. 36, set as a special order for this day after the reading of the Journal, was called up, and, on motion of Mr. McCartney, postponed until Monday, March 6, 1905, after the reading of the Journal.

Assembly Bill No. 1040, set as a special order for this day after the reading of the Journal, was called up.

Assembly Bill No. 1040—An Act authorizing and directing the Board of State Capitol Commissioners to make certain repairs and improvements and to remodel the State Capitol building and its appurtenances, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Beckett, Boyle, Branstetter, Burge, Busick, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Held, John, Johnson, Johnstone, Jones of Tuolumne, King, Lucey, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaetle, Pryor, Pyle, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr Speaker—55.

NOES—None

Title read and approved.

Assembly Bill No. 1040 ordered transmitted to the Senate.

#### GOVERNOR'S MESSAGES.

The following messages from His Excellency, Governor George C. Pardee, were read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }  
SACRAMENTO, March 3, 1905. }

*To the Assembly of the State of California*

I have the honor to inform your honorable body that I have approved Assembly Bill No. 89—An Act to amend Section 3804 of the Political Code, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time therefor.

Also: Assembly Bill No. 30—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895, which became a law March 4, 1899

Also: Assembly Bill No. 70—An Act to amend Section 1277 of the Code of Civil Procedure, relating to fixing time for hearing applications for change of name, and publication of notice thereof.

Also: Assembly Bill No. 45—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorneys, their appointment and term of office.

Also: Assembly Bill No. 22—An Act to amend Section 585 of the Code of Civil Procedure relating to the cases in which judgment may be had upon the failure of a defendant to answer

Also: Assembly Bill No. 21—An Act to amend Section 133 of the Civil Code, relating to orders respecting custody and maintenance of minor children of the marriage in actions for divorce.

Also: Assembly Bill No. 529—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Superintendent of Public Instruction's office, for the fifty-sixth fiscal year

Also: Assembly Bill No. 127—An Act to provide for the proper naming of trees, seeds, plants, and vines, sold, offered, or exposed for sale in this State, and providing a penalty for the violation of this Act.

Also: Assembly Bill No. 199—An Act to amend Section 890 of the Code of Civil Procedure, relating to judgments of dismissal without prejudice

Also: Assembly Bill No. 739—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, relating to the powers of boards of trustees of cities of the fifth class

Also: Assembly Bill No. 47—An Act to amend Section 4235 of the Political Code, relative to the recording of instruments.

Also: Assembly Bill No. 182—An Act to amend Section 1593 of the Political Code, relating to the election of school trustees.

Also: Assembly Bill No. 26—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Also: Assembly Bill No. 25—An Act to amend Section 108 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Also: Assembly Bill No. 57—An Act to amend Section 1560 of the Political Code, relating to the public schools.

Also: Assembly Bill No. 183—An Act to amend Section 1615 of the Political Code, relating to the organization of a new school district.

Also: Assembly Bill No. 112—An Act to amend Section 424 of the Penal Code, relative to embezzlement and falsification of accounts by public officers.

Also: Assembly Bill No. 248—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley, and the land embracing the Mariposa Big Tree Grove.

Also: Assembly Bill No. 1163—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session.

Very respectfully,

GEO. C. PARDEE, Governor.

Also:

VETO BY THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }  
SACRAMENTO, March 3, 1905. }

*To the Assembly of the State of California:*

GENTLEMEN: I have the honor, respectfully, to return herewith Assembly Bill No. 738--"An Act to amend an Act entitled 'The Political Code of the State of California,' relating to the employment of women as physicians in State hospitals for the care and treatment of the insane, and in the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, Sonoma County, by amending Section 2153a thereof"—without my approval, for the reason that it appears that the bill, as it comes to me, is vitally defective, in that the authorization for the appointment of certain officers provided for in the bill has been inadvertently omitted therefrom, thus leaving the bill, in its present form, inoperative.

I am informed that, in order to obviate this defect, another bill in the same form and language as the one now under discussion has been introduced into the Legislature.

Very respectfully, your obedient servant,

GEO. C. PARDEE, Governor

The Governor's veto message on Assembly Bill No. 738 was ordered to unfinished business file.

#### SENATE MESSAGES.

The following messages from the Senate were read:

SENATE CHAMBER, SACRAMENTO, March 3, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 564—An Act making an appropriation for traveling and contingent expenses of the Department of Highways for the remainder of the fifty-sixth fiscal year.

Also: Senate Bill No. 844—An Act to amend the Code of Civil Procedure of the State of California, by adding a new section thereto, to be numbered 196, relating to the fees of jurors.

Also: Assembly Bill No. 965—An Act to amend Section 437 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, relating to mutual life, health, and accident insurance corporations.

Also: Assembly Bill No. 925—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 21, 1872, by amending Section 340 thereof, relating to the time within which certain actions must be commenced.

Also: Assembly Bill No. 413—An Act to amend Section 1 of an Act entitled "An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled an Act to amend an Act, approved February 28, 1887, entitled an Act to amend an Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association,' approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof," approved March 23, 1893, reducing the amount of such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation of \$65,000 in the place and stead of \$75 per annum for each and every aged and indigent United States ex-soldier, or sailor, or marine admitted to or residing in said home.

Also: Assembly Bill No. 935—An Act to add a new section to the Penal Code, to be numbered Section 499b, relating to the unauthorized taking for temporary use or operation of automobiles, bicycles, motor-cycles, and other vehicles.

Also: Senate Bill No. 401—An Act entitled "An Act to amend Section 1380 of the Code of Civil Procedure of the State of California, relating to persons who can not testify."

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary.

Senate Bill No. 844 read first time, and referred to the Committee on Judiciary.

Senate Bill No. 401 read first time, and ordered on special Senate file, it being identical with Assembly Bill No. 951 (No. 391 on the file), and Assembly Bill No. 951 ordered withdrawn.

Assembly Bills Nos. 564, 965, 925, 413, and 935 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 625—An Act making an appropriation of \$5,000, to be

used by the Governor, Attorney-General, and Secretary of State (comprising the Board of Examiners), in defense of the interest of the State and the political subdivisions thereof in suits involving the right to use oil upon the public highways.

Also: Senate Bill No. 366—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building for the fiftieth fiscal year.

Also: Assembly Bill No. 776—An Act to amend Section 2 of that certain Act of the Legislature of the State of California entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899.

Also: Senate Bill No. 798—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

Also: Senate Bill No. 197—An Act to pay the claim of D. D. McLaren against the State of California.

Also: Senate Bill No. 288—An Act making an appropriation to pay the claim of Richard Price Morgan.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 525 read the first time, and ordered on special Senate file, it being identical with Assembly Bill No. 641 (No. 192 on file), and Assembly Bill No. 641 ordered withdrawn.

Senate Bill No. 366 read first time, and, being identical with Assembly Bill No. 465 (No. 303 on file), was made a special order for Monday, March 6, 1905, immediately after the reading of the Journal.

Assembly Bill No. 465 ordered withdrawn.

Senate Bill No. 798 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 197 read first time, and, being identical with Assembly Bill No. 464 (No. 165 on file), was ordered on the special Senate file, and Assembly Bill No. 464 ordered withdrawn.

Senate Bill No. 288 read first time, and referred to Committee on Claims.

Assembly Bill No. 776 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Assembly Concurrent Resolution No. 20—Relative to the consent of the Legislature to absence from the State of Assemblyman Frank J. O'Brien for a period not to exceed six months.

Also: Senate Bill No. 561—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.

Also: Senate Bill No. 631—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Also: Senate Bill No. 758—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 200 thereof, relating to the compensation of officers of the forty-third class.

Also: Senate Bill No. 770—An Act to amend an Act entitled "An Act to amend an Act to establish a uniform system of county and township governments," approved March 23, 1901, by amending Section 205 thereof, relating to counties of the forty-eighth class.

Also: Senate Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 182 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-fifth class.

Also: Senate Bill No. 828—An Act to amend an Act entitled "An Act to amend an Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 193 thereof, relative to the fees, salaries, and compensation of officers of counties of the thirty-sixth class.

Also: Senate Bill No. 839—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Also: Assembly Bill No. 886—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the amendment thereof, approved March 3, 1901, by amending Section 205 thereof, relating to counties of the forty-eighth class.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bills Nos. 561, 631, and 758 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 770 read first time, and, being identical with Assembly Bill No. 958 (No. 60 on file), was ordered on special Senate file, and Assembly Bill No. 958 ordered withdrawn.

Senate Bill No. 793 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 828 read first time, and, being identical with Assembly Bill No. 1037, was ordered on special Senate file, and Assembly Bill No. 1037 ordered withdrawn.

Senate Bill No. 839 read first time, and referred to Committee on County and Township Governments.

Assembly Bill No. 886 ordered to enrollment.

Assembly Concurrent Resolution No. 20 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 612—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Also: Refused passage to Assembly Bill No. 277—An Act to amend Section 1858 of the Political Code, relating to apportionment of school funds.

Also: Denied third reading to Assembly Bill No. 258—An Act to amend Section 731 of the Code of Civil Procedure of California, relating to abatement of private and public nuisances.

Also: Passed Assembly Bill No. 39—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 12, 1872, by amending Sections 939 and 963 of said Code of Civil Procedure, relating to appeals.

Also: Assembly Bill No. 627—An Act to amend Section 848 of the Code of Civil Procedure of the State of California, relating to the service of summons issued from justices' courts, where the defendant resides out of the county in which the action is brought.

Also: Assembly Bill No. 34—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, by amending Section 3 of said Act, and an Act amendatory thereof, approved March 27, 1895.

Also: Assembly Bill No. 173—An Act confirming the organization of school districts.

Also: Denied third reading to Assembly Bill No. 710—An Act to amend an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution," approved March 2, 1903.

Also: Passed Assembly Bill No. 207—An Act to amend Section 1772 of the Political Code of the State of California, relating to certificates upon examination.

Also: Assembly Bill No. 117—An Act to amend Section 1149 of the Political Code of the State of California, relating to the posting of precinct registers.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 612, 39, 627, 34, 173, 207, and 117 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bills Nos. 192, 208, 369, 707, and 316.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bills Nos. 257, 260, 167, 252, 458, 477, 486, 135, 225, 226, 228, and 601.

LEWIS A. HILBORN, Secretary of Senate  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 118—An Act to amend Section 1264 of the Political Code of the State of California, relating to election returns.

Also: Assembly Bill No. 338—An Act to amend Section 515 of the Political Code, and to provide for the appointment of a statistician, a clerk and stenographer, and a text-book clerk for the Superintendent of Public Instruction, and to fix their compensation.

Also: Assembly Bill No. 119—An Act to amend Section 1255 of the Political Code of the State of California, relating to ballots voted at elections

Also: Assembly Bill No. 709—An Act to amend Section 1883 of the Political Code, relating to the manner of conducting elections for issuance of bonds in school districts.

Also: Assembly Bill No. 270—An Act to amend Section 3617 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to definition of terms.

Also: Assembly Bill No. 909—An Act to amend Section 2197 of the Political Code, relating to actions which may be brought by the State Commission in Lunacy.

Also: Assembly Bill No. 819—An Act to amend Sections 628, 629 and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628a, 628b, 628c, 628d, and 632a, all relating to the protection and preservation of fish.

Also: Assembly Bill No. 68—An Act making an appropriation of ten thousand (\$10,000) dollars for the establishing at the Lick Observatory of a light and power plant, and prescribing the duties of the Controller and Treasurer in relation thereto

Also: Refused passage to Assembly Bill No. 108—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1330, relating to giving special notices to heirs, devisees, legatees, and creditors during the administration of estates of decedents.

Also: Adopted Assembly Concurrent Resolution No. 19—Relative to granting leave of absence from the State of California to the Hon John E. Raker, Judge of the Superior Court of Modoc County.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 118, 338, 119, 709, 270, 909, 819, 68, and Assembly Concurrent Resolution No. 19 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 659—An Act making an appropriation of \$5,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing five inches of water from the East Whittier ditch, to be used at said school.

Also: Assembly Bill No. 779—An Act making an appropriation of \$750, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of furnishing "B" cottage at the girls' department.

Also: Senate Bill No. 819—An Act authorizing and directing the Board of State Capitol Commissioners to remodel and repair the State Capitol building, making the same fireproof, rendering all space therein available, and making an appropriation therefor.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary

Senate Bill No. 659 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 819 read first time, and, being identical with Assembly Bill No. 1039 (No. 8 on the file), was substituted on the file of special orders.

Assembly Bill No. 779 ordered to enrollment.

ORDERED ON SENATE FILE.

Senate Bill No. 798 ordered placed on special Senate file, it being identical with Assembly Bill No. 982 (No. 61 on the file).

## SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed Assembly Bill No. 315—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to the issuance of writs of attachment issued from justices' courts, and providing that several writs may be issued at the same time to the sheriffs or constables of counties other than the one in which said justice's court may be situated.

Also: Assembly Bill No. 535—An Act to amend Sections 3897 and 3898 of the Political Code of the State of California, relating to the sale by the State of property sold to the State for taxes.

Also: Assembly Bill No. 670—An Act to provide for the improvement of the public highways.

And respectfully ask your concurrence in same.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bill No. 315 ordered on file of unfinished business.

Assembly Bill No. 535 was called up for consideration of Senate amendments.

Assembly Bill No. 535—An Act to amend Sections 3897 and 3898 of the Political Code of the State of California, relating to the sale by the State of property sold to the State for taxes.

## SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 535 were read:

## AMENDMENT No. 1.

Amend by striking out of Section 2, line 16, the word "threto," and inserting in lieu thereof the word "thereto."

## AMENDMENT No. 2.

On page 1, Section 1, line 9, printed bill, strike out beginning with the word "and," down to and including the word "dollars," on line 11 of page 1, and insert a period after the word "duplicate," on line 9.

## AMENDMENT No. 3.

On line 12, Section 1, page 1, printed bill, after the word "controller," insert the word "and."

## AMENDMENT No. 4.

On line 13, Section 1, page 2, printed bill, strike out the words "and said one hundred dollars."

## AMENDMENT No. 5.

On line 14, Section 1, page 2, printed bill, strike out beginning with the word "a," down to and including the word "court," on said page 1, and insert in lieu thereof the words "the assessor."

## AMENDMENT No. 6.

On line 16, Section 1, page 2, printed bill, strike out beginning with the word "and," down to and including the word "to," on line 18, on page 2, and insert in lieu thereof "and said assessor shall thereupon."

## AMENDMENT No. 7.

On line 20, Section 1, page 2, printed bill, strike out beginning with the word "said," down to and including the word "judge," on line 36, on said page 2.

## AMENDMENT No. 8.

On line 55, Section 1, page 3, printed bill, strike out beginning with the word "and," down to the word "actions," on line 57, on page 4, and insert a period instead of the comma after the word "made."

## AMENDMENT No. 9.

On line 92, Section 1, page 4, printed bill, strike out beginning with the word "the," before the word "cost," down to and including the word "situated," on line 118, on said page 4.

## AMENDMENT No. 10.

On page 3, Section 1, line 70, strike out the word "seventy-five" and insert in lieu thereof the word "fifty."

## SENATE AMENDMENTS CONCURRED IN.

Mr. Gans moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 535?"

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Cleveland, Cooper, Coyle, Creighton, Cromwell, Devlin, Drew, Ells, Estudillo, Gans, Goodrich, Held, Jarvis, John, Johnson, Johnstone, McCartney, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Vogel, Weyand, Whiting, and Mr. Speaker—46.

NOES—None.

Assembly Bill No. 535 ordered to enrollment.

Assembly Bill No. 670 was called up for consideration of Senate amendments.

Assembly Bill No. 670—An Act to provide for the improvement of public highways, and to make an appropriation therefor.

## SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 670 were read:

## AMENDMENT No. 1.

On page 1, Section 2, line 2, after the word "thereof" insert the following: "and one half mile in depth on each side of said proposed road."

## AMENDMENT No. 2.

On page 4, Section 9, line 11, strike out the word "forty" and insert in lieu thereof the word "fifty."

## AMENDMENT No. 3.

On page 4, Section 9, line 13, strike out the word "twenty" and insert in lieu thereof the word "ten."

## AMENDMENT No. 4.

On page 4, Section 9, line 16, strike out the word "forty" and insert in lieu thereof the word "fifty."

## AMENDMENT No. 5.

On page 5, Section 9, line 17, strike out the word "twenty" and insert in lieu thereof the word "ten."

## AMENDMENT No. 6.

On page 5, Section 10, line 7, strike out the word "twenty" and insert in lieu thereof the word "ten."

## AMENDMENT No. 7.

On page 5, Section 10, line 9, strike out the period (.) and insert in lieu thereof the following: "and one half mile in depth on each side of said proposed road."

## AMENDMENT No. 8.

On page 5, Section 10, line 16, strike out the word "collected" and insert in lieu thereof the following: "entered upon the assessment roll as other special taxes, and collected."

## SENATE AMENDMENTS CONCURRED IN.

Mr. Johnstone moved to concur in Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 670?"

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Bates, Boyle, Branstetter, Burge, Burke, Cleveland, Cooper, Coyle, Devlin, Drew, Ells, Estudillo, Gans, Goodrich, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Lucey, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley,



Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Vogel, Weyand, Whiting, and Mr Speaker—46.

NOES—None.

#### SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed Assembly Bill No. 742—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 201 thereof, relating to salaries and fees of county and township officers, in counties of the forty-fourth class.

Also: Assembly Bill No. 420—An Act to amend the Code of Civil Procedure of the State of California by amending Section 851 thereof, relating to form of pleadings

Also: Assembly Bill No. 151—An Act making an appropriation for searching for beneficial insects.

Also: Assembly Bill No. 157—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 131 thereof, relating to powers and duties of the courts in providing for the creation and appointment and term of office of boards, to be known as "Probation Committees," providing for the creation and appointment of probation officers, prescribing their terms of office, duties and powers, and fixing their salaries.

Also: Assembly Bill No. 873—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, by amending Section 167, relating to counties of the tenth class, and providing for certain increases of salaries and deputies.

Also: Assembly Bill No. 848—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.

And respectfully ask your concurrence in same.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bill No. 742 ordered on file of unfinished business.

Assembly Bill No. 151 called up for consideration of Senate amendments.

Assembly Bill No. 151—An Act making an appropriation for searching for beneficial insects.

#### SENATE AMENDMENT.

The following Senate amendment to Assembly Bill No. 151 was read :

On page 1, Section 1, line 2, strike out the words "ten thousand (\$10,000)" and insert in lieu thereof the following: "twelve thousand (\$12,000)."

#### MOTION.

Mr. Cleveland moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 151.

Motion carried.

#### IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 151 was considered in Committee of the Whole.

Mr. Cleveland moved that the committee rise and report back Assembly Bill No. 151, with the recommendation that the Assembly concur in the Senate amendment, and that the bill do pass as amended.

Motion carried.

#### IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN. The Committee of the Whole have had under consideration Assembly Bill No. 151—An Act making an appropriation for searching for beneficial insects—and do now report the same back, and recommend that the Assembly concur in the Senate amendment.

PRESCOTT, Chairman

## SENATE AMENDMENT CONCURRED IN.

Mr. Cleveland moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 151?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Boyle, Branstetter, Burge, Cleveland, Cooper, Coyle, Cromwell, Cullen, Devlin, Drew, Ellis, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Lucey, Lynch, McCartney, McGowan, Mitcheltree, Moore, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—49

NOES—None.

Assembly Bill No. 873 was called up for consideration of Senate amendments.

## SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 873 were read:

## AMENDMENT No. 1.

At Section 2, page 2, lines 23 and 24 of the printed bill, strike out the words "allowed to the sheriff in addition, one" and insert in lieu thereof the words "created the office of."

## AMENDMENT No. 2.

At Section 3, line 29, after the word "recording," strike out the period and insert the words "and four hundred and fifty dollars per year for abstract of mortgages for the county assessor."

## AMENDMENT No. 3

At Section 13, lines 107 and 108, strike out all after the word "expenses," and insert in lieu thereof the words "incurred in performing county work ordered by the board of supervisors."

## AMENDMENT No. 4.

At Section 16, page 5 of the printed bill, strike out all of said Section 16, and insert in lieu thereof the following:

"16. The supervisors, each the sum of one hundred and twenty-five dollars per month as supervisors and road commissioners, and actual traveling expenses, not to exceed five hundred dollars in any one year; vouchers for said traveling expenses shall be filed with the proper officer."

## SENATE AMENDMENTS CONCURRED IN.

Mr. McCartney moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 873?"

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Burge, Burke, Busick, Cleveland, Cooper, Coyle, Cromwell, Cullen, Devlin, Drew, Ellis, Estudillo, Gans, Gates, Goodrich, Held, Houser, Jarvis, John, Johnson, Jones of Tuolumne, Lucey, Lynch, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pyle, Severance, Stanton, Thompson, Transue, Treadwell, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—52.

NOES—None.

Assembly Bills Nos. 848, 420, and 157 ordered to enrollment.

## SENATE MESSAGES.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day requests Assembly Bill No. 604 returned for reconsideration.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary

Assembly Bill No. 604 was ordered to unfinished business file, at the request of Mr. Houser.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendment to Senate Bill No. 8.

LEWIS A. HILBORN, Secretary of the Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to Assembly Bill No. 23—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 367 of said Code of Civil Procedure, relating to parties to civil actions.

Also: Adopted Assembly Concurrent Resolution No. 22—A resolution relative to the consent of the Legislature to absence from the State of certain members of the Assembly.

Also: Passed Senate Bill No. 857—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended in 1901, etc.

Also: Assembly Bill No. 860—An Act providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof.

Also: Assembly Bill No. 1160—An Act to amend Section 2153a of the Political Code of the State of California, relating to the employment of women as physicians in State hospitals for the care and treatment of the insane and in the California Home for the Care and Training of Feeble-Minded Children at Eldridge, Sonoma County.

Also: Senate Bill No. 885—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties, and providing for their compensation.

Also: Senate Bill No. 733—An Act to amend Section 2191 of the Political Code of the State of California, relating to the return to the country or State to which they belong of insane or incompetent persons not residents for one year of the State of California.

Also: Senate Bill No. 863—An Act to amend Sections 415 and 420 of the Political Code, relating to the officers, deputies, and employes of the Secretary of State and their compensation.

Also: Senate Bill No. 846—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, by amending Section 5 thereof.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 887 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 885 read first time, and ordered placed on special Senate file without reference to a committee, on motion of Mr. Rolley.

Senate Bill No. 733 read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 863 read first time, and ordered placed on special Senate file, it being identical with Assembly Bill No. 191 (No. 194 on the file), and Assembly Bill No. 191 was ordered withdrawn.

Senate Bill No. 846 read first time, and referred to Committee on Public Morals.

Assembly Bills Nos. 860 and 1160 ordered to enrollment.

Assembly Concurrent Resolution No. 22 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bills Nos. 600, 133, 148, and 245.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed:

Assembly Bill No. 401—An Act to amend Section 6 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal cor-

porations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations."

Also: Assembly Bill No. 768—An Act to amend the Penal Code of the State of California by adding thereto new sections numbered 421 and 422, providing for punishment of persons and associations conniving against, and attempting to injure, the National Guard of California and members thereof.

And respectfully ask your concurrence in same.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary.

Assembly Bill No. 401 ordered on the unfinished business file.

Assembly Bill No. 768 called up for the consideration of Senate amendments.

Assembly Bill No. 768—An Act to amend the Penal Code of the State of California by adding thereto new sections numbered 421 and 422, providing for the punishment of persons and associations conniving against, and attempting to injure, the National Guard of California and members thereof.

#### SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 768 were read:

Amend by renumbering Section 3, as Section 2, the same to read as follows:

"Section 2. The provisions of this Act shall be in force and effect from and after its passage and approval."

Also: Strike out from Section 1 all of lines 4 to 14, both inclusive, and all of Section 2, and insert in lieu thereof the following: "Section 421. No association or corporation shall by any constitution, rule, by-law, resolution, vote, or regulation, discriminate against any member of the National Guard of California because of his membership therein. Any person who willfully aids in enforcing any such constitution, rule, by-law, resolution, vote, or regulation against any member of said National Guard of California is guilty of a misdemeanor."

#### SENATE AMENDMENTS CONCURRED IN.

Mr. Gans moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 768?"

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Anthony, Barnes, Bates, Beckett, Busick, Cleveland, Cooper, Coyle, Creighton, Cromwell, Drew, Duryea, Estudillo, Gans, Goodrich, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Lucey, Lynch, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strobbridge, Thompson, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—44.

NOES—None

#### SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, March 4, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 1126—An Act to amend Section 1616 of the Code of Civil Procedure, relating to fees and allowances of executors, administrators, and their attorneys.

Also: Senate Bill No. 747—An Act to amend Section 2181 of the Political Code, relating to the duties of guardians of insane persons.

Also: Assembly Bill No. 840—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 179 thereof.

Also: Senate Bill No. 757—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

Also: Assembly Bill No. 177—An Act to provide for the classification of supervisors in counties of the fifteenth class where they are not now classified, so that all of them shall not go out of office at the same time.

Also: Senate Bill No. 813—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State

Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Also. Assembly Bill No. 783—An Act making an appropriation of \$500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the assembly hall and the boys' department.

Also. Senate Bill No. 689—An Act amending the Political Code of the State of California by adding thereto a new section, to be numbered 3413, relating to public lands of this State.

Also: Assembly Bill No. 679—An Act fixing the rates of interest and charges on loans upon chattel mortgages on certain personal property, and prescribing penalties for the violation of the Act.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bills Nos. 747 and 689 read first time, and referred to Committee on Judiciary.

Senate Bill No. 757 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 813 read first time, and referred to Committee on Public Printing.

Assembly Bills Nos. 1126, 840, 177, 783, and 679 ordered to enrollment.

#### SENATE BILLS RECALLED FROM COMMITTEES.

Senate Bill No. 844 ordered recalled from Committee on Judiciary, it being identical with Assembly Bill No. 1132 (No. 400 on file), and placed on special Senate file.

Assembly Bill No. 1132 ordered withdrawn.

Senate Bill No. 561 ordered recalled from Committee on County and Township Governments, and placed on special Senate file, it being identical with Assembly Bill No. 697 (No. 26 on file), and Assembly Bill No. 697 was withdrawn.

Senate Bill No. 288 was recalled from Committee on Claims and placed on special Senate file, it being identical with Assembly Bill No. 436 (No. 309 on file), and Assembly Bill No. 436 ordered withdrawn.

#### REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following report, which was read :

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 465—An Act making an appropriation of \$952 50 to pay the claim of Warren F. Drew against the State of California.

Assembly Bill No. 979—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-eighth class

DEVLIN, Chairman.

Assembly Bills Nos. 465 and 979 ordered on third-reading file.

#### MOTION TO RECONSIDER.

Mr. O'Brien called up his notice of motion to reconsider the vote whereby Senate Committee Substitute for Senate Bills Nos. 566, 567, 568, 569, 570, and 571—An Act to amend Sections 1238, 1240, 1241, 1244, 1247, and 1248 of the Code of Civil Procedure, all relating to eminent domain—was refused passage on the previous legislative day.

## POINT OF ORDER.

Mr. Weyand raised the point of order that as Mr. O'Brien had voted in the minority, he could not give notice of motion to reconsider.

The Chair ruled that he did not desire to deprive the Assembly of any rights it may have on a bill, and ruled that the point of order was not well taken.

## APPEAL FROM THE DECISION OF THE CHAIR.

Mr. Weyand appealed from the decision of the Chair.

The ayes and noes were demanded by Messrs. Weyand, Devlin, and Cromwell.

## CHAIR SUSTAINED.

The question being, "Shall the decision of the Chair stand as the judgment of the Assembly?"

The roll was called, and the decision of the Chair was sustained by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Branstetter, Burge, Burke, Busick, Cleveland, Cooper, Coyle, Creighton, Drew, Duryea, Ellis, Estudillo, Gans, Goodrich, Held, Houser, John, Johnson, Jones of Tuolumne, King, Lynch, McCartney, McGowan, McKenney, Meincke, O'Brien, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Rolley, Severance, Stanton, Thompson, Transue, Treadwell, Vogel, and Whiting—45.

NOES—Messrs. Cromwell, Devlin, Johnstone, and Weyand—4.

## PROTEST.

Mr. Devlin requested that the following protest be entered in the Journal:

Mr. Devlin protests against the entry in the Journal of the Assembly of March 3d, wherein it is made to appear that he voted "aye" on Senate Substitute for Senate Bills Nos. 566, 567, 568, 569, 570, and 571.

## MOTION TO RECONSIDER POSTPONED.

Mr. O'Brien moved to reconsider the vote whereby Senate Committee Substitute for Senate Bills Nos. 566, 567, 568, 569, 570, and 571—An Act to amend Sections 1238, 1240, 1241, 1244, 1247, and 1248 of the Code of Civil Procedure, all relating to eminent domain—was refused passage on the previous legislative day.

On motion of Mr. O'Brien, the further consideration of the motion to reconsider the bill under discussion was postponed until Monday, March 6, 1905, under the head of "Notices of Motion to Reconsider."

## REPORT OF STANDING COMMITTEES—(OUT OF ORDER).

The Committee on Contingent Expenses and Accounts submitted the following report, which was read:

## ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred a resolution by Mr. McCartney, recommend that the figures "1025," in line 3 of the resolution, be stricken out, and the figures "965" be inserted in lieu thereof; the original resolution being attached hereto—and respectfully report the same back, and recommend that it do pass as amended.

CROMWELL, Chairman.

(To pay stenographer for services rendered.)

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of \$1,025 in favor of E. F. Duden, for services as shorthand

reporter in the matter of the hearing and investigation of the charges against Lucas F. Smith, Superior Court Judge of Santa Cruz County, California, and the same being the payment of the following bills attached:

Special investigation committee of the Assembly appointed for the purpose of investigating the charges preferred against Hon. Lucas F. Smith, Judge of the Superior Court of Santa Cruz County, State of California, to E. F. Duden, for services as shorthand reporter:

Per diems—February 16, 17, 18, and 19, 1905.....	\$40 00
Transcript of testimony and proceedings—11,250 folios at .08 per folio .....	900 00
Copying documents at Santa Cruz and introduced in evidence .....	85 00
	<hr/> \$1,025 00

Mr. Cromwell moved the adoption of the report.

The roll was called, and the report of the committee and resolution, as amended, adopted by the following vote:

AYES—Messrs. Atkinson, Barnes, Bates, Beardslee, Beckett, Brunstetter, Burge, Burke, Busick, Cleveland, Cooper, Coyle, Creighton, Cromwell, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnson, Jones of Tuolumne, King, McCartney, McGowan, McKenney, Mitchellree, O'Brien, Perkins, Pfaffie, Pryor, Rolley, Thompson, Transue, Treadwell, Vogel, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—45.  
 NOES—Messrs. Olmsted and Pyle—2.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Contingent Expenses and Accounts submitted the following report, which was read:

#### ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred a resolution by Mr. Weyand hereto attached—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

CROMWELL, Chairman

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the said Treasurer is hereby authorized and directed to pay the same, for the sum of thirteen hundred and thirty and forty-six one-hundredths dollars (\$1,330.46) in favor of Ed. de St Maurice for services as shorthand reporter in the matter of the hearing and investigation of the charges against Hon. E. S. Torrance, Superior Judge of San Diego County, California, and the same being a payment of the following bills attached:

In the Assembly of the thirty-sixth session of the Legislature of the State of California—In the matter of the memorial presented to the Assembly on the 16th day of January, 1905, by Mr. McCartney, wherein Honorable Elisha S. Torrance, Judge of the Superior Court of the State of California, in and for San Diego County, is accused by the Los Angeles Bar Association of misconduct in office.

*The State of California, Dr., to Fred H. Robinson:*

To taking the depositions of T. J. Fisher, J. F. Maloney, L. T. Slade, Oscar Thieme, and Fred Fanning, 112 folios at 30 cents.....	\$33 60
Swearing five witnesses, at 50 cents.....	2 50
Two certificates, at \$1.....	2 00
	<hr/> \$38 10
Per diem \$10, and testimony at Los Angeles, 72 folios at 33 cents.....	33 78
	<hr/> \$71 88

*State of California, Dr., to W. E. Doane*

February 20, 1905, 1 per diem.....	\$10 00
Forty folios, 3 copies at 33 cents.....	13 20
	<hr/> \$23 20

*State of California, Dr., to Ed. de St. Maurice:*

Twelve per diems, at \$10.....	\$120 00
3380 folios, at 33 cents.....	1,115 40
	<hr/> \$1,235 40

Mr. Cromwell moved the adoption of the report and resolution.

The roll was called, and the report and resolution declared adopted by the following vote:

AYES—Messrs Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Cleveland, Cooper, Creighton, Cromwell, Devlin, Drew, Duryea, Ells, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, King, Manwell, McCartney, McGowan, McKenney, Mitcheltree, O'Brien, Rolley, Thompson, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—42.

NOES—Messrs. Amerige, Anthony, and Olmsted—3.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

Reports from standing committees (out of order) were submitted and read, as follows:

##### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Senate Bill No. 833—An Act forfeiting to the State of California all payments for State lands when a fraudulent title was sought to be obtained thereto—reports the same back, with the recommendation that it do pass.

Also: Senate Bill No. 623—An Act to amend Section 205 of the Code of Civil Procedure, relating to the selecting and returning of jurors for courts of record—reports the same back without recommendation.

Also: Senate Bill No. 624—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors—reports the same back without recommendation.

Also: Assembly Bill No. 1020—An Act to amend Section 1183 of the Code of Civil Procedure, relating to mechanics', laborers', miners', and materialmen's liens—report the same back, with one amendment, and without recommendation.

Also: Assembly Bill No. 708—An Act to provide against professors and assistants of the University of California from prejudicial interference in matters of competitive commerce and the performance of private work for pay, using University time, supplies, and apparatus, and to provide penalties for the enforcement thereof—reports the same back, with fifteen amendments, and with the recommendation that it do pass as amended.

DURYEA, Chairman.

Senate Bills Nos. 833, 623, and 624 ordered to second reading on special Senate file.

Assembly Bills Nos. 1020 and 708 ordered on second-reading file.

##### TIME FOR RECESS EXTENDED.

On motion of Mr. Cleveland, at twelve o'clock and twenty-nine minutes P. M., the hour for recess was extended fifteen minutes.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were read:

##### ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 107—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class," approved March 16, 1903—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 977—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 215 thereof, relating to the salaries and fees of county officers of the third class—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

BURKE, Chairman.

Senate Bill No. 107 ordered to second reading on special Senate file.  
Assembly Bill No. 977 ordered on second-reading file.



## ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

MR. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 403—An Act making an appropriation to pay the claim of W. F. Gormley for the funeral and burial of W. L. Cotter—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SEVERANCE, Chairman.

Senate Bill No. 403 ordered to second reading on special Senate file.

## ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Senate Bill No. 461—An Act to amend Section 1372 of the Political Code, relating to primary elections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ROLLEY, Chairman.

Senate Bill No. 461 ordered to second reading on special Senate file.

## ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Senate Bill No. 846—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, by amending Section 5 thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

LUCY, Chairman.

Senate Bill No. 846 ordered to second reading on special Senate file.

## RESOLUTION—(OUT OF ORDER).

Mr. Cromwell was granted leave to introduce (out of order) the following resolution, which was read:

(Relative to printing laws.)

*Resolved*, That the State Printer be instructed to print, in addition to the number now required by law, two hundred and fifty copies of the laws, resolutions, and proposed constitutional amendments passed at this session, in chapter form, the same to be stitched, but not bound or covered, to be delivered to the Secretary of State, to be distributed by him in the following manner: one copy to each County Clerk, one copy to each Judge of the Superior Court, one copy to the Chief Justice of the Supreme Court, one copy to each of the Associate Justices of the Supreme Court, one copy to the Clerk of the Supreme Court, and one copy to each of the deputy clerks of the Supreme Court located at Los Angeles and Sacramento.

## RESOLUTION ADOPTED.

Mr. Cromwell moved the adoption of the resolution.

Upon being put to vote, the resolution was declared adopted.

## BILLS ORDERED ON SENATE FILE.

On motion of Mr. Cleveland, Senate Bill No. 850 (No. 76 on file) was recalled from the Committee on Municipal Corporations and ordered on the special Senate file, being identical with Assembly Bill No. 1133, which was withdrawn.

On motion of Mr. Burke, Senate Bill No. 747 was recalled from the Committee on Judiciary and ordered on the special Senate file, being identical with Assembly Bill No. 907, which was withdrawn.

Mr. Bates called up the report of the select committee consisting of the Committee on Insurance and Insurance Laws, to whom had been referred Assembly Bill No. 843—which had been submitted to the Assembly on March 2, 1905.

## REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: Your Select Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 843—An Act to amend Sections 3, 7, and 10 of an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that it do pass as amended.

BATES, Chairman.

The following are the amendments submitted by the Select Committee on Insurance and Insurance Laws on Assembly Bill No. 843.

## AMENDMENT NO. 1.

Amend by striking out all on lines 5, 6, 7, 8, 9, and 10, of Section 3, page 1, printed bill, and inserting in lieu thereof the following:

"Sec. 10. No company shall insure any property beyond the limits of the county within which the company is formed, and in one adjoining county—so designated in its articles of incorporation—as prescribed by Section 7 hereof; nor shall any company issue policies of insurance on any property within the limits of any city or town containing six thousand inhabitants, *provided*, that any risks originally written in any city or town of less than six thousand inhabitants may be continued in force in accordance with conditions hereof although the number of its inhabitants may, during the life of said risk, have increased to more than six thousand, *provided*, that no dwelling "

## AMENDMENT NO. 2

Amend by striking out all on lines 5, 6, 7, 8, and 9, in Section 2, page 2, printed bill, and inserting in lieu thereof the following:

"Sec. 7. Any person owning property in the county in which any such company is formed, and in one adjoining county to be designated in its articles of incorporation, *provided* that no company formed under this Act shall be doing business in said adjoining county, may become a member of such company by insuring said property therein, and shall be entitled to all the rights and privileges appertaining thereto, and no person not residing in the."

Mr. Bates moved the adoption of the report and the amendments.

Motion carried.

Assembly Bill No. 843 ordered to reprint, reengrossment, and on file for passage.

On motion of Mr. Creighton, Senate Bill No. 169 was ordered on the special Senate file, it being identical with Assembly Bill No. 188.

## QUESTION OF PRIVILEGE.

Mr. Weyand rose to a question of privilege, and stated that on examination of the question, he had satisfied himself that the ruling of the Speaker was correct in not sustaining his point of order on the question of the rights of members calling up notices of motions to reconsider.

## RECESS.

Mr. McCartney, at twelve o'clock and thirty minutes P. M., moved that the Assembly take a recess until two o'clock and thirty minutes P. M., and that at that hour bills on second-reading file be called up.

Mr. Beardslee called for a division on the question.

## SECOND-READING FILES TO BE TAKEN UP.

Mr. McCartney moved that when the Assembly reconvene for the afternoon session the first business shall be the second reading of bills on the files.

Motion carried.

At twelve o'clock and thirty-eight minutes P. M., the Speaker of the Assembly, on motion of Mr. McCartney, declared a recess of the Assembly until two o'clock and thirty minutes P. M.

## REASSEMBLED.

The Assembly reconvened at two o'clock and thirty minutes P. M.  
Speaker Hon. Frank C. Prescott in the chair.

## SECOND-READING FILE.

The following bills on the second-reading file were taken up for consideration:

Assembly Bill No. 271—An Act making an appropriation of \$650 to pay the claim of O. D. Fish.

Read second time.

## MOTION.

Mr. McCartney moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 271.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Hon. Frank C. Prescott in the chair.

Assembly Bill No. 271 was considered in Committee of the Whole.

Mr. McCartney moved that the committee do rise and report back Assembly Bill No. 271, with a recommendation that it do not pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

## ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 271—An Act making an appropriation of \$650 to pay the claim of O. D. Fish—and do now report the same back, and recommend that it do not pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 271 ordered to engrossment and on third-reading file.

Assembly Bill No. 657—An Act to establish a State refinery of petroleum, and making an appropriation therefor.

Read second time.

## MOTION.

Mr. John moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 657.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 657 was considered in Committee of the Whole.

Mr. Stanton moved that the Committee of the Whole rise and report back Assembly Bill No. 657, with the recommendation that it do not pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 657—An Act to establish a State refinery of petroleum, and making an appropriation therefor—and do now report the same back, and recommend that it do not pass.

PRESCOTT, Chairman

The report of the Committee of the Whole was adopted.

Assembly Bill No. 657 ordered to engrossment and on third-reading file.

Assembly Bill No. 85—An Act to provide for the location and construction of a public highway from a point on the Kings River near the town of Centerville, in Fresno County, to Kings River Cañon, making an appropriation therefor, and providing for a commission to build, etc.

Assembly Bill No. 85 was withdrawn by author.

Assembly Bill No. 316—An Act to provide for the erection of embankments or levees to care for the flood waters of Kern River, in Kern County.

Read second time.

## MOTION.

Mr. Olmsted moved that the Assembly resolve into a Committee of the Whole, with Speaker Prescott in the chair, for the purpose of considering Assembly Bill No. 316.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 316 was considered in Committee of the Whole.

Mr. Olmsted moved that the Committee of the Whole rise and report back Assembly Bill No. 316, with the recommendation that it do not pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 316—An Act to provide for the erection of embankments or levees to care for the flood waters of the Kern River, in Kern County—and do now report the same back, and recommend that it do not pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 316 ordered to engrossment and on third-reading file.

Assembly Bill No. 86—An Act to provide for the appointment of the California Cereal Improvement Commission, defining the purposes of said commission, and providing for an appropriation to pay the expenses thereof.

Withdrawn by the author, Mr. Drew.

Assembly Bill No. 67—An Act to appropriate the sum of \$20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon the Sonora and Mono road, a State highway.

Withdrawn by the author, Mr. Jones of Tuolumne.

Assembly Bill No. 279—An Act to provide for the location, construction, and management of a State highway from a point on the Lake

Tahoe State wagon road at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's to Tahoe City, and making an appropriation therefor.

Read second time.

MOTION.

Mr. Duryea moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 279.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 279 was considered in Committee of the Whole.

Mr. Duryea moved that the Committee of the Whole rise and report back Assembly Bill No. 279 without recommendation.

Motion carried.

IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 279—An Act to provide for the location, construction, and management of a State highway from a point on the Lake Tahoe State wagon road, etc.—and do now report the same back without recommendation.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 279 ordered to engrossment and on third-reading file.

Assembly Bill No. 308—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Bill withdrawn by Mr. Cromwell for the author, Mr. Tripp.

Assembly Bill No. 304—An Act to provide for the completion of certain buildings at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Bill withdrawn by Mr. Cromwell for the author, Mr. Tripp.

Assembly Bill No. 303—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Bill withdrawn by Mr. Cromwell for the author, Mr. Tripp.

Assembly Bill No. 660—An Act to pay the claim of Lawrence J. Dunnigan against the State of California, and making an appropriation therefor.

Read second time.

COMMITTEE AMENDMENTS.

The following committee amendments were read:

AMENDMENT No. 1.

Amend by striking out the words "ten thousand (\$10,000)" on line 1, Section 1, page 1, printed bill, and inserting in lieu thereof the words "five thousand (\$5,000)."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "ten thousand (\$10,000)" on line 3, Section 2, page 1, printed bill, and inserting in lieu thereof the words "five thousand (\$5,000)."

Amendment adopted.

## MOTION.

Mr. Treadwell moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 660.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 660 was considered in Committee of the Whole.

Mr. Treadwell moved that the Committee of the Whole rise and report back Assembly Bill No. 660, with the recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 660—An Act to pay the claim of Lawrence J. Dunnigan against the State of California, and making an appropriation therefor—and do now report same back, with amendments, and recommend that it do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 660 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 424—An Act to pay the claim of E. A. Dulip, as administrator of the estate of John P. Dulip, deceased, against the State of California, and making an appropriation therefor.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out the words "three thousand nine hundred and six dollars and thirty-five cents (\$3,906 35)," on lines 1 and 2, Section 1, first page, printed bill, and inserting in lieu thereof the following: "seventeen hundred and sixty-five dollars (\$1,765 00)."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the words "three thousand nine hundred and six dollars and thirty-five cents," on lines 3 and 4, Section 2, first page, printed bill, and inserting in lieu thereof the following: "seventeen hundred and sixty-five dollars."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out Section 4, line 1, first page, printed bill, and inserting in lieu thereof the following:

"SEC 4 This Act shall take effect July 1, 1905."

Amendment adopted.

## MOTION.

Mr. Treadwell moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 424.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 424 was considered in Committee of the Whole.

Mr. Treadwell moved that the Committee of the Whole rise and report back Assembly Bill No. 424, with recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 424—An Act to pay the claim of E. A. Dulip, as administrator of the estate of John P. Dulip, deceased, against the State of California, and making an appropriation therefor—and do now report the same back and recommend that it do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 424 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 200—An Act to pay the claim of James Touhey against the State of California, and making an appropriation therefor.

Read second time.

## MOTION.

Mr. O'Brien moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 200.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 200 was considered in Committee of the Whole.

Mr. Cromwell moved that the Committee of the Whole rise and report back Assembly Bill No. 200 without recommendation.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 200—An Act to pay the claim of James Touhey against the State of California, and making an appropriation therefor—and do now report the same back without recommendation.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 200 ordered to engrossment and on third-reading file.

Assembly Bill No. 552—An Act providing for the establishment of a branch agricultural experiment station of the University of California, providing for the appointment of a committee to purchase land, and appropriating money therefor.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1

Amend by striking out the title, first page, printed bill, and inserting in lieu thereof the following: "An Act providing for the establishment and maintenance of a pathological laboratory, for the investigation of tree and plant diseases and pests, and branch agricultural experiment station, and making an appropriation therefor."

Amendment adopted.

## AMENDMENT No. 2

Amend by striking out Section 1, first and second pages, printed bill, and inserting in lieu thereof the following:

"Section 1. There shall be established at a point and by means hereinafter provided a scientific station or laboratory, with the necessary grounds and buildings; this laboratory shall be equipped with the material and appliances necessary for the study and determination of the cause of diseases and conditions of orchard trees, fruits and vegetables, and shall provide the means for a thorough examination of fungous, bacterial, and other maladies, insects, pests, and diseases, and their remedy or prevention, the condition of the soil, cultivation and location that may tend to the imperfect nutrition and all physiological and other defects that may affect the economic production and marketing of horticultural products."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out Section 2, second page, printed bill, and inserting in lieu thereof the following:

"Section 2. The location of such pathological laboratory shall be in one of the several southern counties of the State of California, to be selected by a board of three commissioners hereby created, consisting of the Governor of the State, the President of the University of California, and the Professor of Agricultural Practice of the University of California, and said board of commissioners is hereby authorized and empowered to select such location, perfect the title thereof in the name of the Board of Regents of the University of California, and do such other acts as may be necessary to make legal the expenditure of the funds required by the purpose of this Act; *provided*, that said location may, at the option of the board of commissioners, be on lands already belonging to the State of California at Whittier or Patton."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out Section 3, second and third pages, printed bill, and inserting in lieu thereof the following:

"Section 3. When the title to the necessary lands has been perfected by the commission named in Section 2, the Regents of the University of California shall proceed to the construction of a building suitable for the protection and use of the laboratory, shall equip the laboratory and maintain it for the purposes designated in the title of this Act, and may receive, manage, use and hold gifts, leases, and bequests for promoting the purposes of this Act."

Amendment adopted.

## AMENDMENT No. 5.

Amend by striking out Section 4, third page, printed bill, and inserting in lieu thereof the following:

"Section 4. The Board of Regents or the President of the University of California, if the Regents so authorize, shall select not less than two experts in plant pathology, and such assistants as may be needed, who shall have active charge of the laboratory and the investigations and held experiments, and who shall reside at or near the said laboratory and give their entire time to the investigations required by the Board of Regents or their representative, and may from time to time publish the results of their inquiries and discoveries; the said Board of Regents shall fix the salaries of employes and provide for contingent expenses."

Amendment adopted.

## AMENDMENT No. 6.

Amend by striking out Section 5, third page, printed bill, and inserting in lieu thereof the following:

"Section 5. Said commissioners shall also establish and maintain a branch agricultural experiment station or stations under the provisions of this Act within the territory described in Section 2 of this Act for the purpose of carrying on experimental and investigational work in connection with the agricultural experiment work of the



University of California in ascertaining the best methods of horticultural management; for the investigation of fertilization; for the investigation of irrigation; for improving the methods of handling fruits for market; for the introduction of new varieties of fruits, and for such other investigations as may be deemed advisable to promote the horticultural interests of said district. Said commissioners may lease or accept gifts of lands for said purpose, and may select for the location of said station or stations any lands owned by the State in said district; *provided*, that should such station or stations be located upon lands owned by the State at Whittier Reform School, at Whittier, or the Southern California State Hospital, at Patton, they shall not embrace in the aggregate more than fifty acres. Said land shall be supplied with sufficient water for the proper irrigation of the same in any case."

### Amendment adopted.

#### AMENDMENT No. 7.

Amend by striking out Section 6, third page, printed bill, and inserting in lieu thereof the following.

"Section 6. The Regents of the University of California are required to adopt a general plan and schedule before the beginning of each fiscal year which shall describe the investigations and experiments to be pursued during such fiscal year, and it shall be the duty of the Board of Regents to receive and consider written statements from individuals and associations interested in said branches of horticulture, conveying plans or suggestions for investigations which they may approve or desire."

### Amendment adopted.

#### AMENDMENT No. 8.

Amend by adding a new section, to be known as Section 7, to read as follows:

"Section 7. The sum of thirty thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be expended by the Regents of the University of California in carrying out the purposes of this Act, and the State Controller is hereby authorized and directed to draw his warrant for the same, payable to the Regents of the University of California, and the Treasurer of the State is hereby directed to pay such warrant."

### Amendment adopted.

#### MOTION.

Mr. Estudillo moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 552.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 552 was considered in Committee of the Whole.

Mr. Estudillo moved that the Committee of the Whole rise and report back Assembly Bill No. 552, with the recommendation that it do pass as amended.

Motion carried.

#### IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 552—An Act providing for the establishment of a branch agricultural experiment station of the University of California, providing for the appointment of a committee to purchase land, and appropriating money therefor—and do now report the same back, with amendments, and recommend that the same do pass as amended.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 552 ordered to reprint, with rush order, engrossment, and on third-reading file.

Assembly Bill No. 608—An Act making an appropriation for the erection and construction of buildings and equipping the fair grounds, owned by or under the jurisdiction and control of the California State

Agricultural Society for exposition and State Fair purposes, and for the payment of other expenses incidental and relating thereto, and providing that certain moneys now in the State Treasury may be used in connection with this appropriation for such purposes.

Withdrawn by the author, Mr. Busick.

Assembly Bill No. 609—An Act making an appropriation to the Board of Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against the said society.

Read second time.

MOTION.

Mr. Busick moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 609.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 609 was considered in Committee of the Whole.

Mr. Busick moved that the Committee of the Whole rise and report back Assembly Bill No. 609, with the recommendation that it do pass.

Motion carried.

IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

REPORT OF COMMITTEE OF THE WHOLE

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 609—An Act making an appropriation to the Board of Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against the said society—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 609 ordered to engrossment and on third-reading file.

Assembly Bill No. 730—An Act to appropriate \$9,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles, California, to make necessary repairs and improvements in the building of said normal school.

Bill withdrawn by the author, Mr. McCartney.

Assembly Bill No. 825—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property.

Read second time.

The following amendment was submitted by Mr. Espey:

Amend by striking out of Section 2, line 13 of printed bill, the period (.) at the end of the line, and inserting in lieu thereof the following: a comma (,) and the words "or by a depositor against a bank or banker for the payment of a forged or raised check."

Amendment adopted.

Assembly Bill No. 825 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 518—An Act to amend an Act entitled "An Act to insure better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," providing

penalties for the violation thereof, and to repeal an Act now in force relating to the same, and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885.

Bill withdrawn by the author, Mr. Jones of Tuolumne.

Assembly Bill No. 342—An Act making an appropriation of \$250 to pay the bounty claim of Daniel Dougherty.

Passed on file.

Assembly Bill No. 556—An Act appropriating the sum of \$12,000 for the purchase and installment of a heating plant for the use of the State Normal School at Chico.

Bill withdrawn by the author, Mr. Gates.

Assembly Bill No. 792—An Act appropriating money to pay the expenses of collecting, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the International Exposition at Liege, Belgium, in 1905; also, for preparing and printing literature relating to the State for distribution at said exposition, and providing a commission and for expenses of commission and attachés.

Passed on file.

Assembly Bill No. 847—An Act to pay the claim of E. D. McCabe against the State of California, and to appropriate money therefor.

Bill withdrawn by the author, Mr. Lumley.

Assembly Bill No. 763—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Passed on file.

Assembly Bill No. 857—An Act making an appropriation to pay the claim of Messrs. Daugherty & Lacey for legal services rendered at the request of the Attorney-General in the prosecution of Ed. Morton, for highway robbery.

Bill withdrawn by the author, Mr. Cooper.

Assembly Bill No. 279—An Act appropriating the sum of \$10,000 for the relief of Lawrence J. Dunnigan.

Bill withdrawn by the author, Mr. Anthony.

Assembly Bill No. 543—An Act making an appropriation of \$45,616.30, to pay the claim of John Mullan against the State of California, and prescribing the duties of the Controller and Treasurer of the State in relation thereto.

Passed on file.

Assembly Bill No. 240 (identical with Senate Bill No. 94)—An Act to provide for the payment of the claims of John F. Forward, County Recorder, San Diego County, California, for recording tax deeds to the State of California, and making appropriations therefor.

Passed on file.

Assembly Bill No. 63—An Act to provide for the construction and maintenance of a fire-boat for the protection of shipping, and appropriating money therefor.

Passed on file.

Assembly Bill No. 544—An Act making an appropriation of \$45,616.30, to pay the claim of John Mullan against the State of California, and prescribing the duties of the Controller and Treasurer of the State in relation thereto.

Passed on file.

Assembly Bill No. 547—An Act to provide for the building, equipping, and furnishing of a wing to be used for patients at the Southern California State Hospital, and to make an appropriation for the same.

Read second time.

MOTION.

Mr. McCartney moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 547.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 547 was considered in Committee of the Whole.

Mr. McCartney moved that the Committee of the Whole rise and report back Assembly Bill No. 547, with the recommendation that it do pass.

Motion carried.

IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 547—An Act to provide for the building, equipping, and furnishing of a wing to be used for patients at the Southern California State Hospital, and to make appropriation for the same—and do now report the same back and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 547 ordered to engrossment and on third-reading file.

Assembly Bill No. 548—An Act to appropriate \$5,000 for the erection of a dairy building and the purchase of equipments therefor for the Southern California State Hospital.

Passed on file.

Assembly Bill No. 129—An Act making an appropriation for the erection of a dormitory at the home of the Industrial Home of Mechanical Trades for the Adult Blind.

Passed on file.

Assembly Bill No. 130—An Act making an appropriation for the erection of a workshop at the home of the Industrial Home of Mechanical Trades for the Adult Blind.

Passed on file.

Assembly Bill No. 801—An Act to appropriate the sum of \$3,500 to pay the claim of E. J. Card, and directing the State Controller to draw his warrant for the same and the State Treasurer to pay the same.

Read second time.

COMMITTEE AMENDMENTS.

The following committee amendments were read:

AMENDMENT No. 1.

Amend by striking out the word "thirty-five," on line 1 of title, first page, printed bill, and inserting in lieu thereof the word "twenty-five."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the word "three," on line 3, Section 1, first page, printed bill, and inserting in lieu thereof the word "two."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out the word "three," on line 3, Section 2, first page, printed bill, and inserting in lieu thereof the word "two."

Amendment adopted.

## MOTION.

Mr. Goodrich moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 801.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 801 was considered in Committee of the Whole.

Mr. Goodrich moved that the Committee of the Whole rise and report back Assembly Bill No. 801, with the recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 801—An Act to appropriate the sum of \$3,500 to pay the claim of E. J. Card, and directing the State Controller to draw his warrant for the same and the State Treasurer to pay the same—and do now report the same back, and recommend that it do pass as amended.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 801 was ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 962 (Committee Substitute for Assembly Bill No. 579)—An Act to pay the claim of the Lauritzen Company of San Francisco, a corporation, against the State of California, and making an appropriation to pay the same.

Read second time.

## MOTION.

Mr. O'Brien moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 962.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 962 was considered in Committee of the Whole.

Mr. O'Brien moved that the Committee of the Whole rise and report back Assembly Bill No. 962 without recommendation.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 962—An Act to pay the claim of the Lauritzen Company of San Francisco, a corporation, against the State of California, and making an appropriation to pay the same—and do now report the same back, without recommendation.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 962 ordered to engrossment and on third-reading file.

Assembly Bill No. 259—An Act to pay the claim of Mrs. A. McGinnes against the State, and making an appropriation therefor.

Read second time.

## MOTION.

Mr. Beardslee moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 259.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 259 was considered in Committee of the Whole.

Mr. Beardslee moved that the Committee of the Whole rise and report back Assembly Bill No. 259, without recommendation.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 259—An Act to pay the claim of Mrs. A. McGinnes against the State, and making an appropriation therefor—and do now report the same back, without recommendation.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 259 ordered to engrossment and on third-reading file.

Assembly Bill No. 753—An Act to pay the claim of Philip Bauer against the State of California, and to make an appropriation therefor.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out the words "five thousand (\$5,000)," on line 1, Section 1, page 1, printed bill, and inserting in lieu thereof the words "two thousand five hundred (\$2,500)."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out Section 4, page 1, printed bill, and inserting in lieu thereof the following: "This Act shall take effect July 1st, 1905."

Amendment adopted.

## MOTION.

Mr. McGowan moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 753.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 753 was considered in Committee of the Whole.

Mr. McGowan moved that the Committee of the Whole do rise and report back Assembly Bill No. 753, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 753—An Act to pay the claim of Philip Bauer against the State of California, and to make an appropriation therefor—and do now report the same back, and recommend that it do pass as amended.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 753 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 923—An Act to provide for the construction of permanent bridgework on the Lake Tahoe wagon road, a State highway, and making an appropriation therefor.

Read second time.

## MOTION.

Mr. Duryea moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 923.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 923 was considered in Committee of the Whole.

Mr. Duryea moved that the Committee of the Whole rise and report back Assembly Bill No. 923, with the recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 923—An Act to provide for the construction of permanent bridge work on the Lake Tahoe wagon road, a State highway, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 923 ordered to engrossment and on third-reading file.

Assembly Bill No. 633—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California, and to make an appropriation therefor.

Passed on file.

Assembly Bill No. 718—An Act to provide continuous support for the prosecution of the work of river improvement, to create a fund therefor, and to make an appropriation for the commencement of such work.

Read second time.

MOTION.

Mr. Moore moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 718.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 718 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

Mr. Moore moved that the Committee of the Whole rise and report back Assembly Bill No. 718 without recommendation.

Motion carried.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 718—An Act to provide continuous support for the prosecution of the work of river improvement, to create a fund therefor, and to make an appropriation for the commencement of such work—and do now report the same back, without recommendation.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 718 ordered to engrossment and on third-reading file.

Assembly Bill No. 600—An Act to provide for the establishment of a hospital for persons afflicted with leprosy, and for the restraint of such persons, and to provide for an appropriation of money for the establishment and maintenance of such hospital, and to pay the expenses incidental thereto.

Passed on file.

Assembly Bill No. 831—An Act to promote and facilitate the enforcement of laws against the adulteration of foods and drugs, creating certain officers, prescribing their duties, their terms of office, fixing their salaries, and making an appropriation to pay such salaries and other expenses, creating the pure-food fund, defining certain crimes and providing penalties for the punishment thereof, and repealing inconsistent Acts.

Read second time.

COMMITTEE AMENDMENTS.

The following committee amendments were read:

AMENDMENT No. 1.

Amend by striking out the following: "making an appropriation to pay such salaries and other expenses," on lines 4 and 5 of title.

Amendment adopted.



## AMENDMENT No. 2.

Amend by striking out the words "of one hundred and fifty dollars per month," on lines 7 and 8, Section 2, second page, printed bill, and insert in lieu thereof the following: "to be fixed by said board of health, payable out of the fund herein created."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out the words "monthly salary of one hundred and twenty-five dollars," on lines 11 and 12, Section 3, second page, printed bill, and insert in lieu thereof the following: "salary to be fixed by said board of health, payable out of the fund herein created."

Amendment adopted.

## AMENDMENT No. 4.

Amend by adding at the end of Section 4 the following: "payable out of the fund herein created."

Amendment adopted.

## AMENDMENT No. 5.

Amend by striking out all of Section 8, and insert in lieu thereof the following: "Section 8. All moneys paid under this Act shall be paid by the State Treasurer from the special fund herein created, known as the pure-food fund, as allowed by this Act, on warrants certified by the State Board of Health, and be approved by the State Board of Examiners before being audited and paid."

Amendment adopted.

## AMENDMENT No. 6

Strike out all of Section 9.

Amendment adopted.

## AMENDMENT No. 7.

Strike out the numerals 10, on line 1, Section 10, third page, printed bill, and insert in lieu thereof the following: "Section 9."

Amendment adopted.

## AMENDMENT No. 8.

Strike out the numerals "11" on line 1, Section 2, fourth page, printed bill, and insert in lieu thereof the following: "Section 10."

Amendment adopted.

Assembly Bill No. 831 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 728—An Act to create a reclamation district, to be called "Reclamation District No. 70," and providing for the control and management thereof.

Passed on file.

Assembly Bill No. 1081—An Act making an appropriation to pay the claim of Dr. Geo. T. Hesser for professional services rendered and expenses incurred by him at the instance and request of the State Prison officials at Represa, in attendance upon Guards Cotter, Cochrane, and Chalmers, after the prison break at the said State Prison on July 27, 1903.

Read second time.

## MOTION.

Mr. Transue moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 1081.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 1081 was considered in Committee of the Whole.

Mr. Transue moved that the Committee of the Whole rise and report back Assembly Bill No. 1081 with the recommendation that it do pass.

Motion carried.

## IN ASSEMBLY

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1081—An Act making an appropriation to pay the claim of Dr. Geo. T. Hesser for professional services rendered and expenses incurred by him at the instance and request of the State Prison officials at Represa, in attendance upon Guards Cotter, Cochrane, and Chalmers, after the prison break at the said State Prison on July 27, 1903—and do now report the same back, and recommend that it do pass.

PRESCOTT, Chairman

The report of the Committee of the Whole was adopted.

Assembly Bill No. 1081 ordered to engrossment and on third-reading file.

Assembly Bill No. 961—An Act to provide for the survey, location, plans, and estimate of cost of a highway from San Francisco to the southern boundary of San Diego County, and making an appropriation therefor.

Bill withdrawn by the author, Mr. Transue.

Assembly Bill No. 623—An Act to appropriate \$25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such appropriation.

Passed on file.

Assembly Bill No. 1038—An Act making an appropriation to pay the claims for services, subsistence, supplies, and transportation of the National Guard of California, called into service by the Governor in the month of July, 1903.

Bill withdrawn by the author, Mr. Weyand.

Assembly Bill No. 854—An Act to appropriate \$2,000 to erect a monument on the summit of Mount Shasta, Siskiyou County, California, and providing for the payment of such appropriation.

Passed on file.

Assembly Bill No. 66—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.

Bill withdrawn by the author, Mr. Jones of Tuolumne.

Assembly Bill No. 1164—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California," which became a law under constitutional provision February 27, 1901.

Read second time, and ordered to engrossment and on third-reading file.

Assembly Bill No. 607—An Act to add a new section to the Political Code, to be known as Section 1576a, providing for clerks of school boards in certain cases, and for payment of their salaries.

Read second time, and ordered to engrossment and on third-reading file.

Assembly Bill No. 454—An Act to appropriate \$25,000 to advertise the products of the State of California.

Bill withdrawn by the author, Mr. Cleveland.

Assembly Bill No. 875—An Act to amend an Act entitled "An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society," approved March 25, 1901.

Read second time.

## MOTION.

Mr. Busick moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 875.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 875 was considered in Committee of the Whole.

Mr. Busick moved that the Committee of the Whole rise and report back Assembly Bill No. 875, with the recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

(GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 875—An Act to amend an Act entitled "An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society," approved March 25, 1901—and do now report same back and recommend that it do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 875 ordered to engrossment and on third-reading file.

Assembly Bill No. 983—An Act to provide for an appropriation for the preservation, protection, and improvement of the Monterey Custom House property.

Bill withdrawn by the author, chairman of Committee on Public Buildings and Grounds.

Assembly Bill No. 580—An Act to provide for the completion of the survey and the location and erection of the remaining milestones on the Lake Tahoe wagon road, and making an appropriation therefor.

Passed on file.

Assembly Bill No. 418—An Act to pay the claim of H. N. Sitton, and to make an appropriation therefor, for the sum of \$1,856.78 on bond of the State of California, numbered 592, issued July 9, 1858.

Read second time.

## MOTION.

Mr. Busick moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 418.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 418 was considered in Committee of the Whole.

Mr. Busick moved that the Committee of the Whole rise and report back Assembly Bill No. 418 without recommendation.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 418—An Act to pay the claim of H. N. Sitton, and to make an appropriation therefor, for the sum of \$1,856.78 on bond of the State of California, numbered 592, issued July 9, 1858—and do now report same back, without recommendation.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.  
Assembly Bill No. 418 ordered to engrossment and on third-reading file.

## BILL RE-REFERRED.

Assembly Bill No. 985—An Act to establish a California State irrigation school and experiment farm, and appropriating money therefor.

On motion of Mr. Cooper, Assembly Bill No. 985 was ordered re-referred to the Committee on Ways and Means.

## SECOND-READING FILE—(RESUMED).

Assembly Bill No. 267—An Act to amend Sections 1, 4, 5, 6, 7, and 8 of an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation."

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read :

## AMENDMENT No. 1.

Amend by striking out the figures 4, 6, 7, and 8, together with the word "and" on line 1, page 1, printed bill.

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the words "appointed by the Governor" on line 6, page 1, printed bill, and insert in lieu thereof the word "elected."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out the word "appointed" on line 7, page 1, printed bill, and insert in lieu thereof the word "elected."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out the words "one for one year, one for two years, and one for three years," which words begin immediately after the word "allopath," on line 8, page 1, printed bill, and immediately before the word "three," which is the last word in line 9, page 1, printed bill.

Amendment adopted.

## AMENDMENT No. 5.

Amend by striking out the words beginning with and including the word "one," immediately after the word "homeopaths," on line 11, and ending with and including the word "years" after the word "three," and immediately before the word "and," on line 12, page 2, printed bill.

Amendment adopted.

## AMENDMENT No. 6.

Amend by striking out the words beginning with and including the word "one" on line 14, immediately after the word "California" and ending with and including the word "society," the last word on line 32, page 2, printed bill, and inserting in lieu thereof the following: "said members shall be elected annually by said societies, respectively, according to such rules as each society may adopt for the election of the members to be elected by it, and the members so elected shall serve for one year and until their successors shall have been elected and qualified; each of said societies, respectively, may also elect alternates, who shall fill such vacancy as may occur in its representation on the board."

Amendment adopted.

## AMENDMENT No. 7.

Amend by striking out all of Section 4, printed bill, beginning on and including line 38, page 2, and ending with and including line 56, page 3, printed bill.

Amendment adopted.

## AMENDMENT No. 8.

Amend by striking out the words "that hereinafter set forth in this Act," on line 65, page 3, printed bill, and inserting in lieu thereof the following: "some one of the medical society hereinbefore named, to wit: The Medical Society of the State of California (allopath), or the California State Homeopathic Medical Society (homeopaths), or the Eclectic Society of the State of California."

Amendment adopted.

Assembly Bill No. 267 ordered to reprint, with rush order, to engrossment, and on third-reading file.

Assembly Bill No. 672—An Act to protect trade and commerce against unlawful restraints and monopolies.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out the words "to protect trade and commerce against unlawful restraints and monopolies" in the title, printed bill, and inserting in lieu thereof the following: "An Act to protect trade and commerce within the State of California against unlawful restraints and monopolies; making unlawful every contract, combination, or conspiracy in restraint of trade or commerce, or to monopolize any part of the trade or commerce within the State of California, and providing penalties and remedies for violations of the provisions of this Act."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out all of Section 7 on second page, printed bill, and inserting in lieu thereof the following:

"Sec. 7. This Act shall not be construed as applying to associations composed exclusively of the growers of agricultural and horticultural products within this State, formed for the sole purpose of marketing such crops grown by the members of such associations."

"Sec. 8. This Act shall take effect immediately."

Amendment adopted.

Assembly Bill No. 672 ordered to reprint, with rush order, to engrossment, and on third-reading file.

Assembly Bill No. 1171—An Act to amend Section 136 of the Civil Code, relating to provisions for maintenance where divorce is denied.

Read second time.

## SPECIAL ORDER.

On motion of Mr. McCartney, Assembly Bill No. 1171 was made a special order for Monday, March 6, 1905, immediately after the reading of the Journal.

## SECOND-READING FILE—(RESUMED).

Assembly Bill No. 1023—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof

Passed on file.

Assembly Bill No. 1143—An Act to amend Section 685 of the Code of Civil Procedure, relating to the enforcement or carrying into execution of judgment after the lapse of five years from the date of entry.

Read second time.

## COMMITTEE AMENDMENT.

The following committee amendment was read:

Amend by striking out all of Section 2.

Amendment adopted.

Assembly Bill No. 1143 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 756 An Act to add a new section to the Civil Code, under Title II of Part II thereof, to be numbered Section 3443, relating to contracts with reference to compensation for future services.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out the word and figure "Sec. 2" on line 1, of Section 2, page 2 of the printed bill.

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out Section 3.

Amendment adopted.

Assembly Bill No. 756 ordered to reprint and on third-reading file.

Assembly Bill No. 864—An Act to amend Section 459 of the Penal Code of the State of California, relating to the crime of burglary.

Read second time.

## COMMITTEE AMENDMENT.

The following committee amendment was read:

Amend by striking out after the enacting clause of the printed bill all of lines 1 to 14 both inclusive, and insert in lieu thereof the following:

"Section 1. Section 459 of the Penal Code is hereby amended to read as follows:

"Sec. 459. Every person who enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse, or other building, tent, vessel, or railroad car, with intent to commit grand or petit larceny, or any felony, is guilty of burglary; and every person who commits, or attempts to commit, grand or petit larceny in any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse, or other building, tent, vessel, or railroad car, shall be conclusively presumed to have entered the same with the intent to commit grand or petit larceny."

Amendment adopted.

Assembly Bill No. 864 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 1031—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 229a, relating to the adoption of children.

Read second time.

Assembly Bill No. 1031 ordered to engrossment and on third-reading file.

Assembly Bill No. 951—An Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to persons who cannot testify.

Read second time.

Assembly Bill No. 951 ordered to engrossment and on third-reading file.

Assembly Bill No. 858—An Act to create a commission to examine, take into consideration, arrange for, and devise plans for the removal of the annual State Fair of the State Agricultural Society to San Francisco, or within fifty miles thereof, and making an appropriation therefor.

Read second time.

#### MOTION.

Mr. Beckett moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 858.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 858 was considered in Committee of the Whole.

Mr. Beckett moved that the Committee of the Whole rise and report back Assembly Bill No. 858 without recommendation.

Motion carried.

#### IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 858—An Act to create a commission to examine, take into consideration, arrange for, and devise plans for the removal of the annual State Fair of the State Agricultural Society to San Francisco, or within fifty miles thereof, and making an appropriation therefor—and do now report the same back without recommendation.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 858 ordered to engrossment and on third-reading file.

Assembly Bill No. 954—An Act to amend Section 1 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1899, and March 31, 1891," approved March 31, 1897.

Read second time.

Assembly Bill No. 954 ordered to engrossment and on third-reading file.

Assembly Bill No. 803—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof.

#### SPECIAL ORDERS.

On motion of Mr. Jones, Assembly Joint Resolution No. 10 was made a special order for Tuesday, March 7, 1905, immediately after the reading of the Journal.

Assembly Joint Resolution No. 8—A resolution relative to parcels post. On motion of Mr. Busick, Assembly Joint Resolution No. 8 was made a special order for Monday, March 6, 1905.

Assembly Bill No. 1078—An Act providing for the selection and sale by the State of California of lands in lieu of the vacant sixteenth and thirty-sixth school sections embraced in confirmed or proposed Government forest reserves.

Passed on file.

Assembly Bill No. 1152—An Act to amend Section 204 of the Code of Civil Procedure of the State of California, concerning the listing of grand and trial jurors.

Read second time.

Assembly Bill No. 1152 ordered to engrossment and on third-reading file.

Assembly Bill No. 1131—An Act to amend Section 1143 of the Penal Code, relating to the payment of jurors' fees.

Read second time.

#### COMMITTEE AMENDMENT.

The following committee amendment was read:

Amend by striking out of line 7 of the printed bill the word "fifteen," and inserting in lieu thereof the word "twenty-five."

Amendment lost.

Assembly Bill No. 1131 ordered to engrossment and on third-reading file.

Assembly Bill No. 1132—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be numbered Section 196, relating to the fees of jurors.

Bill withdrawn by the author, Mr. Whiting.

Assembly Bill No. 1135—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known and numbered Section 181½, relating to damages caused to sheep, and cashmere and angora goats, by the ravages of dogs.

Read second time, ordered to engrossment, and on third-reading file.

Assembly Bill No. 995—An Act entitled "An Act to protect the purchaser of merchandise against fraud and deception."

Read second time.

#### COMMITTEE AMENDMENTS.

The following committee amendments were read:

##### AMENDMENT No. 1.

Amend by striking out of the title all after the words "An Act," and insert in lieu thereof the following: "to add a new section to the Penal Code, to be known as Section six hundred and fifty-four (654a), relating to the protection of the purchaser of merchandise against fraud and deception"

Amendment adopted.

##### AMENDMENT No. 2.

Amend by inserting after the title the enacting clause, as follows: "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Amendment adopted.

##### AMENDMENT No. 3.

Amend by striking out all after the word and figure "Section 1," in line 1 of the printed bill, and insert in lieu thereof the following:

"Section 1. A new section is hereby added to the Penal Code, to be known as Section 654a, to read as follows:

"654a. Any person, firm or corporation doing business in this State as a merchant, who advertises or displays any brand of goods known to the general public, and quotes



prices in connection therewith as an inducement to attract purchasers to the place of business so advertised, who shall make verbal or show printed or written false statements regarding the quality or merits of the goods advertised, is guilty of a misdemeanor."

Amendment adopted.

Assembly Bill No. 995 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 1148—An Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered and designated Section 595a, relating to certificates of authority to be issued to insurance companies.

Read second time.

#### COMMITTEE AMENDMENT.

The following committee amendment was read:

Amend by striking out all after the word " follows," on line 3, first page, printed bill, and inserting in lieu thereof:

" Section 595a The certificate of authority issued by the Insurance Commissioner authorizing persons or companies to transact business in this State, shall be renewed on the first day of July of each year; *provided*, that the persons or companies so authorized are in a solvent condition as prescribed by Section 602 of this Code, and have fully complied with the requirements of this article, and every certificate of authority now or hereafter issued shall terminate on the first day of the succeeding July. For such certificate of authority, and each renewal thereof, the person or company to whom same shall be issued shall pay to the Insurance Commissioner for the State of California a fee of ten (10) dollars "

Amendment adopted.

Assembly Bill No. 1148 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 891—An Act to authorize cities owning their own lighting plants to furnish lamps and fixtures to consumers, and to install same, and to wire buildings for electric lighting.

Read second time.

Assembly Bill No. 891 ordered to engrossment and on third-reading file.

Assembly Bill No. 881—An Act to amend Section 1056 of the Code of Civil Procedure, relating to sureties on undertakings and bonds.

Read second time.

Assembly Bill No. 881 ordered to engrossment and on third-reading file.

Assembly Bill No. 477—An Act for the better protection of the investing public; providing that any corporation or association formed for or with the idea of raising its circulating capital, investment, or operating fund or funds, or the equivalent thereof, by the sale of its own bonds, debentures, investment certificates, contracts, or other choses in action, must make a deposit with the State Treasurer, must register with the Secretary of State, and pay certain fees, must make and file annual reports, pay annual fees and submit to an expert examination by a disinterested public accountant to be designated by the Secretary of State, and providing penalties for violations of the provisions hereof.

Read second time.

Assembly Bill No. 477 ordered to engrossment and on third-reading file.

Assembly Bill No. 1165—An Act appropriating the sum of \$20,000 for the construction of a building, and supporting and maintaining a university school of observation and practice, and providing for the drawing of a warrant therefor by the Controller in favor of the Regents of the University of California, and the payment of said warrant by the State Treasurer.

Passed on file.

Assembly Bill No. 1173—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to money received by the wardens thereof.

Read second time.

Assembly Bill No. 1173 ordered to engrossment and on third-reading file.

Assembly Bill No. 1020—An Act to amend Section 1183 of the Code of Civil Procedure, relating to mechanics', laborers', miners', and materialmen's liens.

Read second time.

#### COMMITTEE AMENDMENTS.

The following committee amendments were offered:

By Mr. McKenney:

Amend by striking out of line 4 of the title of printed bill the words: "and materialmen's liens," and inserting in lieu thereof the following " , materialmen's, contractors', and other liens upon real property "

Amendment adopted.

Amend by striking out all after the enacting clause and inserting in lieu thereof the following:

"SECTION 1. Section 1183 of the Code of Civil Procedure is hereby amended so as to read as follows:

"1183. Mechanics, materialmen, contractors, subcontractors, artisans, architects, machinists, builders, miners, and all persons and laborers of every class performing labor upon or furnishing materials to be used in the construction, alteration, addition to, or repair, either in whole or in part, of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, wagon-road or other structure, shall have a lien upon the property upon which they have bestowed labor or furnished materials, for the value of such labor done and materials furnished, whether at the instance of the owner, or of any other person acting by his authority or under him, as contractor or otherwise; and any person who performs labor in any mining claim or claims, or in or upon any real property worked as a mine, either in the development thereof or in working thereon by the subtractive process, has a lien upon the same, and the works owned and used by the owners for reducing the ores from such mining claim or claims or real property so worked as a mine, for the work or labor done or materials furnished by each respectively, whether done or furnished at the instance of the owner of such mining claim or claims, or real property worked as a mine, or of the building, or other improvement, or his agent, and every contractor, subcontractor, architect, builder, or other person having charge of any mining, or work and labor performed in and about such mining claim or claims, or real property worked as a mine, or the construction, alteration, addition to, or repair, either in whole or in part, of any building or other improvement as aforesaid, or of such mining claim or claims, shall be held to be the agent of the owner for the purposes of this chapter. In case of a contract for the work between the reputed owner and his contractor, the liens shall extend to the entire contract price, and such contract shall operate as a lien in favor of all persons, except the contractor, to the extent of the whole contract price, and after all such liens are satisfied, then as a lien for any balance of the contract price in favor of the contractor. All such contracts shall be in writing when the amount agreed to be paid thereunder exceeds one thousand dollars, and shall be subscribed by the parties thereto, and the said contract or a memorandum thereof, setting forth the names of all the parties to the contract, a description of the property to be affected thereby, together with a statement of the general character of the work to be done, the total amount to be paid thereunder, and the amounts of all partial payments, together with the times when such payments shall be due and payable, shall, before the work is commenced, be filed in the office of the county recorder of the county, or city and county, where the property is situated, who shall receive one dollar for such filing; otherwise they shall be wholly void, and no recovery shall be had thereon by either party thereto; and in such case, the labor done and materials furnished by all persons aforesaid, except the contractor, shall be deemed to have been done and furnished at the personal instance of the owner, and they shall have a lien for the value thereof "

Amendment adopted.

Assembly Bill No. 1020 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 977—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 215 thereof, relating to the salaries and fees of county officers of the third class.

Read second time.

## COMMITTEE AMENDMENT.

The following committee amendment was read:

Amend by striking out all after the words "An Act," on line 1 of title page, all of pages 1, 2, and 3 of printed bill, and insert in lieu thereof the following:

To amend Section 215 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, relating to the compensation of county and township officers, and providing for the appointment of certain deputy county officials

*"The people of the State of California, represented in Senate and Assembly, do enact as follows*

"Section 1. Section 215 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, is hereby amended to read as follows:

"Section 215. The salaries and fees provided in this act shall be in full compensation for all services of every kind and description rendered by the officers herein named either as officers or ex-officio officers, their deputies and assistants, unless in this act otherwise provided, and all deputies employed shall be paid by their principals out of the salaries hereinbefore provided, unless in this act otherwise provided, *provided*, and except that where an assistant district attorney has been heretofore appointed in any county, either under the provisions of subdivision thirty-six of section twenty-five, or under any other provisions of an act entitled 'An Act to establish a uniform system of county and township government,' approved March twenty-four, eighteen hundred and ninety-three, and such assistant is continued by the provisions of this act, either as an assistant or deputy in such county, then such deputy or assistant shall be paid out of the funds of such county, as heretofore or herein provided, the assessor shall be entitled to receive and retain for his own use six per cent on personal property tax collected by him, as authorized by section thirty-eight hundred and twenty of the Political Code and fifteen per cent of all amounts collected by him for poll taxes and road poll taxes, and also five dollars per hundred names of persons returned by him as subject to military duty, as provided in section nineteen hundred and one of the Political Code, and the license collector shall be entitled to receive and retain for his own use ten per cent of all county licenses collected by him, except where otherwise provided in this act, and the commissions allowed by law for collecting the state liquor license tax; *provided, however*, that in counties and cities and counties of the first and second class, the assessor shall have no commission for the collection of taxes on personal property, *provided, however*, that in counties, and cities and counties of the first, second, and third class, the assessor shall not receive any compensation for making out military roll of persons returned by him as subject to military duty as provided by section nineteen hundred and one of the Political Code; nor shall the license collector in cities and counties of the first class and counties of the second class receive any commission on licenses collected by him except the commissions on state liquor licenses; *provided*, that the treasurer shall receive and retain for his own use the commissions on all inheritance and transfer taxes collected by him; *and provided further*, that whenever the treasurer of any county shall employ a special attorney for the collection of such taxes said attorney shall be paid out of the commissions and fees allowed by law for the collection of such taxes; *provided*, that in any county where the number of judges of the superior court shall have been increased since the first day of January, eighteen hundred and ninety-seven, or shall hereafter be increased, there must be and there hereby is allowed to the sheriff of such county, by reason of such increase, one additional deputy, to be appointed by the sheriff, at a salary of not exceeding twelve hundred dollars per annum, to be paid at the same time and in the same manner as other county officers are paid; and also there must be and is hereby allowed to the county clerk of such county, one additional deputy to act as court-room clerk, for each judge so appointed or elected, at a salary not exceeding twelve hundred dollars per annum for each of said deputies, to be paid at the same time and in the same manner as other county officers are paid. The board of supervisors shall allow to the sheriff his necessary expenses for pursuing criminals, or transacting any criminal business without the boundaries of his county, and for boarding prisoners in the county jail, *provided* that the board of supervisors shall fix a reasonable price at which such prisoners shall be boarded, if not otherwise provided for in this act; *provided further*, that the sheriff shall be entitled to receive and retain for his own use, five dollars per diem for conveying prisoners to and from the State prisons, and for conveying persons to and from the insane asylums, or any other State institutions not otherwise provided for by law, also all expenses necessarily incurred in conveying insane persons to and from the insane asylums, and in conveying persons to and from the State prisons, or other State institutions, which per diem and expenses shall be allowed by the Board of Examiners and collected from the State. The court shall also allow the sheriff his necessary expenses in keeping and preserving property seized on attachment or executions to be paid out of the fees collected in the action. The sheriff may retain for his own use the mileage for service of papers or process issued by any court of the State outside of his own county

*"Provided further*, that the county treasurers of the several counties of this State where their necessary expense incurred in the making of the State settlements provided for by Section 3866, Political Code, shall exceed the maximum amount of mileage allowed

them by Section 3878 of the Political Code, shall be allowed out of the county treasury of their respective counties, the amount of such excess, which shall be paid as other demands against the county are paid "

Amendment adopted.

Assembly Bill No. 977 ordered to reprint with a rush order, to engrossment, and ordered to third reading on the special file.

Assembly Bill No. 660—An Act to pay the claim of Lawrence J. Dunnigan against the State of California, and making an appropriation therefor.

Withdrawn by the author, Mr. Anthony.

#### SPECIAL FILE.

The following bills on special file were taken up for second reading:

Assembly Bill No. 197—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 25, 1901.

Passed on file.

Assembly Bill No. 198—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, by amending Section 34 of said Act.

Passed on file.

Assembly Bill No. 906—An Act making an appropriation of \$5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of building and equipping a hospital for the use of the boys' school on the grounds of said school.

Passed on file.

Assembly Bill No. 526—An Act to repeal Section 64 of the Penal Code of the State of California, relating to witnesses in election cases.

Read second time.

Assembly Bill No. 526 ordered to engrossment and on third-reading file.

#### BILL RECALLED FROM COMMITTEE.

Senate Bill No. 196—An Act to pay the claim of Fred E. Borton, and making an appropriation therefor.

Senate Bill No. 196 was recalled from the Committee on Claims, and placed on the special Senate file, it being identical with Assembly Bill No. 322 (No. 250 on the file), and Assembly Bill No. 322 was withdrawn.

Assembly Bill No. 994—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavits of registration.

Read second time, and ordered to engrossment and on third-reading file.

Assembly Bill No. 929—An Act to amend an Act entitled "An Act to amend Section 36 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901, relating to counties of the thirty-second class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the county surveyor," approved March 19, 1903, and in this Act relating to

the compensation of the county recorder, auditor, treasurer, county surveyor, county clerk, district attorney, and members of the board of supervisors.

Read second time.

COMMITTEE AMENDMENTS.

The following committee amendments were read:

AMENDMENT No. 1.

In the title of printed bill after the word "treasurer" strike out the words "county surveyor."

Amendment adopted.

AMENDMENT No. 2.

On line 22 of second page of printed bill, after the word "annum," insert the words "and in any year when a new great register of voters is required by law, he shall receive five hundred dollars additional for said year, which shall be in full for all services required in registering voters and making such new great register"

Amendment adopted.

AMENDMENT No. 3.

On line 34 of second page of printed bill, after the word "attorney," strike out the words "three thousand," and insert in lieu thereof the words "two thousand four hundred"

Amendment adopted.

AMENDMENT No. 4.

On line 42 of second page of printed bill, after the word "thousand," strike out the word "eight," and insert in lieu thereof the word "six."

Amendment adopted.

AMENDMENT No. 5.

Strike out Section 2.

Amendment adopted.

Assembly Bill No. 929 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 989—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections and adding certain sections thereto, relating to county officers and their compensation in counties of the fourteenth class.

Passed on file.

Assembly Bill No. 982—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

Read second time.

COMMITTEE AMENDMENTS.

The following committee amendments were read:

AMENDMENT No. 1.

On line 18, page 2, strike out the word "five," and insert in lieu thereof the word "eight."

Amendment adopted.

AMENDMENT No. 2.

On line 22, page 2, after the word "dollars," insert the words "per annum."

Amendment adopted.

## AMENDMENT No. 3.

On page 2, line 35, strike out the words "two thousand," and insert in lieu thereof the words "fifteen hundred."

Amendment adopted.

## AMENDMENT No. 4.

On line 34, page 2, after the words "per annum," insert the following: "he may employ such assistants as may be necessary in making maps, plats, and drawings, estimated for use in the assessor's office, in the performance of his duties, and the expenses thereof shall be a charge against the county."

Amendment adopted.

## AMENDMENT No. 5.

On line 70, page 3, after the words "population of," strike out the word "ten," and insert in lieu thereof the word "seven."

On line 73, page 3, after the words "less than," strike out the word "ten," and insert in lieu thereof the word "seven."

On line 74, page 3, before the word "thousand," strike out the word "five," and insert in lieu thereof the word "four."

On line 108, page 4, strike out the word "ten," and insert in lieu thereof the word "seven."

On line 111, strike out the word "ten," and insert in lieu thereof the word "seven."

On same line, strike out the word "five," and insert in lieu thereof the word "four."

Amendment adopted.

Assembly Bill No. 982 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 74—An Act making an appropriation of \$6,000 for the construction of cement sidewalks on the public streets of the Town of Berkeley, surrounding and adjacent to the grounds of the University of California, in Alameda County, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out the words "six thousand dollars for," on line 1 of the title, first page, printed bill, and inserting in lieu thereof the following: "\$14,000, to be used in grading, curbing, and macadamizing of, and."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the word "six," on line 1, first page, printed bill, and inserting in lieu thereof the word "fourteen."

Amendment adopted.

## AMENDMENT No. 3.

Amend by inserting after the word "in," on line 4, first page of printed bill, the following: "grading, curbing, macadamizing of and."

Amendment adopted.

## MOTION.

Mr. Waste moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 74.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 74 was considered in Committee of the Whole.

Mr. Waste moved that the Committee of the Whole rise and report back Assembly Bill No. 74, and recommend that the amendments be adopted, but the bill do not pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 74—An Act making an appropriation of \$6,000 for the construction of cement sidewalks on the public streets of the Town of Berkeley, surrounding and adjacent to the grounds of the University of California, in Alameda County, and prescribing the duties of the Controller and Treasurer in relation thereto—and do now report the same back, and recommend that the amendments be adopted, but that the bill do not pass.

PRESCOTT, Chairman.

Assembly Bill No. 74 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 197—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 25, 1901.

Passed on file.

Assembly Bill No. 1035—An Act to provide for the payment of the fees of county surveyors, and to designate from what fund such fees shall be paid.

Read second time, ordered to engrossment and on third-reading file.

Assembly Bill No. 1083—An Act providing the manner of purchasing the furniture for public county buildings by boards of supervisors in certain cases.

## COMMITTEE AMENDMENT.

The following committee amendment was read:

Amend by striking out all after the words "An Act" on line 1 of title, and insert in lieu thereof the following:

"To amend Section 4047 of the Political Code of the State of California, relating to Boards of Supervisors

"The People of the State of California, represented in Senate and Assembly, do enact as follows:

"Section 1. Section 4047 of the Political Code is hereby amended, to read as follows: Supervisors must contract for

"1. All county printing.

"2. All books and stationery.

"3. All supplies for county institutions including any article or articles of furniture for use in any county building

"And contracts must be made with the lowest bidder and after ten days' public notice that such contract will be let. The bidding must be by sealed proposals; *provided* that when such supplies consist of furniture and the cost thereof is estimated to exceed the sum of three hundred dollars the Board of Supervisors shall by resolution specifically describe the kind of furniture wanted, and the contract therefor must be made to the lowest bidder, and after two weeks' notice by publication in a newspaper of general circulation in the county. The board shall have power to reject any and all bids and shall readvertise as before."

Amendment adopted.

Assembly Bill No. 1083 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 1153—An Act to amend Section 153 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to county and township officers of counties of the second class.

Read second time.

Assembly Bill No. 1153 ordered to engrossment and on third-reading file.

Assembly Bill No. 1133—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 9, 1889, relating to the alterations of the boundaries of and for the annexation of territory to incorporated towns and cities.

Read second time.

Assembly Bill No. 1133 ordered to engrossment and on third-reading file.

Assembly Bill No. 138—An Act appropriating money for the construction of a refrigerating plant at the Preston School of Industry.

Read second time.

#### COMMITTEE AMENDMENT.

The following committee amendment was read:

Amend by striking out Section 4.

Amendment adopted.

#### MOTION.

Mr. McKenney moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 138.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 138 was considered in Committee of the Whole.

Mr. McKenney moved that the Committee of the Whole rise and report back Assembly Bill No. 138, with the recommendation that it do pass as amended.

Motion carried.

#### IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 138—An Act appropriating money for the construction of a refrigerating plant at the Preston School of Industry—and do now report the same back, and recommend that the same do pass as amended.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 138 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 132—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a dam across Sutter Creek.

Read second time.

#### COMMITTEE AMENDMENT.

The following committee amendment was read:

Amend by striking out Section 4.

Amendment adopted.



## MOTION.

Mr. McKenney moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 132.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 132 was considered in Committee of the Whole.

Mr. McKenney moved that the Committee of the Whole rise and report back Assembly Bill No. 132, with recommendation that it do pass as amended.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 132—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a dam across Sutter Creek—and do now report the same back, and recommend that it do pass as amended.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 132 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 136—An Act appropriating money for building an assembly hall at the Preston School of Industry.

Read second time.

## COMMITTEE AMENDMENT.

The following committee amendment was read:

Amend by striking out Section 3.

Amendment adopted.

## MOTION.

Mr. McKenney moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 136.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 136 was considered in Committee of the Whole.

Mr. McKenney moved that the Committee of the Whole rise and report back Assembly Bill No. 136, with recommendation that it do pass as amended.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 136—An Act appropriating money for building an assembly hall at the Preston

School of Industry—and do now report the same back, with amendments, and recommend that same do pass as amended

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 136 was ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 137—An Act appropriating money for the purchase of bedding and furniture and repairs for the use of the Preston School of Industry.

Read second time.

#### COMMITTEE AMENDMENTS.

The following committee amendments were read:

##### AMENDMENT No. 1.

Amend by striking out the words "two thousand and five hundred" on line 3, Section 1, page 1, printed bill, and inserting in lieu thereof "one thousand."

Amendment lost.

##### AMENDMENT No. 2.

Amend by striking out the word "immediately" on line 1, Section 3, page 1, printed bill, and inserting in lieu thereof the following: "July 1, 1905."

Amendment adopted.

##### AMENDMENT No. 3.

Amend by striking out Section 3.

Amendment adopted.

#### MOTION.

Mr. McKenney moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 137.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 137 was considered in Committee of the Whole.

Mr. McKenney moved that the Committee of the Whole rise and report back Assembly Bill No. 137, with a recommendation that it do pass as amended.

Motion carried.

#### IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 137—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry—and do now report the same back, and recommend that it do pass as amended.

PRESCOTT, Chairman

The report of the Committee of the Whole was adopted.

Assembly Bill No. 137 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 135—An Act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry.

Read second time.

## COMMITTEE AMENDMENT.

The following committee amendment was read:

Amend by striking out Section 3.

Amendment adopted.

## MOTION.

Mr. McKenney moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 135.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 135 was considered in Committee of the Whole.

Mr. McKenney moved that the Committee of the Whole rise and report back Assembly Bill No. 135, with the recommendation that it do pass as amended.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 135—An Act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry—and do now report the same back, and recommend that it do pass as amended.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 135 ordered to reprint, engrossment, and on third-reading file.

Assembly Bill No. 134—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read :

## AMENDMENT No. 1.

Amend by striking out the word "five" on line 3, Section 1, first page, printed bill.

Amendment adopted.

## AMENDMENT No. 2.

Strike out all of Section 3, and insert in lieu thereof :

"Section 3. All plans, descriptions, bills of materials, qualifications, and estimates requisite, necessary, proper, or convenient for any of the purposes aforesaid, shall receive a sanction of a majority of the Board of Trustees of the Preston School of Industry, who shall cause an entry to be made in their minutes that such plans, descriptions, bills of material, specifications, and estimates have been approved. And it shall not be necessary to obtain the approval or sanction of any other board, officers, or person, and this Act shall be exempt from the provisions of any other Act or Acts requiring the sanction or approval of any other person, officer, or board not herein especially mentioned, and the directions herein shall be exempt from the provisions of the Act of the Legislature, approved March 23, 1876, relating to erections and buildings. All bills for improvements, repairs, and constructions shall first be audited by the Board of Trustees of the Preston School of Industry and be approved by the State Board of Examiners before being paid."

Amendment adopted.

## AMENDMENT No. 3.

Amend by adding a new section, to be known as Section 4, to read as follows:  
"Section 4. This Act shall take effect on and after July 1, 1905."

Amendment adopted.

## MOTION.

Mr. McKenney moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 134.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 134 was considered in Committee of the Whole.

Mr. McKenney moved that the Committee of the Whole rise and report back Assembly Bill No. 134, with the recommendation that it do pass as amended.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 134—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry—and do now report the same back, and recommend that it do pass as amended.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Assembly Bill No. 134 order to reprint, engrossment, and on third-reading file.

Assembly Bill No. 133—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out the words "five hundred," on line 3, Section 1, first page, printed bill, and inserting in lieu thereof the following: "two hundred and fifty."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the words "its passage," on line 1, Section 3, first page, printed bill, and inserting in lieu thereof the following: "July 1, 1905."

Amendment adopted.

## MOTION.

Mr. McKenney moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 133.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 133 was considered in Committee of the Whole.

Mr. McKenney moved that the Committee of the Whole rise and report back Assembly Bill No. 133, and recommend that it do pass as amended.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 133—An Act appropriating money for the purchase of books for the library of the Preston School of Industry—and do now report the same back, and recommend that it do pass as amended

PRESCOTT, Chairman

The report of the Committee of the Whole was adopted.

Assembly Bill No. 133 ordered to reprint, engrossment, and on third-reading file.

## NOTICE OF RECONSIDERATION POSTPONED.

Mr. Treadwell called up his notice of motion to reconsider the vote whereby Senate Bill No. 285—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries—was refused passage.

On motion of Mr. Treadwell, the motion to reconsider was postponed for further consideration on Thursday, March 9, 1905.

Senate Bill No. 723—An Act to amend Title XVI of Part IV of the Civil Code of the State of California, and each and every part and section of said title, relating to land and building corporations, also called mutual building and loan associations, and to similar corporations and associations.

Read second time.

## SPECIAL FILE—(RESUMED).

Assembly Bill No. 1134—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities.

Read third time.

Mr. McCartney moved that a select committee of one be appointed to amend Assembly Bill No. 1134, as follows:

Amend by inserting immediately after the title the following:

"The People of the State of California, represented in Senate and Assembly, do enact as follows:"

Motion carried.

Amendment adopted.

Mr. McCartney was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1134—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities"—with instructions, does now report that the instructions of the Assembly have been carried out.

McCARTNEY, Committee.

The report of the select committee of one was adopted.

Assembly Bill No. 1134 ordered to reprint, with rush order, to re-engrossment, and on file for passage.

## SPECIAL ORDER.

On motion of Mr. Cromwell, Assembly Bill No. 1134 was made a special order for Monday, March 6, 1905, immediately after the reading of the Journal.

## TITLE APPROVED.

Senate Bill No. 174—An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing other conflicting Acts.

On motion of Mr. McCartney, the title to Senate Bill No. 174, as amended in the Assembly on March 1, 1905, was read and approved.

## SPECIAL ORDERS.

On motion of Mr. Houser, Assembly Constitutional Amendment No. 25 was continued on the Special Order file until Monday, March 6, 1905, at eleven o'clock A. M.

## SPECIAL SENATE FILE.

On motion of Mr. O'Brien, Senate Bill No. 366 was ordered to second reading on the special Senate file.

## SPECIAL ORDER.

On motion of Mr. Olmsted, Senate Bills Nos. 717 and 725 and Assembly Bill No. 1172 were continued as special orders for Monday, March 6, 1905, immediately after the reading of the Journal.

## RUSH ORDERS TO PRINTER.

Mr. McKenney moved that Assembly Bills Nos. 138, 132, 136, 137, 135, 134, 133, and 1020 be sent to the printer with rush orders.  
Motion carried.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was submitted and read (out of order):

## ON COUNTY AND TOWNSHIP GOVERNMENTS.

## ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 132 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-fifth class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BURKE, Chairman.

Senate Bill No. 793 ordered to second reading on special Senate file.

## BILL WITHDRAWN.

Assembly Bill No. 969—An Act to provide for the formation of levee districts in the various counties in this State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining said districts.

Bill withdrawn by the author, Mr. Weyand.

## BILL RECALLED FROM COMMITTEE.

On motion of Mr. Dorsey, Assembly Bill No. 1174 was recalled from the Committee on Roads and Highways, and taken up for second reading.

Assembly Bill No. 1174—An Act entitled "An Act appropriating the sum of \$5,000 for the purpose of procuring guide-posts, to be erected in the desert sections of California, and particularly in the counties of Kern, Ventura, Los Angeles, Inyo, Riverside, San Bernardino, and San Diego."

Read second time.

## MOTION.

Mr. Dorsey moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 1174.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 1174 was considered in Committee of the Whole.

Mr. Dorsey moved that the Committee of the Whole rise and report back Assembly Bill No. 1174, with a recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1174—An Act entitled "An Act appropriating the sum of \$5,000 for the purpose of procuring guide-posts to be erected in the desert sections of California, and particularly in the counties of Kern, Ventura, Los Angeles, Inyo, Riverside, San Bernardino, and San Diego"—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

## BILL REFERRED TO A SELECT COMMITTEE.

On motion of Mr. Dorsey, Assembly Bill No. 1174 was referred to a select committee, consisting of the Committee on Ways and Means, for the purpose of amendment.

## ORDERED ON SPECIAL FILE.

Assembly Bill No. 863—An Act to form impounding districts outside of incorporated cities, to prevent animals from running at large, and prescribing the duties, fees, and charges of the poundkeeper in connection therewith.

On motion of Mr. Moore, Assembly Bill No. 863 was ordered placed on the special file.

## BILL WITHDRAWN.

Assembly Bill No. 537—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the restoration and preservation of fish in the waters of the State of California.

Bill withdrawn by author.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The Committee on Public Printing was granted leave to submit (out of order) the following report, which was read:

## ON PUBLIC PRINTING.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

MR. SPEAKER: Your Committee on Public Printing, to whom was referred Senate Bill No. 813—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JURY, Chairman.

Senate Bill No. 813 ordered on second-reading file, and referred to Committee on Ways and Means.

The Committee on Ways and Means was granted leave to submit (out of order) the following report, which was read:

## ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 659—An Act making an appropriation of three thousand nine hundred and seven dollars and fifty cents, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing five inches of water from the East Whittier ditch, to be used at said school.

Also: Senate Bill No. 883—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof

Also: Senate Bill No. 813—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

STANTON, Chairman.

Senate Bills Nos. 883 and 813 ordered to second reading on the special Senate file.

## SENATE BILLS CALLED.

Senate Bills No. 659, 883, and 813 on the special Senate file were, on motion of Mr. McCartney, called up for second reading.

## SPECIAL SENATE FILE.

Senate Bill No. 659—An Act making an appropriation of \$5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing five inches of water from the East Whittier ditch, to be used at said school.

Read second time.

## MOTION.

Mr. Johnstone moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 659.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 659 was considered in Committee of the Whole.

Mr. Johnstone moved the Committee of the Whole rise and report back Senate Bill No. 659, with recommendation that it do pass.

Motion carried.



## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 659—An Act making an appropriation of \$5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing five inches of water from the East Whittier ditch, to be used at said school—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 659 ordered to third reading on special Senate file.

Senate Bill No. 883—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Read second time.

Senate Bill No. 883 ordered to third-reading on special Senate file.

Senate Bill No. 813—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Read second time.

## MOTION.

Mr. McCartney moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 813.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 813 was considered in Committee of the Whole.

Mr. McCartney moved that the Committee of the Whole rise and report back Senate Bill No. 813, with the recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 813—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman

The report of the Committee of the Whole was adopted.

Senate Bill No. 813 ordered to engrossment and on third-reading file.

Senate Bill No. 849—An Act to authorize the Board of Trustees of the Whittier State School to contract for the care and keeping of girls committed to said school in charitable or benevolent institutions or with private persons, and to pay for their care while in such institutions or with such persons.

Read second time.

Senate Bill No. 849 ordered to third reading on special Senate file.

On motion of Mr. Duryea, Senate Bill No. 401 was called up for second reading.

Senate Bill No. 401—An Act entitled "An Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to persons who cannot testify."

Read second time.

Senate Bill No. 401 ordered to third reading on special Senate file.

On motion of Mr. Weyand, Senate Bill No. 797 was called up for second reading.

Senate Bill No. 797—An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining said districts.

Read second time.

Senate Bill No. 797 ordered to third reading on special Senate file.

#### BILL RECALLED FROM COMMITTEE.

Senate Bill No. 689—An Act amending the Political Code of the State of California, by adding thereto a new section, numbered 3418, relating to the public lands of this State.

On motion of Mr. Anthony, Senate Bill No. 689 was recalled from the Committee on Judiciary and ordered to second reading on the special Senate file (it being identical with an Assembly bill).

#### SUBSTITUTION OF CLERK.

Mr. Held was granted leave to introduce the following resolution (out of order):

*Resolved*, That the name of Joseph Stevens, heretofore appointed as committee clerk, be stricken from the roll of this Assembly's list of attachés, and the name of E. P. Held be substituted therefor as committee clerk at the per diem heretofore allowed, to wit: \$4, and said substitution to take effect as of this date, to wit: March 4, 1905, and the Controller is directed to draw his warrant in favor of said E. P. Held, and the Treasurer is directed to pay the same, for the said per diem, as the same becomes due and payable.

Resolution read.

Mr. Held moved the adoption of the resolution.

Motion carried, and resolution declared adopted.

#### SPECIAL FILE—(RESUMED).

Assembly Bill No. 967—An Act to provide for the formation, functions, government, operation, and dissolution of water-supply districts; for the development and acquisition thereby, by purchase, condemnation, or otherwise, of sources of water supply for domestic and public purposes; and for the construction or acquisition thereby, by purchase, condemnation, or otherwise, of water works and water systems and other property, and of the operation thereof and the fixing of water rates thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds.

Read third time.

## SELECT COMMITTEE AMENDMENT.

Mr. Olmsted moved that a select committee of one be appointed to amend Assembly Bill No. 967, as follows:

Amend by inserting the word "and" before the word "no," on line 39, page 3, printed bill.

Also: By striking out of line 22, page 4, the word "persons," and inserting in lieu thereof the word "purposes."

Also: By striking out of line 3, Section 8, page 5, the words "tangible and"

Also: By striking out all of Section 22 after the word "purposes" in line 6 of said section.

Also: By striking out all of Sections 25 and 26.

Motion carried.

Amendments adopted.

Mr. Olmsted was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 967—An Act to provide for the formation, functions, government, operation, and dissolution of water-supply districts; for the development and acquisition thereby, by purchase, condemnation, or otherwise, of sources of water supply for domestic and public purposes, and for the construction or acquisition thereby, by purchase, condemnation, or otherwise, of water works and water systems and other property, and of the operation thereof and the fixing of water rates thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds—with instructions, does now report that the instructions of the Assembly have been carried out.

OLMSTED, Committee.

The report of the select committee of one was adopted.

Assembly Bill No. 967 ordered to reprint, reengrossment, and on file for passage.

## BILL WITHDRAWN.

Assembly Bill No. 403—An Act making an appropriation of \$750 to pay the claims of W. W. Kaye.

Bill withdrawn by the author, Mr. Dorsey.

## SENATE BILL CALLED UP.

On motion of Mr. O'Brien, Senate Bill No. 403 was called up.

Senate Bill No. 403—An Act making an appropriation to pay the claim of W. F. Gormley for the funeral and burial of W. L. Cotter.

Read second time.

## MOTION.

Mr. O'Brien moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 403.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 403 was considered in Committee of the Whole.

Mr. O'Brien moved that the Committee of the Whole rise and report back Senate Bill No. 403, with the recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 403—An Act making an appropriation to pay the claim of W. F. Gormley for the funeral and burial of W. L. Cotter—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 403 ordered to third reading on special Senate file.

## BILL WITHDRAWN.

Assembly Bill No. 438—An Act making an appropriation to pay the claim of W. F. Gormley for the funeral and burial of W. L. Cotter.

Bill withdrawn by the author, Mr. O'Brien.

## SPECIAL ORDERS.

On motion of Mr. McKenney, Assembly Bills Nos. 134 and 135 were made special orders for Monday, March 6, 1905, immediately after the reading of the Journal.

## ADJOURNMENT.

On motion of Mr. McCartney, at four o'clock and forty-five minutes P. M., the Speaker, Hon. Frank C. Prescott, declared the Assembly adjourned until ten o'clock A. M. Monday, March 6, 1905.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, March 6, 1905. }

The Assembly met at ten o'clock A. M., pursuant to adjournment.

Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Espey, Gans, Gates, Goodrich, Hartman, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—68.

Quorum present.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King

## READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Weyand, its further reading was dispensed with.

## APPROVAL OF JOURNAL.

The Journal of Friday, March 3, 1905, was corrected, and, as corrected, approved.

## REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following report, which was read:

## ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

Mr. SPEAKER: Your Committee on Edgrossment and Enrollment beg leave to report that the following Assembly bills, etc., have been correctly engrossed:

Assembly Constitutional Amendment No. 6—To propose to the people of the State of California an amendment to the Constitution of the State amending Section 1 of Article IV, providing for the enactment of certain laws by popular vote, in State legislation.

Assembly Constitutional Amendment No. 7—To propose to the people of the State of California an amendment to the Constitution of the State amending Article XI, by adding thereto a new section to be numbered Section 20, providing for the enactment of certain laws by popular vote in counties, cities and counties, and cities.

Assembly Bill No. 1078—Providing for the selection and sale by the State of California of lands in lieu of the vacant sixteenth and thirty-sixth school sections embraced in confirmed or proposed Government forest reserves.

DEVLIN, Chairman.

Assembly Constitutional Amendments Nos. 6 and 7 ordered on Special file.

Assembly Bill No 1078 ordered on third-reading file.

## SPECIAL ORDERS.

Special orders set for this day were considered, as follows:

Senate Bill No. 717—An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Drew, Duryea, E-pey, Estudillo, Gans, Gates, Goodrich, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, McCartney, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Stanton, Strobbridge, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Senate Bill No. 725—An Act making an appropriation for the erection and construction of additional cells at the State Prison at Folsom, the erection of a wall around said prison, the purchase of necessary

cement, derricks, and tools, and other expenses incidental and relating to the purposes in this Act mentioned.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Drew, Duryea, Espey, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Jones, of Tuolumne, Jury, King, Lumley, McCartney, McGowan, McKenney, McNamara, Meincke, Mitchellree, Moore, O'Brien, Olmsted, Perkins, Pyle, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Assembly Bill No. 1172—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Drew, Duryea, Espey, Estudillo, Gans, Gates, Hartman, Held, Houser, John, Johnson, Jones, of Tuolumne, Jury, King, Lumley, McCartney, McGowan, McKenney, Meincke, Moore, O'Brien, Olmsted, Perkins, Pyle, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, and Mr. Speaker—51.

NOES—Mr. Atkinson—1

Title read and approved.

Assembly Bill No. 1172 ordered transmitted to the Senate.

Assembly Bill No. 1176—An Act entitled "An Act to amend Section 3805 of the Political Code of the State of California, and to reenact Sections 3609 and 3610, relating to the revenue of the State, and to property liable to taxation for the purposes of revenue."

Mr. Treadwell requested, and was granted, leave to withdraw Assembly Bill No. 1176.

Assembly Bill No. 36—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county and township officers, and providing for the appointment of certain deputy county officials.

#### SENATE AMENDMENTS.

In Section 1, line 21, amend by striking out after the word "provided" all matters enclosed in the brackets and insert a semicolon (;).

Also: In line 36, after the word "all," insert the word "county."

Also: In line 37, after the word "Act," strike out the semicolon and insert a comma (,), and the words "and the commissions allowed by law for collecting the State liquor license tax."

Also: In line 46, after the word "him," strike out the semicolon (.), and insert the words "except the commissions on State liquor license; *provided*, that the Treasurer shall receive and retain for his own use the commissions on all inheritance and transfer taxes collected by him; and *provided further*, that whenever the treasurer of any county shall employ a special attorney for the collection of such taxes, said attorney shall be paid out of the commissions and fees allowed by law for the collection of such taxes;"

Also: Amend by striking out of Section 1, line 21, the comma after the word "provided," and inserting in lieu thereof a semicolon (;). Insert after the semicolon the following: "the Treasurer is authorized to pay to a special attorney, when employed by him for the collection of collateral inheritance taxes, the fees provided in Section 20 of an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds, and all Acts amendatory thereof."

## SENATE AMENDMENTS NOT CONCURRED IN.

Mr. McCartney moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 36?"

The roll was called, and the Assembly refused to concur in the Senate amendments by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Beckett, Branstetter, Busick, Chandler, Cooper, Cullen, Drew, Duryea, Gates, Goodrich, Hartman, Johnson, Jones of Tuolumne, Lumley, Lynch, McCartney, McGowan, Meincke, Moore, O'Brien, Olmsted, Pyle, Rolley, Slaven, Stanton, Strohl, Transue, Treadwell, Tripp, Vogel, Weyand, Wickersham, and Mr. Speaker—36.

NOES—Messrs. Barnes, Bates, Beardslee, Burge, Burke, Cleveland, Coyle, Creighton, Cromwell, Espey, Gans, Held, Houser, John, Johnstone, Jury, King, Lucey, Maxwell, McKenney, McNamara, Perkins, Pryor, Severance, Strobridge, Thompson, Waste, and Whiting—28.

Assembly Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 23 of Article IV of said Constitution, limiting the expenses of the Legislature and regulating the salary of the members thereof.

Mr. Drew offered the following amendments to Constitutional Amendment No. 25:

## AMENDMENT NO. 1.

Amend Constitutional Amendment No. 25, as follows: In line 22, page 2, strike out the figures "400.00" and insert in lieu thereof the figures "450.00."

Amendment adopted.

## AMENDMENT NO. 2.

After line 23, on page 2, insert "The Legislature may adjourn at the expiration of thirty days from opening of session, for a period of not more than ten days, for the purpose of permitting the various committees to visit the several public institutions of the State, and the public transportation companies doing business in this State are hereby required to furnish the several committees authorized by the Legislature to visit the public properties, transportation free of charge to said members, or to the State, and the said members of the said committees shall receive no mileage from the State for such visitations, but may be paid their actual expenses while engaged in visiting the public properties."

Amendment adopted.

## MADE SPECIAL ORDER.

Mr. Drew moved that Assembly Constitutional Amendment No. 25 be sent to reprint, with a rush order, and that the same be made a special order for to-morrow (Tuesday) immediately after the reading of the Journal.

Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employes of the Senate and Assembly (amended by the Assembly on March 2, 1905).

Mr. Drew moved that the action of the Assembly on the amendment proposed by him, and adopted, be rescinded and reconsidered.

Motion carried.

## COMMITTEE AMENDMENTS.

The following amendments to Assembly Constitutional Amendment No. 3, adopted on a previous day, were read for information:

## COMMITTEE AMENDMENT No. 1.

In Section 2, lines 8 and 9 of printed bill, strike out the word "January" and insert in lieu thereof the word "February."

## COMMITTEE AMENDMENT No. 2.

In Section 2, line 10 of printed bill, strike out the figures "1880" and insert in lieu thereof the figures "1906."

## COMMITTEE AMENDMENT No. 3.

In Section 23, line 19, of printed bill, strike out the figures "\$8.00," and insert in lieu thereof the figures "10.00"

## COMMITTEE AMENDMENT No. 4.

In Section 23, line 23, of printed bill, strike out the figures "600.00" and insert in lieu thereof the figures "450.00."

## MADE A SPECIAL ORDER.

On motion of Mr. Stanton, Assembly Constitutional Amendment No. 1 was ordered to reprint, with a rush order, and made a special order for to-morrow (Tuesday) morning, immediately after the reading of the Journal, to follow Assembly Constitutional Amendment No. 25.

Mr. Lynch moved that Senate Bill No. 819 be placed on the Special Order file, in place of Assembly Bill No. 1039, the latter having been placed under the head of Special Orders by error, in place of Senate Bill No. 819.

Assembly Bill No. 1039—An Act authorizing and directing the Board of State Capitol Commissioners to remodel and repair the State Capitol building; making the same fire proof, rendering all space therein available, and making an appropriation therefor.

Assembly Bill No. 1039 was withdrawn by the author, Mr. Lynch.

## SPECIAL ORDERS CONTINUED.

Assembly Bill No. 135—An Act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry.

Assembly Bill No. 134—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry.

On motion of Mr. McKenney, Assembly Bills Nos. 135 and 134, set for special orders for this day, were continued as special orders until to-morrow (Tuesday), after the reading of the Journal.

Assembly Bill No. 1171—An Act to amend Section 136 of the Civil Code, relating to provisions for maintenance where divorce is denied.

Passed on file.

Assembly Joint Resolution No. 8—Relative to parcels post.

The resolution was read:

## ASSEMBLY JOINT RESOLUTION No. 8.

## Relative to parcels post.

WHEREAS, The establishment of an up-to-date parcels post would be an inestimable benefit to the State of California and incalculable stimulus to trade, both domestic and foreign, throughout the whole of the United States; and

WHEREAS, It has been found possible for the American express companies to unite in giving to the British postoffice a flat rate of 24 cents on parcels up to



eleven pounds for all distances between New York and San Francisco, thus proving the economic practicability of such desired parcels post, be it

*Resolved*, That the Senate and Legislature of the State of California hereby join in requesting our Representatives in the Senate and House of Representatives at Washington to do their utmost to forward such legislation as may insure the establishment of a parcels post at rates not to exceed those accorded by the American express companies to the foreigner, viz. 24 cents for packages up to eleven pounds.

On motion of Mr. Busiek, the resolution was adopted.

Substitute for Senate Bill No. 723 (identical with Assembly Bill No. 1162)—An Act to amend Title XVI of Part IV of Civil Code of the State of California, and each and every part and section of said title, relating to land and building corporations, also called mutual building and loan associations, and to similar corporations and associations.

On motion of Mr. Cromwell, the substitute for Senate Bill No. 723, set as a special order for this day, after the reading of the Journal, was continued until four o'clock this afternoon.

#### REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following reports, which were read:

#### ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

MR. SPEAKER Your Committee on Engrossment and Enrollment have examined and found correctly enrolled

Assembly Bill No. 700—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 16, 1903, by amending Section 23 thereof.

Assembly Bill No. 606—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking of depositions in this State.

Assembly Bill No. 605—An Act to amend Section 241 of the Code of Civil Procedure, relating to the impaneling of grand juries.

Assembly Bill No. 914—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 14 thereof, relating to compensation of officers of counties of the ninth class.

Assembly Bill No. 294—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 377c, making it a misdemeanor to refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health, concerning the pollution of ice used or intended for public consumption.

Assembly Bill No. 10—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Assembly Bill No. 769—An Act to repeal Section 443, Title XII, of the Penal Code of California.

Assembly Bill No. 339—An Act to amend Sections 2978, 2979, and 2982, and to repeal Section 2983 of the Political Code of the State of California, relating to the State Board of Health.

Assembly Bill No. 542—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeal.

Assembly Bill No. 583—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered and known as Section 1163, relating to the recording of a certificate of residence.

Assembly Bill No. 584—An Act to amend Section 412 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the publication of summons when the defendant is absent from the State, concealed, or is a foreign corporation having no agent in this State, or is a person who cannot be found within this State.

Assembly Bill No. 302—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 377a, making it a

mis-demeanor to violate or refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health, respecting the quarantine, disinfection, or isolation of persons, animals, things, or places, or the prevention or abatement of contagious or infectious diseases.

Assembly Bill No. 476—An Act to amend Section 1564 of the Political Code of California, in regard to teachers' institutes.

Assembly Bill No. 634—An Act to amend Sections 439, 440, and 441 of the Political Code, relating to the office of the Controller of State, his deputy and assistants, the salaries of the deputy and assistants, and to repeal all laws in conflict therewith.

And presented the same to the Governor on this day at four o'clock P. M.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined and found correctly enrolled the following bills:

Assembly Bill No. 485—An Act to add a Title XIX to Part IV of Division I of the Civil Code, relating to co-operative business corporations.

Assembly Bill No. 509—An Act to amend Sections 2903 and 2913 of the Civil Code, both relating to liens.

Assembly Bill No. 508—An Act to amend Section 2541 of the Civil Code, relating to insurance of mortgaged property.

Assembly Bill No. 507—An Act to amend Section 2334 of the Civil Code, relating to the liability of principals for the acts of their agents.

Assembly Bill No. 506—An Act to amend Section 2236 of the Civil Code, relating to the obligations of trustees.

Assembly Bill No. 504—An Act to amend Sections 1929, 1930 and 1932 of the Civil Code, all relating to the burning of property.

Assembly Bill No. 503—An Act to amend Sections 1865 and 1871 of the Civil Code, both relating to finders and savers of property.

Assembly Bill No. 501—An Act to amend Sections 1624 and 1625 of the Civil Code, both relating to the manner of creating contracts.

Assembly Bill No. 500—An Act to add a new section to the Civil Code, to be numbered 1463, relating to covenants running with land.

Assembly Bill No. 497—An Act to add a chapter to Title V of Part IV of Division II of the Civil Code, relating to the homesteads of insane persons.

Assembly Bill No. 263—An Act to amend Sections 164 and 170 of the Civil Code, all relating to husband and wife.

Assembly Bill No. 496—An Act to amend Section 1263 of the Civil Code, relating to the declarations of homestead.

Assembly Bill No. 187—An Act to amend an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts, now in force, relating to estrays," approved March 23, 1901, by amending the second section thereof.

Assembly Bill No. 505—An Act to amend Sections 2180 and 2195 of the Civil Code, all relating to common carriers.

Assembly Bill No. 516—An Act to amend Section 3451 of the Civil Code, relating to assignments for the benefit of creditors.

Assembly Bill No. 480—An Act to add a new title to Part IV of Division I of the Civil Code, to be known as Title XII, relating to corporations for the formation of chambers of commerce, boards of trade, mechanics' institutes, and other kindred associations.

Assembly Bill No. 631—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the destruction of the Russian thistle, or salt wort.

And presented the same to the Governor on this day at four o'clock P. M.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined and found correctly enrolled:

Assembly Bill No. 649—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893.

Assembly Bill No. 835—An Act to add a new chapter to Title IV of Part III of the Code of Civil Procedure, to be known as Chapter IV, relating to certain liens upon animals.

Assembly Bill No. 765—An Act to repeal Chapter II of Title IV of the Political Code of California, and to substitute therefor a new Chapter II, relating to the State militia.

Assembly Bill No. 637—An Act to amend Section 2161 of the Civil Code, relating to the carriage of telegraph and telephone messages.

Assembly Bill No. 677—An Act to add a new section to the Penal Code, to be numbered Section 526, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theater or other public place of amusement for more than the original price thereof.

Assembly Bill No. 266—An Act to amend Sections 226 and 227 of the Civil Code, all relating to the adoption of children.

Assembly Bill No. 265—An Act to repeal Sections 242, 243, 244, 245, 247, 248, 249, and 258, and to amend Section 246 of the Civil Code, all relating to guardian and ward.

Assembly Bill No. 264—An Act to repeal Section 58, and to amend Sections 60, 68, 79½, and 84 of the Civil Code, all relating to marriage.

Assembly Bill No. 333—An Act to amend Sections 322, 323, and 325 of the Civil Code, all relating to stockholders in corporations.

Assembly Bill No. 486—An Act to add a Title XX to Part IV of Division I of the Civil Code, relating to cooperative business associations.

Assembly Bill No. 495—An Act to add a new section to the Civil Code, to be numbered 1218, relating to the recording of certified copies of instruments in writing.

Assembly Bill No. 409—An Act to amend Sections 1486, 1383, 1395, 1399, 1405, and 1406 of the Civil Code, and to add a new section thereto, to be numbered 1409, all relating to succession to the property of deceased persons.

Assembly Bill No. 332—An Act to repeal Title IV of Part III of Division I of the Civil Code, and each and every section of said title and to substitute a new Title IV to take the place thereof in said Code, relating to masters and apprentices.

Assembly Bill No. 331—An Act to amend Sections 299, 302, 304, 309, 310, 311, 312, 314, and 315 of the Civil Code, all relating to corporations.

Assembly Bill No. 1055—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, (to be known as the Commissioners for the Revision and Reform of the Law, and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1893," approved March 25, 1903, by amending Section 9 thereof, relating to the tenure of such commission.

Assembly Bill No. 636—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23 1901, and March 16, 1903, by amending Section 177 of the said Act, relating to salaries of officers of counties of the twentieth class.

Assembly Bill No. 450—An Act to validate the organization and incorporation of municipal corporations.

Assembly Bill No. 363—An Act amending an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, and adding certain sections thereto and repealing a certain section thereof.

Assembly Bill No. 285—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 377½, making it a misdemeanor to refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health, concerning the pollution of water used, or intended to be used, for human or animal consumption.

Assembly Bill No. 900—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 186 thereof, relating to the compensation of officers of the counties of the twenty-ninth class.

Assembly Bill No. 879—An Act to add a chapter to Title I of Part IV of Division I of the Civil Code, relating to foreign corporations.

Assembly Bill No. 821—An Act amending an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

Assembly Bill No. 770—An Act to amend Section 442, Title XII, of the Penal Code of California, relating to crimes against the revenue and property of this State.

And presented the same to the Governor on this day at four o'clock and thirty minutes P. M.

DEVLIN, Chairman

#### SPECIAL ORDERS—(RESUMED)—URGENCY RESOLUTION.

By Mr. Lynch :

*Resolved*, That Senate Bills Nos. 819 and 366 present a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Mr. Lynch moved the adoption of the resolution.

The roll was called, and the resolution was declared adopted by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cullen, Dorsey, Drew, Espey, Gans, Gates, Goodrich, Held, Houser, John, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Rolley, Stanton, Strohl, Thompson, Treadwell, Tripp, Vogel, Waste, Weyand, Wickersham, and Mr. Speaker—56

NOES—None

Senate Bill No. 819 (identical with Assembly Bill No. 1039)—An Act authorizing and directing the Board of State Capitol Commissioners to remodel and repair the State Capitol building, making the same fireproof, rendering all space therein available, and making an appropriation therefor.

Read second time.

#### MOTION.

Mr. Lynch moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 819.

Motion carried.

#### IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 819 was considered in Committee of the Whole.

Mr. Lynch moved that the Committee of the Whole rise and report back Senate Bill No. 819, with the recommendation that it do pass.

Motion carried.

#### IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 819—An Act authorizing and directing the Board of State Capitol Commissioners to remodel and repair the State Capitol building, making the same fireproof, rendering all space therein available, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 819—An Act authorizing and directing the Board of State Capitol Commissioners to remodel and repair the State Capitol building, making the same fireproof, rendering all space therein available, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Devlin, Dorsey, Espey, Gans, Gates, Held, Houser, Jarvis, John, Johnstone, Jones of Tuolumne, Lumley, Lynch, McCartney, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Rolley, Severance, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Weyand, Whiting, Wickersham, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Senate Bill No. 366—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building.

Read second time.

MOTION.

Mr. O'Brien moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 366.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 366 was considered in Committee of the Whole.

Mr. O'Brien moved that the Committee of the Whole rise and report back Senate Bill No. 366, with the recommendation that it do pass.

Motion carried.

IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 366—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building for the fiftieth fiscal year—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 366—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Cullen, Devlin, Dorsey, Espey, Gans, Gates, Held, Houser, John, Johnstone, Jones of Tuolumne, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Severance, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Weyand, Whiting, Wickersham, and Mr Speaker—50

NOES—None.

REPORTS OF STANDING COMMITTEES.

Reports of standing committees were submitted and read, as follows:

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No 196—An Act making an appropriation to pay the claim of Fred E. Borton against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

Also: Assembly Bill No 1026—An Act making an appropriation to pay the claim of F. Marion Wells—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Senate Bill No 663—An Act appropriating money to pay the expenses of collecting, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the International Exposition at Liege, Belgium, in 1905, also for preparing and printing literature relating to the State for distribution at said expo-

sition, and providing a commission and expense of commission and attachés—have had the same under consideration and respectfully report the same back, and recommend that it do pass

SEVERANCE, Chairman.

Senate Bills Nos. 196 and 663 were referred to Committee on Ways and Means, and ordered to second reading on special Senate file.

Assembly Bill No. 1026 was referred to Committee on Ways and Means, and ordered to second reading.

#### ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 751—An Act to amend an Act entitled "An Act to amend Section 36 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901, relating to counties of the thirtieth class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the county surveyor," approved March 19, 1903, and in this Act relating to the compensation of the county recorder, auditor, treasurer, county surveyor, county clerk, district attorney, and members of the board of supervisors—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BURKE, Chairman.

Senate Bill No. 751 referred to Committee on Ways and Means, and ordered on second-reading file.

#### ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 256—An Act to provide for the location and construction of a State highway from a point at, or near, the Merced Falls to the boundary line of the Yosemite National Park at its crossing of the Merced River, and placing the same under the management and control of the Department of Highways and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that the same do not pass.

Also: Assembly Bill No. 1175—An Act to provide for completing the survey, locating, and constructing a highway, from a point in Trinity County, thence westerly about twenty miles, to connect with an existing road, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that same do pass, with a recommendation that it be referred to the Committee on Ways and Means.

COYLE, Chairman.

Assembly Bill No. 256 ordered to second reading.

Assembly Bill No. 1175 ordered to second reading, and to Committee on Ways and Means.

#### REQUESTS FOR INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. SPEAKER: We ask permission to introduce the accompanying bill, the title of which reads as follows:

"An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-sixth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer."

WAYS AND MEANS COMMITTEE.

Referred to Committee on Introduction of Bills.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows:

"An Act authorizing the Board of Regents of the University of California to exchange the tract of land now constituting the Santa Monica forestry station"

H. S. G. McCARTNEY.

Referred to Committee on Introduction of Bills.

## REPORT OF COMMITTEE ON INTRODUCTION OF BILLS.

The Committee on Introduction of Bills submitted the following report, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. SPEAKER Your Committee on Introduction of Bills, to whom were referred the following bills, herewith return the same, with the recommendation that the authors be permitted to introduce them. The numbers of said bills are as follows:

By Ways and Means Committee: Assembly Bill No. 1177—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-sixth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

By Assemblyman McCartney: Assembly Bill No. 1178—An Act authorizing the Board of Regents of the University of California to exchange the tract of land now constituting the Santa Monica Forestry Station.

McCARTNEY, Chairman.

## RESOLUTION.

*Resolved*, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereto, be complied with, and the Committee on Ways and Means is hereby permitted to introduce Assembly Bill No. 1177; and that Assemblyman McCartney be and is hereby permitted to introduce Assembly Bill No. 1178.

## RESOLUTION ADOPTED.

Mr. McCartney moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution declared adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cullen, Devlin, Dorsey, Drew, Gans, Gates, Goodrich, Held, Houser, Jarvis, John, Johnstone, Jones of Tuolumne, Lumley, Lynch, Maxwell, McCartney, McGowan, McNamara, Meincke, Mindham, Moore, Olmsted, Perkins, Pfaffie, Pryor, Pyle, Severance, Slaven, Strohl, Thompson, Treadwell, Tripp, Vogel, Weyand, Whiting, Wickersham, and Mr. Speaker—56.

NOES—None.

## INTRODUCTION OF BILLS.

Bills were introduced as follows, in conformity with the last resolution above:

By Committee on Ways and Means: Assembly Bill No. 1177—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-sixth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Read first time.

By Mr. McCartney: Assembly Bill No. 1178—An Act authorizing the Board of Regents of the University of California to exchange the tract of land now constituting the Santa Monica Forestry Station.

Read first time.

## ORDERED ON SPECIAL FILE.

On motion of Mr. McCartney, Assembly Bills Nos. 1177 and 1178 were ordered to second reading on special file, without reference to committee.

## SENATE MESSAGE.

The following message from the Senate was read:

SENATE CHAMBER, SACRAMENTO, March 4, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 818—An Act to amend Section 111 of the Penal Code of the

State of California, relating to the expenses of prosecuting escapes from and crimes committed within State prisons, and the expenses of coroner's inquests of any deceased convict

Also: Senate Bill No. 706—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of curable cases of tuberculosis, and making an appropriation therefor.

Also: Senate Bill No. 785—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Also: Denied second reading to Assembly Bill No. 433—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, relating to compensation of officers in cities of the fifth class.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Senate Bill No. 818 read first time, and ordered to second reading on the special Senate file, without reference to a committee, it being identical with Assembly Bill No. 901 (No. 196 on file), the latter bill being withdrawn by the author, Mr. Cromwell.

Senate Bill No. 706 read first time, and ordered to second reading on the special Senate file, it being identical with Assembly Bill No. 943.

Senate Bill No. 785 read first time, and referred to the Committee on Judiciary.

#### ASSEMBLY CONCURRENT RESOLUTION.

Mr. Cromwell submitted the following Assembly concurrent resolution, which was read:

#### ASSEMBLY CONCURRENT RESOLUTION No. 26.

For committee to report upon a design for a suspension bridge across Carquinez Straits.

*Resolved by the Assembly of the State of California, the Senate concurring.* That a joint committee of the Senate and Assembly, consisting of four members to be appointed, two by the President of the Senate, and two by the Speaker of the Assembly, to examine into and report upon the advisability and cost of the designing and of the construction by the State of California, of a State toll combination suspension bridge across Carquinez Straits, at a point which would be the most convenient to all traffic such as steam and electric railroad, wagon, and foot traffic.

That the said joint committee be and is hereby authorized and empowered to do any and all necessary things to make a full and complete investigation of all matters in connection therewith, in order that a full and complete report may be made, and to that end the said committee is hereby authorized and empowered to employ all necessary clerical and expert assistance and also to call into consultation any and all persons deemed necessary by said committee to make a full and complete report in accordance with this resolution.

#### RESOLUTION ADOPTED.

Mr. Moore moved the adoption of the resolution.

Upon being put to vote, the motion was declared carried, and the resolution adopted.

#### BILLS WITHDRAWN.

Mr. Atkinson moved that Assembly Bills Nos. 574 and 565 be recalled from committee, and that, at the request of the authors, the bills be withdrawn.

Motion carried.

Mr. Atkinson, at the request of the author, Mr. Mindham, moved that Assembly Bill No. 591 (No. 384 on file) be recalled from Committee on Corporations, and that the author be allowed to withdraw the same.

Motion carried.

#### BILL ORDERED ON FILE.

On motion of Mr. Atkinson, Assembly Bill No. 1147 was recalled from Committee on Corporations, and ordered placed on second-reading file.



## BILLS WITHDRAWN.

Mr. Cleveland requested, and was granted, leave to withdraw Assembly Bill No. 369 (No. 244 on file).

Mr. Bates requested, and was granted, leave to withdraw Assembly Bill No. 444 (No. 26 on file).

## ORDERED ON SPECIAL SENATE FILE.

On motion of Mr. Whiting, Assembly Bill No. 1132 was withdrawn, and Senate Bill No. 844 ordered on the special Senate file.

## BILL REFERRED TO COMMITTEE.

Mr. Thompson moved that Senate Bill No. 197 (No. 488 on file) be referred to Committee on Ways and Means, to retain its place on file. Motion carried.

## BILLS WITHDRAWN.

Mr. Atkinson requested, and was granted, leave to withdraw Assembly Bill No. 477 (No. 346 on file).

Mr. Strohl requested, and was granted, leave to withdraw Assembly Bill No. 424 (No. 313 on file).

## ORDERED ON SPECIAL SENATE FILE.

Mr. Weyand moved that Senate Bill No. 839 be recalled from the Committee on County and Township Governments, it being identical with Assembly Bill No. 1123 (No. 55 on file), which he now withdrew. Motion carried.

## BILL CALLED UP FOR AMENDMENT.

Mr. Devlin was granted leave to call up Assembly Bill No. 1078 (No. 290 on file) for the purpose of amendment.

Assembly Bill No. 1078—An Act providing for the selection and sale by the State of California of lands in lieu of the vacant sixteenth and thirty-sixth school sections embraced in confirmed or proposed Government forest reserves.

Read third time.

## SELECT COMMITTEE AMENDMENT.

Mr. Devlin moved that a select committee of one be appointed to amend Assembly Bill No. 1078, as follows:

In line 9 of Section 2, after the word "United States," insert the following:

"Where the State of California has heretofore issued any evidence of title to any lands selected under the provisions of Section 2275 of the Revised Statutes of the United States, and where such selections may be hereafter canceled by the United States for causes other than for fraud, the lands so selected shall be included in the list of lands to be selected under the provisions of this Act, and shall be sold according to the provisions of the Act under which such selections were originally commenced."

Motion carried.

Amendment adopted.

Mr. Devlin was appointed such select committee of one.

## REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. SPEAKER. Your select committee of one, to whom was referred Assembly Bill No. 1078—An Act providing for the selection and sale by the State of California of lands in

lien of the vacant sixteenth and thirty-sixth school sections embraced in confirmed or proposed Government forest reserves—with instructions, does now report that the instructions of the Assembly have been carried out.

DEVLIN, Committee.

The report of the select committee of one was adopted.

Assembly Bill No. 1078 ordered to reprint, with a rush order, engrossment, and on file for passage.

#### REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following report, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905

MR SPEAKER Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed.

Assembly Bill No. 1133—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of, and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889, relating to the alteration of the boundaries of, and for the annexation of territory to, incorporated towns and cities.

Assembly Bill No. 1153—An Act to amend Section 153 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to county and township officers of counties of the second class.

Assembly Bill No. 1035—An Act to provide for the payment of the fees of county surveyors, and to designate from what fund such fees shall be paid.

Assembly Bill No. 994—An Act to amend Section 1090 of the Political Code of the State of California, relating to affidavits of registration.

Assembly Bill No. 528—An Act to repeal Section 61 of the Penal Code of the State of California, relating to witnesses in election cases.

Assembly Bill No. 1173—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Assembly Bill No. 477—An Act for the better protection of the investing public, providing that any corporation or association formed for or with the idea of raising its circulating capital, investment or operating fund or funds, or the equivalent thereof, by the sale of its own bonds, debentures, investment certificates, contracts, or other choses in action, must make a deposit with the State Treasurer; must register with the Secretary of State, and pay certain fees; must make and file annual reports, pay annual fees, and submit to an expert examination by a disinterested public accountant to be designated by the Secretary of State, and providing penalties for violations of the provisions hereof.

Assembly Bill No. 834—An Act to amend Section 1056 of the Code of Civil Procedure, relating to sureties on undertakings and bonds.

Assembly Bill No. 891—An Act to authorize cities owning their own lighting plants to furnish lamps and fixtures to consumers, and to install same, and to wire buildings for electric lighting.

Assembly Bill No. 1135—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872 by adding thereto a new section, to be known and numbered Section 181½, relating to damages caused to sheep, cashmere and angora goats by the ravages of dogs.

Assembly Bill No. 1152—An Act to amend Section 204 of the Code of Civil Procedure of the State of California, concerning the listing of grand and trial jurors.

Assembly Bill No. 954—An Act to amend Section 1 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897.

Assembly Bill No. 853—An Act to create a commission to examine, take into consideration, arrange for and devise plans for the removal of the annual State Fair of the State Agricultural Society, to San Francisco, or within fifty miles thereof, and making an appropriation therefor.

Assembly Bill No. 951—An Act entitled an Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to persons who can not testify.

Assembly Bill No. 1031—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 229a, relating to the adoption of children.

Assembly Bill No. 1171—An Act to amend Section 136 of the Civil Code, relating to provision for maintenance where divorce is denied.

Assembly Bill No. 415—An Act to pay the claim of H. M. Sitton and to make an appropriation therefor in the sum of \$1,356 78, on bond of the State of California numbered 592, issued July 9, 1858.

Assembly Bill No. 875—An Act to amend an Act entitled "An Act making an appropriation to the directors of the California State Agricultural Society, for the purpose of paying certain indebtedness, claims, and demands against said society," approved March 25, 1901.

Assembly Bill No. 607—An Act to add a new section to the Political Code, to be known as Section 1576a, providing for clerks of school boards in certain cases, and for payment of their salaries.

Assembly Bill No. 1164—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," which became a law under constitutional provision without Governor's approval, February 24, 1901, by amending Section 16 thereof, relating to the definition of what persons shall be deemed as practicing medicine or surgery within the meaning of this Act.

Assembly Bill No. 1081—An Act making an appropriation to pay the claim of Dr. George T. Hesser for professional services rendered and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon Guards Cotter, Cochrane, and Chalmers, after the prison break at the said State prison at Represa on July 27, 1903.

Assembly Bill No. 718—An Act to provide continuous support for the prosecution of the work of river improvement, to create a fund therefor, and to make an appropriation for the commencement of such work.

Assembly Bill No. 923—An Act to provide for the construction of permanent bridge work on the Lake Tahoe wagon road, a State highway, and making an appropriation therefor.

Assembly Bill No. 259—An Act to pay the claim of Mrs. A. McGinnes against the State, and making an appropriation therefor.

Assembly Bill No. 962—An Act to pay the claim of the Lauritzen Company of San Francisco, a corporation, against the State of California, and making an appropriation to pay the same.

Assembly Bill No. 547—An Act to provide for the building, equipping and furnishing of a wing to be used for patients at the Southern California State Hospital, and to make appropriation for the same.

Assembly Bill No. 609—An Act making an appropriation to the Board of Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims and demands against the said society.

Assembly Bill No. 200—An Act to pay the claim of James Touley against the State of California, and making an appropriation therefor.

Assembly Bill No. 279—An Act to provide for the location, construction, and management of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyer's station, thence past Tallac, Emerald Bay, and McKinney's, to Tahoe City, and making an appropriation therefor.

Assembly Bill No. 316—An Act to provide for the erection of embankments or levees to care for the flood waters of the Kern River in Kern County.

Assembly Bill No. 657—An Act to establish a State refinery of petroleum, and making appropriation therefor.

Assembly Bill No. 271—An Act making an appropriation of \$650 to pay the claim of O. D. Fish.

DEVLIN, Chairman.

Assembly Bills Nos. 1133, 1153, 1035, 994, 526, 1173, 477, 881, 891, 1135, 1152, 954, 858, 951, 1031, 1171, 418, 875, 607, 1164, 1081, 718, 923, 259, 962, 547, 609, 200, 279, 316, 657, and 271 ordered to third reading.

#### SPECIAL ORDERS—(RESUMED).

Assembly Bill No. 1171—An Act to amend Section 136 of the Civil Code, relating to provisions for maintenance where divorce is denied.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amersge, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Dorsey, Drew, Ellis, Espey, Gans, Gates, Held, John, Johnstone, Jury, King, Lunley, Lynch, McCartney, McGowan, McKenney, Meincke, Mindham, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Rolley, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Weyand, Whiting, Wickersham, and Mr Speaker—55

NOES—None

Title read and approved.

Assembly Bill No. 1171 ordered transmitted to the Senate.

## ORDERED ON SENATE FILE.

On motion of Mr. Cooper, Senate Bill No. 333 was recalled from Committee on State Prisons and Reformatories and ordered to second reading on special Senate file, it being identical with Assembly Bill No. 960 (No. 217 on file), which he withdrew.

## REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following report, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly engrossed:

Assembly Bill No. 803—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof.

DEVLIN, Chairman.

Assembly Bill No. 803 ordered to third reading.

## RESOLUTIONS.

The following resolutions were offered:

By Mr. Bliss:

(For compensation of clerks.)

WHEREAS, The continuous night sessions of the Assembly have entailed long daily service by C. W. Kyle, Reading Clerk; now, therefore, be it

*Resolved*, That in consideration of such service, and the services to be rendered, until and after the close of the session, the sum of \$250 is hereby allowed the said C. W. Kyle, as compensation for such services, and the State Controller is hereby directed to draw his warrant on the Treasurer in favor of said C. W. Kyle, payable from the Contingent Fund of the Assembly, and the Treasurer is directed to pay the same.

Also:

*Resolved*, That C. A. Thompson and T. G. Walker, Assistant Clerks, be and they are hereby employed to remain in Sacramento after the final adjournment for the purpose of finishing the work required by law to complete the duties of their respective positions, and the sum of \$250 to C. A. Thompson, and the sum of \$175 to T. G. Walker, be and the same is hereby appropriated out of the Contingent Fund of the Assembly to pay for said service, and the Controller be and he is hereby directed to draw his warrant in favor of the aforesaid clerks, and the Treasurer be, and he is, hereby directed to pay the same.

Also:

*Resolved*, That Percy Hight, History Clerk, and Ed J. Smith, Assistant Clerk, be and they are hereby authorized and directed to assist the Chief Clerk to compile, prepare and have printed a final calendar or history of the legislative business of the thirty-sixth session, embracing a history of all bills introduced, their authors, the number that have become laws, and the chapters thereof, those that have been read the second time, and all other information that will create a perfect guide and history and calendar of the session's business; together with this shall be the expenses of the Senate and Assembly, and of printing; such information being prepared not only for the public, but as a guide for the thirty-seventh session of the Legislature. For the purpose of carrying out this work, the sum of one hundred and fifty dollars (\$150.00) is hereby allowed each of said above-named persons, and the State Controller is hereby directed to draw his warrants in favor of said persons, in the said sums, upon the appropriation for the contingent expenses of the Assembly, and the State Treasurer is hereby directed to pay said warrants.

Also:

*Resolved*, That J. Steppacher, Minute Clerk, and P. J. Hayselden, J. H. Wright, and J. A. Moynihan, as assistants, be and they are hereby employed to remain in Sacramento after the final adjournment, and to properly paste together, arrange, and label the original minutes belonging to the archives of the Assembly, and to deliver them to the Secretary of State, and that for such service each is allowed the sum of one hundred dollars (\$100.00), payable out of the Contingent Fund of the Assembly. The Controller is hereby directed to draw his warrant, and the Treasurer is authorized to pay the same.

Also:

*Resolved*, That John J. Murphy, Engrossing and Enrolling Clerk of the Assembly, and W. A. Price and J. A. Mathis, his assistants, be and they are hereby employed after the final adjournment, for the purpose of completing the work of that department, and delivering the books and registers into the hands of the Secretary of State, and that they each be allowed the sum of fifty (\$50) dollars, payable out of the Contingent Fund of the Assembly, and the Controller is hereby directed to draw his warrants for said amounts in favor of the above named persons, and the Treasurer is hereby directed to pay the same.

Also:

*Resolved*, That pursuant to the provisions of Section 261 of the Political Code of the State of California, the services of B. S. Wilson, G. W. Edwards, Ed. Hinkle, and N. A. Watson be retained as assistant clerks in order to carry out the duties prescribed in said section, and be it further

*Resolved*, That B. S. Wilson, G. W. Edwards, Ed. Hinkle, and N. A. Watson be and they are hereby allowed the compensation provided for in Section 260 of said Political Code, said compensation being payable out of the appropriation for the contingent expenses of the Assembly, and the State Controller is hereby directed to draw his warrant, and the Treasurer is authorized to pay the same.

Also:

*Resolved*, That Stenographer Edward E. Gehring be and he is hereby employed to remain in Sacramento after the final adjournment to attend to any and all stenographic work necessary for the Chief Clerk and his assistants, and further to attend to the mailing of any and all complete files of bills and histories for the Alameda County delegation, and that for such services and for express fees and stamps he is allowed the sum of one hundred dollars (\$100), payable out of the Contingent Fund of the Assembly, and the Controller is directed to draw his warrant for and the Treasurer is directed to pay the same.

On motion of Mr. McCartney, the resolutions were ordered printed in the Journal, and referred to the Committee on Ways and Means.

#### MADE A SPECIAL ORDER.

On motion of Mr. Jury, Assembly Bill No. 1034 (No. 79 on file)—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions, for the remainder of the fifty-sixth fiscal year—was made a special order for to-morrow (Tuesday), after the reading of the Journal.

#### UNFINISHED BUSINESS.

Bills on the unfinished business file were considered, as follows:

Assembly Bill No. 219—An Act to repeal Sections 3824 and 3825 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Passed on file.

Assembly Bill No. 145—An Act to provide for the payment by the State, or counties, or cities and counties, of the premium or charge on official bonds.

Passed on file.

Assembly Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 61 of said Act, relating to county officers.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

**AYES**—Messrs. Barnes, Bates, Beardslee, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Creighton, Cromwell, Devlin, Drew, Gans, Goodrich, Held, Jury, Lynch, McCartney, Meincke, Mitcheltree, Olmsted, Perkins, Pfaffle, Pryor, Stanton, and Mr. Speaker—29.

**NOES**—Messrs. Amerige, Anthony, Beckett, Boyle, Coghlan, Cooper, Cullen, Duryea, Espey, John, Johnstone, Jones of Tuolumne, King, Lucey, Mindham, Pyle, Rolley, Severance, Strobridge, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, and Whiting—27.

#### NOTICE OF RECONSIDERATION.

Mr. Weyand gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 404 was this day refused passage.

#### TIME FOR RECESS EXTENDED.

On motion of Mr. McCartney, at twelve o'clock and twenty-eight minutes P. M., the hour for recess was extended.

Senate Bill No. 459—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties, and providing for their compensation.

#### COMMITTEE AMENDMENTS.

The following committee amendments to the title of Senate Bill No. 459 were read:

Amend the title of Senate Bill No. 449 as follows:

After the word "secretary," on line 5 of the printed bill, strike out the word "and."  
After the word "harbormaster," on line 5, insert the words "and attorney and"

Amendments adopted.

Senate Bill No. 454 ordered to print, with a rush order, and on file for approval of title.

Assembly Constitutional Amendment No. 19—Proposed amendment to Article XII of the Constitution, relative to the extension of the franchise or charter of any corporation now or hereafter existing under the laws of the State for a period not exceeding fifty years.

Passed on file.

Assembly Bill No. 899—An Act to amend Sections 3909, 3911, 3912, 3913, 3914, 3915, 3916, 3917, 3919, 3920, 3921, 3922, 3925, 3931, 3934, 3938, 3939, 3940, 3941, 3943, 3944, 3945, 3946, 3947, 3948, and 3949, and to repeal Section 3910, of the Political Code, and to add eight new sections thereto, to be numbered 3959, 3960, 3961, 3962, 3963, 3964, 3965, and 3966, all relating to county boundaries.

On motion of Mr. Amerige, Assembly Bill No. 899 was made a special order for to-morrow (Tuesday), after the reading of the Journal.

Assembly Bill No. 830—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 537 and 538 thereof, relating to the cases in which a writ of attachment shall issue, and to the contents of the affidavit for attachment.

Senate amendments pending.

Passed on file.

Assembly Bill No. 437—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Mr. Beardslee was granted leave to withdraw Assembly Bill No. 437.

Assembly Bill No. 62—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1409, relating to successions.

Mr. Moore was granted leave to withdraw Assembly Bill No. 62.

#### UNFINISHED BUSINESS—(RESUMED).

Assembly Bill No. 288—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-fourth, fifty-fifth, and fifty-sixth fiscal years.

Senate amendment pending.

#### SENATE AMENDMENT.

The following Senate amendment to Assembly Bill No. 288 was read:

On page 1, Section 1, line 1, strike out the words "five thousand five," and insert in lieu thereof "six thousand two."

#### MOTION.

Mr. Stanton moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 288.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 288 was considered in Committee of the Whole.

Mr. Stanton moved that the Committee of the Whole rise and report back Assembly Bill No. 288, with a recommendation that it do pass, as amended by the Senate.

Motion carried.

#### IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 288—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-fourth, fifty-fifth, and fifty-sixth fiscal years—and do now report the same back, and recommend that the Senate amendments be concurred in.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

#### SENATE AMENDMENT CONCURRED IN.

Mr. Stanton moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 288?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Beckett, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, Houser, John, Johnstone, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Meincke, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, and Mr. Speaker—52.

NOES—None

Assembly Bill No. 288 ordered to enrollment.

Assembly Bill No. 99—An Act to amend Section 1167 of the 'Code of Civil Procedure, relating to summons in summary proceedings for obtaining possession of real property.

SENATE AMENDMENT.

The following Senate amendment to Assembly Bill No. 99 was read:

On page 2, Section 1, line 17, after the word "property," insert the words "involved in the action."

SENATE AMENDMENT CONCURRED IN.

Mr. Treadwell moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 99?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Bates, Beardslee, Beckett, Boyle, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cullen, Devlin, Drew, Duryea, Ells, Estudillo, Gans, Gates, Goodrich, Held, Johnson, Johnstone, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strohl, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—52.

NOES—Mr. Houser—1.

Assembly Bill No. 99 ordered to enrollment.

Assembly Bill No. 457—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expense of actions, alimony, and actions for maintenance and support.

Senate amendment pending.

SENATE AMENDMENT.

The following Senate amendment to Assembly Bill No. 457 was read:

On page 1, Section 1, line 6, by inserting a period (.) after the word "action," and beginning the word "when" with a capital letter.

SENATE AMENDMENT CONCURRED IN.

Mr. McCartney moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 457?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burke, Busick, Cleveland, Cooper, Coyle, Creighton, Cullen, Dorsey, Ells, Espey, Gans, Gates, Goodrich, Held, Houser, Johnson, Johnstone, King, Lynch, Manwell, McCartney, McKenney, Meincke, Mindham, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Tripp, Vogel, Waste, Whiting, and Mr. Speaker—47.

NOES—Messrs. Jury and McNamara—2

Assembly Bill No. 457 was ordered to enrollment.

Assembly Bill No. 409—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending subdivision 38 of said Section 25, relating to a special road fund tax.

Senate amendments pending.



## SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 409 were read:

Also On pages 10 and 11, Section 20, strike out Subdivision 20, and insert in lieu thereof the following.

"20. There is hereby created in each county of this State the office of county health officer. The board of supervisors of each county shall appoint on or before the first day of April, 1905, a health officer to fill said office, who shall be a duly licensed and practicing physician, and a graduate of a medical college of good standing. Said health officer shall hold office for the term of four years, and until his successor shall be elected and qualified, and shall receive as compensation for his services a sum to be fixed by the board of supervisors, which shall not be less than \$900 per annum, and necessary expenses incurred in the performance of his duties, payable in the same manner as other county officers are paid. If the board of supervisors of any county refuse or neglect to appoint such health officer before April 1, 1905, or shall neglect or fail for ten days after a vacancy shall occur in said office to appoint a successor to fill such vacancy, then the State Board of Health may select and appoint such health officer, and such health officer shall hold for the term or unexpired term, and shall have all the powers and privileges pertaining to such office, and the salary and necessary expenses of such health officer shall be a charge against the county in like manner as if such officer were appointed by the board of supervisors.

"It shall be the duty of said health officer to enforce within his county all State laws pertaining to sanitary matters, and all orders, rules and regulations concerning health and quarantine prescribed or directed by the State Board of Health, and all local ordinances, resolutions, orders and regulations concerning health, of the board of supervisors, which shall not be in conflict with the general laws or the orders, rules and regulations of the State Board of Health.

"Said health officer shall report in writing to the State Board of Health on or before the fifth day of each month all infectious, contagious and communicable diseases in man or beast which shall come to his knowledge, upon blanks furnished by the State Board of Health, and he shall, in cases of local epidemic of disease, report all facts concerning the disease, and the measures taken to abate and prevent the spread of the disease to the State Board of Health.

"Said health officer shall report to the State Board of Health all violations of the State health laws and all violations of the State laws relating to registration of births, marriages and deaths which shall come to his knowledge.

"Said health officer shall have local power of quarantining and disinfecting in all cases of contagious, infectious and communicable diseases, and shall have the power to quarantine, isolate and disinfect persons, animals and things in such manner as he shall deem proper, and not in conflict with the orders, rules and regulations of the State Board of Health.

"It shall be the duty of all physicians, nurses and other persons having knowledge of the existence of any contagious, infectious or communicable disease within the county, to report to said health officer the name of the person, the place where such person is confined and the character of the disease.

"In the event of the refusal, neglect or failure of said health officer to perform any of the duties required by the State Board of Health, then the State Board of Health may report in writing such fact to the county auditor and to the board of supervisors.

"Upon the receipt of such report from the State Board of Health the county auditor shall thereupon refuse to audit or issue a warrant for the salary of such health officer, and the board of supervisors shall at its next regular meeting proceed to hear and determine the matters so reported by the State Board of Health, and if it appear that said officer has refused, failed or neglected to perform any duty devolving upon him by law or by any order, rule or regulation of the State Board of Health, then said board of supervisors shall declare said health officer not entitled to any salary or compensation during the month in which such dereliction of duty occurs, and shall direct the county auditor to refuse to issue a warrant for such monthly salary or compensation.

"No county auditor shall audit or issue a warrant for the salary or compensation of any county health officer until he shall receive notice from the Secretary of the State Board of Health that such health officer has properly reported to and duly complied with all orders, rules and regulations of the State Board of Health.

"When public necessity requires such action, the board of supervisors may appoint one or more special health officers in the county, who shall be under the supervision of the county health officer, and shall enforce the ordinances, rules and regulations of the board of supervisors and of the State Board of Health, relating to health and sanitary matters. The term of office and compensation of such special health officer shall be fixed by the board of supervisors."

Also: On page 14, line 493, after the word "highways," insert the following. "The board of supervisors shall by order duly made and entered upon the minutes of the board designate such road or roads within the county as shall be known as main public roads within the meaning of this subdivision."

Also: Strike out subdivision 4 and insert the following in lieu thereof:

"4. To lay out, maintain, control, erect, and manage public roads, turnpikes, ferries, and bridges within the county, and to grant franchises and licenses to collect tolls

thereon; *provided*, where the cost of the erection of any bridge exceeds the sum of five hundred dollars, they must advertise for bids, together with plans and specifications, strain sheets, and working details thereof, and shall let the contract therefor upon the plans adopted by them, which shall be attached to, and made a part of such contract, and the person or corporation whose plans are adopted, and to whom the contract is awarded, shall be required to execute a bond, to be approved by said board, for the faithful performance of such contract, *provided*, that the road commissioners in their respective district shall employ all labor required, and direct the conduct of work of any kind done upon any and all public roads, *provided further*, that in case of great emergency, by the unanimous consent of the whole board, they may proceed at once to replace or repair any and all bridges and structures without notices."

Also: On page 1, line 1, before the word "section," insert the word and figure "Section 1"

Also. On page 10, strike out all of Subdivision 14, and renumber all the subdivisions consecutively after Subdivision 13

Also: On page 1, strike out the entire title, and insert in lieu thereof the following:

"An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1901, by amending Section 25 thereof, relating to powers of boards of supervisors, special road fund tax, and to health officers, and the duties of supervisors and auditors in connection therewith."

Also: On pages 10 and 11, Section 20, line 339, strike out:

"20. There is hereby created in each county of this State the office of county health officer. The board of supervisors of each county shall appoint on or before the first day of April, 1905, a health officer to fill said office, who shall be a duly licensed and practicing physician, and a graduate of a medical college of good standing. Said health officer shall hold office for the term of four years, and until his successor shall be elected and qualified, and shall receive as compensation for his services a sum to be fixed by the board of supervisors, which shall not be less than \$900 per annum, and necessary expenses incurred in the performance of his duties, payable in the same manner as other county officers are paid. If the board of supervisors of any county refuse or neglect to appoint such health officer before April 1, 1905, or shall neglect or fail for ten days after a vacancy shall occur in said office to appoint a successor to fill such vacancy, then the State Board of Health may select and appoint such health officer, and such health officer shall hold for the term, or unexpired term, and shall have all the powers and privileges pertaining to such office, and the salary and necessary expenses of such health officer shall be a charge against the county in like manner as if such officer were appointed by the board of supervisors.

"It shall be the duty of said health officer to enforce within his county all State laws pertaining to sanitary matters, and all orders, rules and regulations concerning health and quarantine prescribed or directed by the State Board of Health, and all local ordinances, resolutions, orders, and regulations concerning health, of the board of supervisors, which shall not be in conflict with the general laws or the orders, rules and regulations of the State Board of Health

"Said health officer shall report in writing to the State Board of Health on or before the fifth day of each month all infectious, contagious and communicable diseases in man or beast which shall come to his knowledge, upon blanks furnished by the State Board of Health, and he shall, in cases of local epidemic of disease, report all facts concerning the disease, and the measures taken to abate and prevent the spread of the disease, to the State Board of Health

"Said health officer shall report to the State Board of Health all violations of the State health laws, and all violations of the State laws relating to registration of births, marriages, and deaths, which shall come to his knowledge.

"Said health officer shall have local power of quarantining and disinfecting in all cases of contagious, infectious, and communicable diseases, and shall have the power to quarantine, isolate and disinfect persons, animals and things in such manner as he shall deem proper, and not in conflict with the orders, rules and regulations of the State Board of Health.

"It shall be the duty of all physicians, nurses, and other persons having knowledge of the existence of any contagious, infectious, or communicable disease within the county, to report to said health officer the name of the person, the place where such person is confined, and the character of the disease.

"In the event of the refusal, neglect or failure of said health officer to perform any of the duties required by the State Board of Health, then the State Board of Health may report in writing such fact to the county auditor and to the board of supervisors.

"Upon the receipt of such report from the State Board of Health the county auditor shall thereupon refuse to audit or issue a warrant for the salary of such health officer, and the board of supervisors shall, at its next regular meeting, proceed to hear and determine the matters so reported by the State Board of Health, and if it appear that said officer has refused, failed, or neglected to perform any duty devolving upon him by law or by any order, rule or regulation of the State Board of Health, then said board of supervisors shall declare said health officer not entitled to any salary or compensation during the month in which such dereliction of duty occurs, and shall direct the county auditor to refuse to issue a warrant for such monthly salary or compensation

"No county auditor shall audit or issue a warrant for the salary or compensation of any county health officer until he shall receive notice from the Secretary of the State

Board of Health that such health officer has properly reported to and duly complied with all orders, rules and regulations of the State Board of Health.

"When public necessity requires such action, the board of supervisors may appoint one or more special health officers in the county, who shall be under the supervision of the county health officer, and shall enforce the ordinances, rules and regulations of the board of supervisors and of the State Board of Health, relating to health and sanitary matters. The term of office and compensation of such special health officer shall be fixed by the board of supervisors."

And insert in lieu thereof the following:

"20. There is hereby created in each county of this State the office of county health officer. The board of supervisors of each county shall appoint on or before the first day of April, 1905, a health officer to fill said office, who shall be a duly licensed and practicing physician and a graduate of a medical college of good standing. Said health officer shall hold office for the term of four years and until his successor shall be elected and qualified, and shall receive as compensation for his services a sum to be fixed by the board of supervisors, and necessary expenses incurred in the performance of his duties, payable in the same manner as other county officers are paid. If the board of supervisors of any county refuse or neglect to appoint such health officer before April 1st, 1905, or shall neglect or fail for ten days after a vacancy shall occur in said office to appoint a successor to fill such vacancy, then the State Board of Health may select and appoint such health officer, and such health officer shall hold for the term, or unexpired term, and shall have all the powers and privileges pertaining to such office, and the salary and necessary expenses of such health officer shall be a charge against the county in like manner as if such officer were appointed by the board of supervisors.

"It shall be the duty of said health officer to enforce within his county all State laws pertaining to sanitary matters, and all orders, rules and regulations concerning health and quarantine prescribed or directed by the State Board of Health, and all local ordinances, resolutions, orders and regulations concerning health, of the board of supervisors, which shall not be in conflict with the general laws or the orders, rules and regulations of the State Board of Health.

"Said health officer shall report in writing to the State Board of Health on or before the fifth day of each month all infectious, contagious and communicable diseases in man or beast which shall come to his knowledge, upon blanks furnished by the State Board of Health, and he shall in cases of local epidemic of disease, report all facts concerning the disease, and the measures taken to abate and prevent the spread of the disease, to the State Board of Health.

"Said health officer shall report to the State Board of Health all violations of the State health laws and all violations of the State laws relating to the registration of births, marriages, and deaths which shall come to his knowledge.

"Said health officer shall have local power of quarantining and disinfecting in all cases of contagious, infectious and communicable diseases, and shall have the power to quarantine, isolate and disinfect persons, animals and things in such manner as he shall deem proper, and not in conflict with the orders, rules, and regulations of the State Board of Health.

"It shall be the duty of all physicians, nurses and other persons having knowledge of the existence of any contagious or communicable disease within the county, to report to said health officer the name of the person, the place where such person is confined and the character of the disease.

"In the event of the refusal, neglect, or failure of such health officer to perform any of the duties required by the State Board of Health, then the State Board of Health may report in writing such fact to the county auditor and to the board of supervisors.

"Upon the receipt of such report from the State Board of Health the county auditor shall thereupon refuse to audit or issue a warrant for the salary of such health officer, and the board of supervisors shall at its next regular meeting proceed to hear and determine the matters so reported by the State Board of Health, and if it appear that said officer has refused, failed or neglected to perform any duty devolving upon him by law, or by any order, rule or regulation of the State Board of Health, then said board of supervisors shall declare said health officer not entitled to any salary or compensation during the month in which such dereliction of duty occurs, and shall direct the county auditor to refuse to issue a warrant for such monthly salary or compensation."

"No county auditor shall audit or issue a warrant for the salary or compensation of any county health officer until he shall receive notice from the Secretary of the State Board of Health that such health officer has properly reported to and duly complied with all orders, rules and regulations of the State Board of Health.

"When public necessity requires such action, the board of supervisors may appoint one or more special health officers in the county, who shall be under the supervision of the county health officer, and shall enforce the ordinances, rules and regulations of the board of supervisors and of the State Board of Health, relating to health and sanitary matters. The term of office and compensation of such special health officer shall be fixed by the board of supervisors."

#### SENATE AMENDMENTS CONCURRED IN.

Mr. Johnstone moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 409?"

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Chandler, Coghlan, Cooper, Coyle, Cullen, Devlin, Dorsey, Drew, Ellis, Gans, Gates, Houser, Johnson, Johnstone, Jury, Lumley, Lynch, Manwell, McGowan, McKenney, McNamara, Meincke, Mindham, O'Brien, Perkins, Pfaffie, Pryor, Pyle, Stanton, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr Speaker—51.

NOES—Mr. King—1.

Assembly Bill No. 357—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby.

Senate amendments pending.

On motion of Mr. Stanton, Assembly Bill No. 357 was ordered stricken from the file.

#### TIME FOR RECESS EXTENDED.

At twelve o'clock and fifty-five minutes P. M., on motion of Mr. Dorsey, the hour for recess was extended fifteen minutes.

#### THIRD-READING FILE.

Assembly Bill No. 286—An Act making an appropriation to pay for bituminous pavement of the street in front of the Industrial Home of Mechanical Trades for the Adult Blind, Oakland, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Bliss, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Coghlan, Cooper, Creighton, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Houser, John, Johnson, Johnstone, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McNamara, Meincke, Mindham, Moore, O'Brien, Perkins, Pryor, Pyle, Rolley, Stanton, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Assembly Bill No. 286 ordered transmitted to the Senate.

#### ACTION RESCINDED.

Mr. Rolley moved that the Assembly rescind and reconsider the action taken this day in amending the title to Senate Bill No. 459, as the same amendment to the title had been adopted on a previous day.

Motion carried.

#### REPORT BY SAN FRANCISCO DELEGATION.

The San Francisco Delegation submitted the following report, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. SPEAKER: The San Francisco Delegation, to whom was referred Assembly Bill No. 1169—An Act to amend Section 710 of the Code of Civil Procedure of the State of California, providing a procedure by which money or credits of a judgment debtor in the hands of the State of California, or a public or municipal corporation or public officer, may be obtained in satisfaction of judgment, and relating to the duty of courts upon the receipt of money into court under such procedure—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McGOWAN, Chairman.

Assembly Bill No. 1169 ordered to second reading.

## RESOLUTION.

Mr. John submitted the following resolution:

(For compensation to Journal Clerks.)

*Resolved*, That R. L. Dempsey, Journal Clerk of the Assembly, and V. Dolan and R. G. Stitt, his assistants, be and they are hereby employed after the final adjournment of the thirty-sixth session of the Legislature of the State of California, for the purpose of completing the work devolving upon them as Journal Clerks of the Assembly, in comparing and delivering the corrected and approved Journals and the five bound copies of the same (as required by law) to the Chief Clerk of the Assembly, when completed, and that they each be allowed the sum of \$75 from and after the final adjournment of the thirty-sixth session of the Legislature, payable out of the Contingent Fund of the Assembly, and the Controller is hereby directed to draw his warrants for the same, and the Treasurer is directed to pay the same.

The resolution was ordered printed in the Journal, and ordered referred to the Committee on Ways and Means.

## RECESS.

At one o'clock P. M., the Speaker declared a recess until two o'clock and thirty minutes P. M.

## REASSEMBLED.

The Assembly reconvened at two o'clock and thirty minutes P. M. Speaker Hon. Frank C. Prescott in the chair.

## RESOLUTION.

Mr. Mitcheltree asked for and was granted unanimous consent to offer the following concurrent resolution:

## ASSEMBLY CONCURRENT RESOLUTION No. 27.

For appointment of a committee to attend obseques of Mrs. Jane L. Stanford.

*Resolved by the Assembly of the State of California, the Senate concurring*, That a committee of six, consisting of three Assemblymen and three Senators, be appointed by the Speaker of the Assembly and President of the Senate, respectively, to represent the Legislature of the State of California at the funeral of the late Jane Lathrop Stanford.

For the purpose of carrying out this resolution the sum of two hundred and fifty (\$250.00) dollars is hereby appropriated, to be paid equally from the Contingent Funds of the Assembly and Senate, for the expenses of said committee.

Concurrent resolution read.

Mr. Mitcheltree moved its immediate adoption.

The roll was called, and the concurrent resolution adopted by the following vote:

AYES—Messrs. Amerige, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Coghlan, Creighton, Cullen, Devlin, Drew, Ellis, Gans, Held, Jarvis, John, Johnson, Jones of Tuolumne, Jury, Lucey, Lumley, Manwell, McCartney, McGowan, McNamara, Meincke, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strohl, Thompson, Treadwell, Walsh, Whiting, and Mr. Speaker—48.

NOES—None.

## APPOINTMENT OF COMMITTEE.

The Speaker appointed the following committee to attend the funeral of the late Mrs. Jane Lathrop Stanford: Mr. Waste, Mr. Mitcheltree, and Mr. Atkinson; and the Chief Clerk was directed to so instruct the Senate in his message notifying that body of the adoption of the concurrent resolution.

## SPECIAL SENATE FILE.

Senate Bill No. 676—An Act to pay the claim of S. P. Maslin against the State of California.

Read second time.

Mr. Stanton moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 676.

Motion carried.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 676 was considered in Committee of the Whole.

Mr. Beckett moved that the Committee of the Whole rise and report back Senate Bill No. 676, with recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

GENTLEMEN The Committee of the Whole have had under consideration Senate Bill No. 676—An Act to pay the claim of S. P. Maslin against the State of California—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Bill ordered on file for third reading.

Senate Bill No. 408—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be numbered 66a, relating in the amendment to the boards of supervisors of the several counties of the State, and making it their duty to furnish the Secretary of the State Agricultural Society with certain statistical information, and declaring the same to be a county charge.

Read second time, and ordered on file for third reading.

Senate Bill No. 255—An Act to repeal Section 1639 of the Code of Civil Procedure, approved March 24, 1874, and to add a new section to said code, to be numbered 1527, both relating to sale of personal property of a deceased person upon application for sale of real property.

Read second time, and ordered on file for third reading.

Senate Bill No. 435—An Act to add a new section to the Penal Code, to be numbered 397h, relating to the sale, giving, or delivering of intoxicating liquors to minor children, and to the preventing of minor children from visiting saloons or public houses where intoxicating liquors are sold.

Read second time, and ordered on file for third reading.

Senate Bill No. 302—An Act making an appropriation to pay the claim of H. W. Randal, for the reward offered by the State of California for the arrest of Josef E. Blanthier for murder.

Passed on file.

Senate Bill No. 399—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of \$3,000 therefor.

Read second time.

## MOTION.

Mr. Treadwell moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 399.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 399 was considered in Committee of the Whole.

Mr. Treadwell moved that the Committee of the Whole do now rise and report back Senate Bill No. 399, with the recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 399—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of \$3,000 therefor—and do now report the same back, and recommend that the same do pass

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Bill ordered on file for third reading.

Senate Joint Resolution No. 10—In reference to Japanese immigration.

On motion, ordered stricken from file.

Senate Bill No. 113—An Act to amend Section 849 of the Code of Civil Procedure, relating to service of summons issued out of justices' courts.

Read second time, and ordered on file for third reading.

Senate Bill No. 51—An Act to add an additional section to the Code of Civil Procedure, to be numbered 583, relating to the dismissal of actions.

Read second time, and ordered on file for third reading.

Senate Bill No. 3—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 987½, relating to the payment of fees to attorneys assigned by courts to defend persons unable from lack of means to procure counsel.

Read second time, and ordered on file for third reading.

Senate Bill No. 530—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment, or other lawful termination thereof, in the State of California, defining the duty and power of such commission, and authorizing the employment of agents, clerks, and other employes, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said commission, its agents, clerks, and employes.

Read second time.

## MOTION.

Mr. Treadwell moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 530.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 530 was considered in Committee of the Whole.

Mr. Treadwell moved that the Committee of the Whole do now rise and report back Senate Bill No. 530, with the recommendation that it do pass.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 530—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the oversight, guidance and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment, or other lawful termination thereof, in the State of California, defining the duty and power of such commission, and authorizing the employment of agents, clerks and other employes, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said commission, its agents, clerks, and employes—and do now report the same back, and recommend that it do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Bill ordered on file for third reading.

Senate Constitutional Amendment No. 9—Relative to the exemption from taxation of all of the buildings used solely and exclusively for the accommodation, support, and maintenance of minor orphans, or half orphans, or abandoned children, and so much of the real property on which such buildings are situated as may be required for the convenience, use, and occupation thereof.

Passed on file.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following constitutional amendment has been correctly engrossed:

Assembly Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 12 of Article XIII, relating to revenue and taxation

DEVLIN, Chairman.

## SENATE SPECIAL FILE—(RESUMED).

Senate Bill No. 809—An Act entitled "An Act to protect the purchaser of merchandise against fraud and deception."

Read second time, and ordered on file for third reading.

Senate Bill No. 692—An Act to amend Section 1 of an Act entitled "An Act to authorize suits against the State, and regulating the procedure therein," approved February 28, 1893.

Read second time, and ordered on file for third reading.



Senate Bill No. 383—An Act providing pay for holidays for employes of the State of California, or any political subdivision thereof.

Read second time, and ordered on file for third reading.

Senate Bill No. 563—An Act to provide for the location, construction, and management of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyer's Station; thence past Tallac, Emerald Bay, and McKinney's to Tahoe City, and making an appropriation therefor.

Read second time.

MOTION.

Mr. Duryea moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 563.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 563 was considered in Committee of the Whole.

Mr. Duryea moved that the Committee of the Whole do now rise and report back Senate Bill No. 563 without recommendation.

Motion carried.

IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 563—An Act to provide for the location, construction, and management of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyer's Station; thence past Tallac, Emerald Bay, and McKinney's to Tahoe City, and making an appropriation therefor—and do now report the same back, without recommendation.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Bill ordered on file for third reading.

Senate Bill No. 838—An Act to provide for deepening and widening the channel or outlet of Clear Lake, in Lake County.

Read second time.

MOTION.

Mr. Duryea moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 838.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 838 was considered in Committee of the Whole.

Mr. Duryea moved that the Committee of the Whole do now rise and report back Senate Bill No. 838, with the recommendation that it be referred to a select committee, to consist of the Committee on Ways and Means.

Motion carried.

IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 838—An Act to provide for deepening and widening the channel or outlet of Clear Lake, in Lake County—and do now report the same back, and recommend that it be referred to a select committee, to consist of the Committee on Ways and Means, for the purpose of preparing amendments thereto.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Bill ordered on file for third reading.

Senate Bill No. 336—An Act to appropriate the sum of \$3,500 to pay the claim of E. J. Card, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Read second time.

## COMMITTEE AMENDMENTS.

The following amendments were read:

## AMENDMENT No. 1.

Amend by substituting for the word "three" the word "two," in line 3, Section 1, page 1 of the printed bill.

Amendment adopted.

## AMENDMENT No. 2.

Amend by substituting for the word "three" the word "two," in line 3, Section 2, page 1 of the printed bill

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out all of Section 3 of the printed bill.

Amendment adopted.

## MOTION.

Mr. Houser moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 336.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 336 was considered in Committee of the Whole.

Mr. Houser moved that the Committee of the Whole do now rise and report back Senate Bill No. 336, with the recommendation that it do pass as amended.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 336—An Act to appropriate the sum of \$3,500 to pay the claim of E. J. Card, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same—and we do now report the same back, and recommend that it do pass as amended.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Bill ordered on file for third reading.

Senate Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending

Section 182 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-fifth class.

Read second time, and ordered on file for third reading.

Senate Bill No. 525—An Act making an appropriation of \$5,000, to be used by the Governor, Attorney-General, and Secretary of State (comprising the Board of Examiners), in defense of the interests of the State and the political subdivisions thereof, in suits involving the right to use oil upon the public highways.

Read second time.

MOTION.

Mr. Houser moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 525.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 525 was considered in Committee of the Whole.

Mr. Houser moved that the Committee of the Whole do now rise and report back Senate Bill No. 525, with the recommendation that it do not pass.

Motion carried.

IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 525—An Act making an appropriation of \$5,000 to be used by the Governor, Attorney-General, and Secretary of State (comprising the Board of Examiners), in defense of the interests of the State and the political subdivisions thereof, in suits involving the right to use oil upon the public highways—and do now report the same back, and recommend that it do not pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Bill ordered on file for third reading.

SPEAKER PRO TEM. CALLED TO THE CHAIR.

At three o'clock and ten minutes P. M., Hon. Thomas E. Atkinson, Speaker pro tem., in the chair.

SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 518—An Act to authorize the construction, maintenance, and operation of private spur tracks in municipalities.

Read second time, and ordered on file for third reading.

Assembly Bill No. 673—An Act to authorize the construction, maintenance, and operation of private spur tracks in municipalities.

Stricken from file, it being identical with Senate Bill No. 518.

Senate Bill No. 197—An Act to pay the claim of D. D. McLaren against the State of California.

Read second time, and referred to Committee on Ways and Means.

Senate Bill No. 288—An Act making an appropriation to pay the claim of Richard Price Morgan.

Read second time, and, on motion of Mr. Stanton, referred to Committee on Ways and Means.

Senate Bill No. 564—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.

Read second time, and ordered on file for third reading.

Senate Bill No. 770—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 178 thereof, relating to compensation of officers of counties of the twenty-first class.

Read second time, and ordered on file for third reading.

Senate Bill No. 828—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, and amended March 23, 1901, by amending Section 193 thereof, relative to the fees, salaries, and compensation of officers in counties of the thirty-sixth class.

Read second time, and ordered on file for third reading.

Senate Bill No. 798—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

Read second time, and ordered on file for third reading.

Senate Bill No. 885—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbor master, defining their duties, and providing for their compensation.

Read second time, and ordered on file for third reading.

Senate Bill No. 863—An Act to amend Sections 415 and 420 of the Political Code of the State of California, relating to the officers, deputies, and employes of the Secretary of State, and their compensation.

Read second time, and ordered on file for third reading.

Senate Bill No. 846—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, by amending Section 5 thereof.

Read second time, and ordered on file for third reading.

Senate Bill No. 833—An Act forfeiting to the State of California all payments for State lands when a fraudulent title was sought to be obtained thereto.

Read second time, and ordered on file for third reading.

Senate Bill No. 623—An Act to amend Section 205 of the Code of Civil Procedure, relating to the selecting and returning jurors for courts of record.

Read second time, and ordered on file for third reading.

Senate Bill No. 624—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors.

Read second time, and ordered on file for third reading.

Senate Bill No. 461—An Act to amend Section 1372 of the Political Code, relating to primary elections.

Read second time.

## AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out lines 32, 33, and 34, second page, printed bill.

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the words "are respectively situated," on line 36, second page, printed bill, and inserting in lieu thereof the following: "having a population of more than twelve thousand four hundred and seventy are respectively situated, this law shall be mandatory."

Amendment adopted.

Bill ordered to print, and on file for third reading.

Senate Bill No. 169—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved March 23, 1901, by amending Section 208 thereof, relating to counties of the fifty-first class."

Read second time, and ordered on file for third reading.

Mr. O'Brien moved that the Assembly do now reconsider the vote whereby Senate Committee Substitute for Senate Bills Nos. 566, 567, 568, 569, 570, and 571 was yesterday refused final passage.

The question being, "Shall the Assembly reconsider the vote whereby Senate Committee Substitute for Senate Bills Nos. 566, 567, 568, 569, 570, and 571 was refused final passage?"

The roll was called, and the vote reconsidered by the following vote:

AYES—Messrs. Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burke, Busick, Chandler, Cooper, Coyle, Duryea, Eells, Goodrich, Hartman, Held, Jones of Tuolumne, Lucey, Lynch, McCartney, McGowan, McNamara, Meincke, Mindham, Mitchellree, O'Brien, Olmsted, Perkins, Pyle, Rolley, Severance, Slaven, Stanton, Strohbridge, Strohl, Transue, Vogel, Walsh, Waste, Whiting, and Wickersham—42.

NOES—Messrs. Amerige, Anthony, Cleveland, Devlin, Drew, Gans, King, Manwell, Pryor, and Weyand—10.

Senate Bill No. 401—An Act entitled "An Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to persons who can not testify."

On motion of Mr. Duryea, the minute referring to the reading of the bill the second time on a former day was rescinded.

Read second time, and ordered on file for third reading.

Senate Bill No. 844—An Act to amend the Code of Civil Procedure of the State of California, by adding a new section thereto, to be numbered Section 196, relating to the fees of jurors.

Read second time, and ordered on file for third reading.

Senate Bill No. 107—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class," approved March 16, 1903.

Read second time, and ordered on file for third reading.

On motion of Mr. Burke, Assembly Bill No. 977 was taken up for the purpose of amendment.

Assembly Bill No. 977—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 215 thereof, relating to the salaries and fees of county officers of the third class.

Read third time, and Mr. Burke moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On line 34, page 2 of printed bill, strike out the word "and" at the end of said line. Strike out the word "third" at beginning of line 35, page 2.  
On line 33, page 2, strike out the following words: "nor shall such answer."

Motion carried.

Mr. Burke was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 977—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 215 thereof, relating to the salaries and fees of county officers of the third class—with instructions, does now report that the instructions of the Assembly have been carried out.

BURKE, Committee.

The report of the select committee of one was adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was submitted and read:

#### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 552—An Act providing for the establishment and maintenance of a pathological laboratory for the investigation of tree and plant diseases and pests, and branch agricultural experiment station, and making an appropriation therefor.

Assembly Bill No. 977—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county and township officers, and providing for the appointment of certain deputy county officials.

Assembly Bill No. 929—An Act to amend an Act entitled "An Act to amend Section 36 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901, relating to counties of the thirty-second class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the county surveyor," approved March 19, 1903, and in this Act relating to the compensation of the county recorder, auditor, treasurer, county clerk, district attorney, and members of the board of supervisors.

Assembly Bill No. 134—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry

Assembly Bill No. 135—An Act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry

Assembly Bill No. 762—An Act to protect trade and commerce within the State of California against unlawful restraints and monopolies; making unlawful every contract, combination, or conspiracy in restraint of trade or commerce, or to monopolize any part of the trade or commerce within the State of California, and providing penalties and remedies for violations of the provisions of this Act

Assembly Bill No. 267—An Act to amend Sections 1, 4, 5, 6, 7, and 8 of an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation" (Became a law under constitutional provision without Governor's approval, February 27, 1901.)

DEVLIN, Chairman.

Assembly Bill No. 977 ordered on file for passage.

All the other above-reported bills ordered on file for third reading.

Senate Committee Substitute for Senate Bills Nos. 566, 567, 568, 569, 570, and 571—An Act to amend Sections 1238, 1240, 1241, 1247, and 1248 of the Code of Civil Procedure, all relating to eminent domain.

On motion of Mr. Duryea, further consideration of the bill was temporarily suspended.

Mr. Stanton moved that the vote whereby Assembly Concurrent Resolution No. 26 was adopted be reconsidered.

Motion carried.

Assembly Concurrent Resolution No. 26—A resolution relative to the construction of a State toll combination suspension bridge over Carquinez Straits.

On motion of Mr. Stanton, Assembly Concurrent Resolution No. 26 was referred to Committee on Public Expenditures.

Senate Bill No. 447—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered Section 403, providing for labeling articles of food and drink, and providing a punishment for violation thereof.

Read second time, and ordered on file for third reading.

Senate Bill No. 751—An Act to amend an Act entitled "An Act to amend Section 36 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901, relating to counties of the thirtieth class, and to the powers, and compensation of the officers thereof, and in the amendment to the compensation of the county surveyor," approved March 19, 1903, and in this Act relating to the compensation of the county recorder, auditor, treasurer, county surveyor, county clerk, district attorney, and members of the board of supervisors.

Read second time, and ordered on file for third reading.

Senate Bill No. 333—An Act requiring the wardens of the State prisons of California to furnish the sheriffs of California and the Bureau of Identification with certain information concerning convicts within thirty days after receiving said convicts, and providing for payment of the expenses incurred thereby.

Read second time, and ordered on file for third reading.

Assembly Bill No. 899—An Act to amend Sections 3909, 3911, 3912, 3913, 3914, 3915, 3916, 3917, 3919, 3920, 3921, 3922, 3925, 3931, 3934, 3938, 3939, 3940, 3941, 3943, 3944, 3945, 3946, 3947, 3948, and 3949, and to repeal Section 3910 of the Political Code, and to add eight new sections thereto, to be numbered 3959, 3960, 3961, 3962, 3963, 3964, 3965, and 3966, all relating to county boundaries.

Read third time on previous day.

#### SPECIAL ORDER RESET.

On motion of Mr. Amerige, the action setting the consideration of Assembly Bill No. 899 as a special order was rescinded.

Assembly Bill No. 899—An Act to amend Sections 3909, 3911, 3912, 3913, 3914, 3915, 3916, 3917, 3919, 3920, 3921, 3922, 3925, 3931, 3934, 3938, 3939, 3940, 3941, 3943, 3944, 3945, 3946, 3947, 3948, 3949, and to repeal Section 3910 of the Political Code, and to add eight new sections thereto, to be numbered 3959, 3960, 3961, 3962, 3963, 3964, 3965, 3966, all relating to county boundaries.

Mr. Amerige moved that a select committee of one be appointed to amend title of Assembly Bill No. 899, as follows:

After the words "thirty-nine hundred and forty-three" insert the words "thirty-nine hundred and forty-four"

Also: Amend title to Assembly Bill No. 899 as follows: After the words "thirty-nine hundred and forty-five" insert the words "and add two new sections thereto, to be numbered."

Motion carried.

The Speaker pro tem. moved that a select committee of one be appointed to amend Assembly Bill No. 899, as follows:

Add after line 42 of printed bill, the following:

"Sec. 5. Section thirty-nine hundred and forty-four of said code is hereby amended to read as follows:

SAN DIEGO.

"3944 Beginning at a point in the Pacific Ocean opposite San Mateo Point, which is the south corner of Orange County and is in the western line of the Rancho Santa Margarita; thence northerly along said line of such rancho to the southerly line of Mission Viejo or La Paz; thence along the southern and eastern line of said mission to the corner common to the counties of Orange, Riverside, and San Diego, which point is on the line dividing townships seven and eight south, San Bernardino base and meridian; thence easterly along the said township line to its intersection with the west boundary of the Santa Rosa rancho; thence southerly along the boundary of said rancho to where such boundary intersects the range line between townships eight south, three west, and eight south, four west, thence south on said range line to the point of intersection of such line with the second standard parallel south; thence east along said parallel to the eastern boundary of the State of California in the center of Colorado River, thence down such river to the southeast corner of such State, thence westerly along the southern boundary of such State to the southwest corner thereof, and thence northerly along the western boundary of such State to the place of beginning.

"County seat—San Diego."

Motion carried.

Amendments adopted.

Mr. Amerige was appointed such select committee to carry out both motions.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 899—An Act to amend Sections 3909, 3911, 3912, 3913, 3914, 3915, 3916, 3917, 3919, 3920, 3921, 3922, 3925, 3931, 3934, 3938, 3939, 3940, 3941, 3943, 3944, 3945, 3946, 3947, 3948, 3949, and to repeal Section 3910 of the Political Code, and to add eight new sections thereto, to be numbered 3959, 3960, 3961, 3962, 3963, 3964, 3965, 3966 all relating to county boundaries—with instructions, does now report that the instructions of the Assembly have been carried out.

AMERIGE, Committee.

The report of the select committee of one was adopted.

Bill ordered to print, reengrossment, and on file for passage.

Senate Constitutional Amendment No. 9—Relative to the exemption from taxation of all of the buildings used solely and exclusively for the accommodation, support, and maintenance of minor orphans, or half orphans, or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use, and occupation thereof.

Constitutional amendment read.

SENATE CONSTITUTIONAL AMENDMENT No. 9. I

Relative to the exemption from taxation of all of the buildings used solely and exclusively for the accommodation, support, and maintenance of minor orphans, or half orphans, or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use, and occupation thereof.

A resolution to propose to the people of the State of California an amendment to Article XIII, by adding a new section thereto to be known and designated as Section one and three fourths (1 $\frac{3}{4}$ ), relating to the exemption from taxation of all of the buildings used solely and exclusively for the accommodation, support and maintenance of minor orphans, or half orphans, or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use, and occupation thereof.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session, commencing on the second of January, A. D. 1905, two



thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that Article XIII of the Constitution of the State of California be amended by adding a new section thereto, to be known and designated as 12½ and to read as follows:

Section 12½. All buildings and so much of the real property on which they are situated as may be required for the convenience, use, and occupation of said buildings when the same are used solely and exclusively for the accommodation, support and maintenance of minor orphans, half orphans or abandoned children, shall be free from taxation; *provided*, that no building so used which may be rented for any of said purposes, and rent received by the owner thereof, shall be exempt from taxation.

The roll was called, and the constitutional amendment adopted by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Cleveland, Coghlan, Cromwell, Cullen, Devlin, Duryea, Ellis, Estudillo, Hartman, Jarvis, John, Johnson, Jones of Tuolumne, Jury, Lucey, Lumley, Lynch, Maxwell, McCartney, McGowan, McKenney, McNamara, Mencke, Mindham, Mitchelltree, O'Brien, Pfaeffe, Severance, Slaven, Strobridge, Strohl, Thompson, Transue, Vogel, Walsh, Waste, Weyand, and Wickersham—50.

NOES—Messrs. Amerige, Barnes, Chandler, Cooper, Coyle, Creighton, Dorsey, Draw, Espey, Gans, Gates, Goodrich, Held, Johnstone, King, Olmsted, Perkins, Pyle, Rolley, Stanton, Treadwell, and Whiting—22.

#### NOTICE OF RECONSIDERATION.

Mr. Treadwell gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 9 was this day adopted.

#### BILL RECALLED FROM COMMITTEE.

Mr. Dorsey moved that Senate Bill No. 196 be recalled from Committee on Ways and Means and read second time.

Motion carried.

Senate Bill No. 196—An Act to pay the claim of Fred E. Borton, and making an appropriation therefor.

Read second time.

Mr. Dorsey moved to amend as follows:

#### AMENDMENT No. 1.

Amend by striking out the words "seven hundred and fifty," on line 1, Section 1, first page, printed bill, and inserting in lieu thereof the words "five hundred."

Amendment adopted.

#### AMENDMENT No. 2.

Amend by striking out the words "seven hundred and fifty," on line 3, Section 2, first page, printed bill, and inserting in lieu thereof the words "five hundred."

Amendment adopted.

#### MOTION.

Mr. Dorsey moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Senate Bill No. 196.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

Senate Bill No. 196 was considered in Committee of the Whole.

Mr. Dorsey moved that the Committee of the Whole do now rise and report back Senate Bill No. 196, with the recommendation that it do pass.

Motion carried.

#### IN ASSEMBLY.

Speaker pro tem. Hon. T. E. Atkinson in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 146—An Act to pay the claim of Fred E Borton, and making an appropriation therefor—and do now report the same back, and recommend that it do pass as amended.

ATKINSON, Chairman.

The report of the Committee of the Whole was adopted.

Bill ordered on file for third reading.

Senate Committee Substitute for Senate Bills Nos. 566, 567, 568, 569, 570, and 571—An Act to amend Sections 1238, 1240, 1241, 1247, and 1248 of the Code of Civil Procedure, all relating to eminent domain.

Read third time on a previous day.

Mr. Coghlan moved that the bill be referred to Committee on Mileage. Motion lost.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Boyle, Bransterter, Burge, Burke, Coghlan, Cooper, Cullen, Dorsey, Duryea, Estudillo, Hartman, Held, Houser, Jarvis, John, Johnson, Jones of Tuolumne, Jury, Lucey, Lumley, McCartney, McGowan, McNamara, Meincke, Mindham, Mitcheltree, O'Brien, Pfaefle, Pyle, Rolley, Severance, Slaven, Stanton, Strohl, Transue, Treadwell, Vogel, Walsh, Whiting, and Wickersham—47

NOES—Messrs. Busick, Chandler, Cleveland, Coyle, Creighton, Cromwell, Devlin, Drew, Ellis, Espey, Gans, Goodrich, Johnstone, King, Lynch, McKenney, Moore, Olmsted, Perkins, Strohbridge, Thompson, Tripp, Waste, and Weyand—24.

Title read and approved.

## NOTICE OF RECONSIDERATION.

Mr. Treadwell gave notice that on the next legislative day he would move to reconsider the vote whereby the Senate Committee Substitute for Senate Bills Nos. 566, 567, 568, 569, 570, and 571 was this day passed.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were submitted and read:

## ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. SPEAKER Your Committee on County and Township Governments, to whom was referred Senate Bill No. 757—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

BURKE, Chairman

Senate Bill No. 757 ordered to second reading on special Senate file.

## ON PUBLIC CHARITIES AND CORRECTIONS

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905

MR. SPEAKER: Your Committee on Public Charities and Corrections have visited the two State prisons, situate at Folsom and San Quentin, in pursuance and under authority of a resolution heretofore adopted by this Assembly, and the following named persons are entitled to three hundred and sixty-two (362) miles mileage: Messrs. Coghlan, Transue, Tripp, Strohl, Pfaefle, Mitcheltree, and Boyle.

Resolved. That the State Controller be, and he hereby is, authorized to draw his warrant for the amount of \$240.20 in favor of Nathan C. Coghlan, chairman of your committee, payable out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

COGHLAN, Chairman.

On motion of Mr. Coghlan, report was referred to Committee on Mileage.

## ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Senate Bill No. 625—An Act to amend Section 1142 of the Political Code, relating to boards of elections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ROLLEY, Chairman.

Senate Bill No. 625 ordered to second reading on special Senate file.

## ON AGRICULTURE

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 1151—An Act prohibiting the use of dredges for mining purposes which fail to leave the ground so mined tillable for future agricultural purposes—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Judiciary.

STROBRIDGE, Chairman.

Referred to Committee on Judiciary.

## SPECIAL SENATE FILE—(RESUMED).

Substitute for Senate Bill No. 723 (identical with Assembly Bill No. 1162)—An Act to amend Title XVI of Part IV of the Civil Code of the State of California, and each and every part and section of said title, relating to land and building corporations, also called mutual building and loan associations, and to similar corporations and associations.

Read third time.

MR. WALSH moved that Mr. Transue be given all the time desired in his discussion of the bill.

Motion lost.

MR. ESPEY moved as a substitute that the consideration of the bill be made a special order for eight o'clock P. M. of this day.

MR. STANTON moved as a substitute that the consideration be set for seven o'clock and thirty minutes P. M. of this day.

Amendment to substitute motion carried.

## REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were submitted and read:

## ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 773—An Act to amend Section 3916 of the Political Code of the State of California, relating to the boundary line of the County of Colusa

Assembly Bill No. 907—An Act to amend Section 1774 of the Code of Civil Procedure, relating to the accounts of guardians.

Assembly Bill No. 835—An Act making the cost of certain bonds of receivers, assignees, trustees, guardians, administrators, and executors chargeable to a certain extent against the trust estate.

DEVLIN, Chairman.

Bills ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined and found correctly enrolled:

Assembly Bill No. 494—An Act to amend Sections 1181, 1185, 1190, 1202, and 1203 of the Civil Code, all relating to the proof or acknowledgment of instruments in writing.

Assembly Bill No. 291—An Act making an appropriation to pay the claim of John Burr against the State of California.

Assembly Bill No. 498—An Act to amend Sections 1275, 1276, 1285, 1300, 1306, 1307, 1327, 1364, and 1376 of the Civil Code, all relating to wills.

Assembly Bill No. 652—An Act to amend Sections 1521, 1772, and 1775 of the Political Code, relating to the certification of teachers.

Assembly Bill No. 789—An Act to increase the number of Judges of the Superior Court of the County of Shasta, State of California, and for the appointment of such additional judge.

Assembly Bill No. 647—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 34 thereof, relating to counties of the thirtieth class.

Assembly Bill No. 744—An Act to amend Section 1577 of the Political Code, relating to the formation of school districts.

Assembly Bill No. 762—An Act making an appropriation to pay the claim of John V. Powers.

Assembly Bill No. 204—An Act to amend Section 634 of the Political Code, relating to the registration of life insurance policies and deposit of security with Insurance Commissioner therefor.

Assembly Bill No. 121—An Act to amend Section 3654 of the Political Code, relating to the disposition and custody of assessment books, map books, statements, and military rolls.

Assembly Bill No. 98—An Act to amend Section 1310 of the Civil Code, relating to lapsed devises and legacies.

And presented the same to the Governor on this day at five o'clock and thirty minutes P. M.

DEVLIN, Chairman

#### ACTION RESCINDED.

On motion of Mr. Gans, the action of the Assembly was rescinded whereby Senate Bill No. 828 was read second time, and that it be now read.

Senate Bill No. 828—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, and amended March 23, 1901, by amending Section 193 thereof, relative to the fees, salaries, and compensation of officers in counties of the thirty-sixth class.

Read second time.

#### AMENDMENT.

Mr. Gans offered the following amendment:

Amend by striking out all of the title thereof, and inserting in lieu thereof the following title: "An Act to amend Section 193 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the thirty-sixth class, and repealing all conflicting Acts."

Amendment adopted.

Senate Bill No. 828 ordered to print, and to third reading on the special Senate file.

#### SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 514—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers; to provide for its collection and to direct the disposition of its proceeds; to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act.

Read third time.

Mr. Dorsey moved that a select committee of one be appointed to amend Senate Bill No. 514, as follows:

Amend line 17, Section 1, page 4, printed bill, by striking out the words and figure

"two thousand (\$2,000) dollars," and by inserting in lieu thereof the words and figures "four thousand (\$4,000) dollars."

Motion carried.

Amendment adopted.

Mr. Dorsey was appointed such select committee of one.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 514—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers; to provide for its collection and to direct the disposition of its proceeds, to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act—with instructions, does now report that the instructions of the Assembly have been carried out.

DORSEY, Committee.

The report of the select committee of one was adopted.

On motion of Mr. Dorsey, Senate Bill No. 514 was ordered to print, with a rush order, and made a special order for to-morrow (Tuesday) at four o'clock P. M.

RESOLUTIONS FOR COMPENSATION OF CLERKS AND ATTACHÉS.

Mr. Bliss submitted the following resolutions:

*Resolved*, That William Saunders be and he is hereby directed to remain ten days after the close of this session of the Legislature, in the capacity of page and messenger, under the direction of the Chief Clerk, to assist said Chief Clerk and the other clerks at the desk in closing up the business of the session, and the Controller is authorized to draw his warrant for ten days' salary, and the Treasurer is directed to pay the same in favor of said William Saunders out of the appropriation for the contingent expenses of the Assembly.

*Resolved*, That the Sergeant-at-Arms be and he is hereby directed to stay, and retain two assistant sergeants-at-arms, four porters, and four watchmen, for one week after adjournment, to clear the Assembly Chamber and committee rooms, and the Controller is hereby directed and authorized to draw his warrant in favor of J. T. Stafford for two hundred and eighty dollars, and the Treasurer is hereby directed to pay the same out of the appropriation for the contingent expenses of the Assembly.

*Resolved*, That C. W. Haub, bookkeeper to the Sergeant-at-Arms, be allowed the sum of \$150 as payment for overtime work and additional services rendered this Assembly, and for the purpose of completing the work devolving upon said bookkeeper after the close of the session; and the Controller is hereby directed to draw his warrant out of the Contingent Fund of the Assembly for said amount in favor of said C. W. Haub, and the State Treasurer is hereby directed to pay the same.

*Resolved*, That F. H. Mouser be and is hereby appointed stenographer to the Chief Clerk of the Assembly from March 11, 1905, to March 18, 1905, at a per diem of \$5; and be it further

*Resolved*, That for said services the Controller is hereby directed to draw his warrant in favor of said F. H. Mouser, and the State Treasurer is ordered to pay the same out of the appropriation for the contingent expenses of the Assembly.

WHEREAS, Mrs. A. J. Porter has been in attendance and performed the work of stenographer of this Assembly, from January 2 to January 12, inclusive; therefore, be it

*Resolved*, That she be allowed the sum of \$55, the regular rate per diem allowed stenographers. That the Controller be directed to draw his warrant for the same, and the Treasurer be directed to pay the same.

*Resolved*, That pursuant to the provisions of Section 261 of the Political Code of the State of California, the services of Bert Holmes be retained as assistant clerk in order to carry out the duties prescribed in said section, and be it further

*Resolved*, That Bert Holmes be and he is hereby allowed the compensation provided for in Section 269 of said Political Code, said compensation being payable out of the appropriation for the contingent expenses of the Assembly, and the State Controller is hereby directed to draw his warrant in favor of said assistant clerk, and the State Treasurer is hereby directed to pay said warrant.

*Resolved*, That committee clerk Ralph Bane, of the Public Buildings and Grounds Committee, be allowed the sum of \$100, as payment for additional services rendered to the Committees on Public Morals, Education, Labor and Capital, Dairy and Dairy Products, and Public Buildings and Grounds, and other services rendered the thirty-sixth session of the California Legislature, and for the completion and assistance in completion of various committees named and other unfinished business of said com-

mittees after adjournment of said Legislature, and the Controller is hereby directed to draw his warrant against the Contingent Fund of the Assembly for said amount in favor of said Ralph Bane, and the State Treasurer is directed to pay said warrant.

#### SPECIAL ORDER.

On motion of Mr. Creighton, Senate Bill No. 169 (No. 504 on the file) was made a special order for to-morrow (Tuesday), at two o'clock and thirty minutes P. M.

#### RECESS.

At six o'clock and ten minutes P. M., on motion of Mr. Creighton, the Speaker, Hon. Frank C. Prescott, declared a recess until eight o'clock P. M.

#### EVENING SESSION.

The Assembly reconvened at eight o'clock P. M.  
Speaker Hon. Frank C. Prescott in the chair.

#### CONSIDERATION OF SENATE BILL NO. 723—(RESUMED)

Senate Bill No. 723—An Act to amend Title XVI of Part IV of the Civil Code of the State of California, and each and every part and section of said title, relating to land and building corporations, also called mutual building and loan associations, and to similar corporations and associations.

#### SELECT COMMITTEE AMENDMENTS.

Mr. Cromwell moved that a select committee of one be appointed to amend Senate Bill No. 723, as follows:

1. In line 30, after the word "shareholders," strike out the words "members and others."
2. In line 37, after the word "stockholders," strike out the word "and."
3. In line 38, strike out the words "other persons."
4. In line 44, strike out the words "or certificates of investment"
5. In line 45, strike out the word "members," and insert in lieu thereof the word "persons"
6. In line 46, strike out the words "members and others"
7. In line 47, strike out the words "or certificate of investment"
8. In line 52, strike out the words "members and borrowers"
9. In line 56, strike out the words "and members"
10. Beginning with the word "provided," in line 64½, strike out all to and including the semicolon, in line 66
11. In line 73, strike out the words "investor or borrower"
12. In line 74, strike out the words "investor or borrower"
13. Beginning with the word "or," in line 75, strike out to and including the word "investment," in line 76.
14. In line 99, strike out the comma after words "paid-up stock," and insert in lieu thereof a semicolon.
15. Beginning with the word "permanent," in line 99, strike out all to and including the semicolon in line 100.
16. Strike out the comma after the word "corporation," in line 104, and insert in lieu thereof a period
17. Beginning with the word "and," in line 104, strike out all to and including the period in line 108
18. Strike out all of lines 129 to 149, both lines inclusive
19. Beginning with the word "every," in line 150, strike out all to and including the word "member," in line 161, and insert in lieu thereof the following "No such corporation heretofore or hereafter organized under the provisions of this title shall charge an entrance or admission fee to any person for stock issued to him, nor shall any withdrawal fee or other fee or expense be charged to a withdrawing shareholder."
20. In line 163, strike out the word "member," and insert in lieu thereof the word "shareholder"
21. In line 178, strike out the comma after the word "series," and insert in lieu thereof a period.
22. Beginning with the word "and," in line 178, strike out all to and including the word "provided," in line 186.

23. In line 188, strike out the words "members or others," and insert in lieu thereof the word "shareholders."

24. Beginning with the word "or," in line 194, strike out all to and including the word "members," in line 195, and insert in lieu thereof the words "of shareholders."

25. In line 197, strike out the words "or certificate of investment."

26. In line 227, strike out the word "member," and insert in lieu thereof the word "shareholder."

27. In line 235, strike out the word "member," and insert in lieu thereof the word "shareholder."

28. In line 238, strike out the word "member," and insert in lieu thereof the word "shareholder."

29. Beginning with the word "if," in line 233, strike out all to and including the word "sources," in line 242, and insert in lieu thereof the following: "Every such corporation heretofore or hereafter organized under the provisions of this title shall maintain a reserve fund equal to at least five per cent of its outstanding loans; said reserve fund shall be created by setting aside annually five per cent of the net profits accrued since the last prior apportionment, at which figure the said reserve fund shall thereafter be maintained."

30. Beginning with the word "certificates," in line 243, strike out all to and including the word "otherwise," in line 246, and insert in lieu thereof the following: "of stock in such corporation, and the payment to said minor of any sums due upon the maturing or withdrawing of such shares."

31. In line 253, strike out the words "or certificates of investment"

32. Strike out all of Section 638

33. In line 349, strike out the comma after the word "Act," and insert in lieu thereof a period.

34. Beginning with the word "and," in line 349, strike out all to and including the word "incorporation" in line 353

35. Beginning with the word "the," in line 355, strike out all to and including the word "not," in line 364, and insert in lieu thereof the following: "The name 'Building and Loan Association,' as used in this Act, shall include all corporations, societies, or organizations or associations doing a savings and loan or investment business on the building society plan, viz: loaning its funds to its shareholders, whether issuing certificates of stock which mature at a fixed time in advance or not."

36. After the word "thereof," in line 372, strike out the period, and insert in lieu thereof a comma, and the following words. "subject to the provisions of Section 307 of the Civil Code."

37. Beginning with the word "or," in line 395, strike out all to and including the word "depositors," in line 396.

38. Beginning with the word "no," in line 419, strike all to and including the word "misdemeanor," in line 428.

39. Strike out all of Section 646.

40. Strike out all of Section 647.

41. Strike out all of Section 648.

#### MOTION FOR CALL OF THE HOUSE LOST.

A division was called for.

Messrs. Cromwell, Tripp, and Espey demanded the ayes and noes.

Pending the roll call, at nine o'clock and twenty minutes P. M., Mr. Walsh moved for a call of the House.

On division, the motion was lost.

#### MOTION TO APPOINT SELECT COMMITTEE LOST.

The roll was called on the motion for the appointment of a select committee of one to amend, and it was lost by the following vote:.

AYES—Messrs. Amerige, Americh, Barnes, Beardslee, Branstetter, Burke, Busick, Chandler, Creighton, Cromwell, Devlin, Dorsey, Drew, Espey, Gans, Jarvis, John, Johnson, Johnstone, Jury, King, Moore, O'Brien, Olmsted, Perkins, Pyle, Severance, Slaven, Strobbridge, Treadwell, Tripp, Waste, and Mr. Speaker—33.

NOES—Messrs. Anthony, Bliss, Boyle, Burge, Coghlan, Cooper, Coyle, Cullen, Durvea, Ellis, Estudillo, Gates, Goodrich, Hartman, Held, Jones of Tuolumne, Lucey, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Mencke, Pfaffle, Pryor, Rolley, Stanton, Strohl, Thompson, Transue, Vogel, Walsh, Weyand, Whiting, and Wickersham—30.

Mr. Transue moved that the further consideration of Senate Bill No. 723 be continued until to-morrow (Tuesday) morning, after the reading of the Journal.

Motion lost.

## PREVIOUS QUESTION.

Mr. King demanded the previous question.

The question, "Shall the main question be now put?" was put to vote and declared carried.

## BILL LOST.

The roll was called, and Senate Bill No. 723 was refused passage by the following vote:

**AYES**—Messrs. Anthony, Arnerich, Beckett, Bliss, Boyle, Busick, Coghlan, Cooper, Cullen, Duryea, Ellis, Gates, Goodrich, Hartman, Held, Jones of Tuolumne, Lumley, McCartney, McGowan, McNamara, Meincke, Pfaffle, Pryor, Rolley, Stanton, Strohl, Transue, Vogel, Walsh, Waste, Weyand, and Wickersham—32.

**NOES**—Messrs. Amerige, Barnes, Beardslee, Branstetter, Burge, Chandler, Coyle, Creighton, Cromwell, Devlin, Drew, Espey, Gans, Jarvis, John, Johnson, Johnstone, Jury, King, Lynch, McKenney, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Fyle, Severance, Slaven, Strobbridge, Thompson, Treadwell, Tripp, Whiting, and Mr. Speaker—35.

## NOTICE OF RECONSIDERATION.

Mr. King gave notice that on to-morrow he would move to reconsider the vote whereby Senate Bill No. 723 was refused final passage.

Speaker Hon. Frank C. Prescott gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 723 was refused final passage.

## COMMITTEE OF CONFERENCE.

The following-named gentlemen were appointed as a committee of conference on Assembly Bill No. 36: Messrs. Burke, Transue, and Weyand, to confer with a like committee from the Senate.

## CASE OF URGENCY.

By Mr. McCartney:

*Resolved*, That Assembly Bills Nos. 1177 and 1178 present a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

The roll was called, and the resolution adopted, and the provision of the Constitution suspended by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Barnes, Beardslee, Beckett, Boyle, Burge, Burke, Chandler, Coghlan, Cooper, Coyle, Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Moore, Olmsted, Perkins, Pryor, Rolley, Slaven, Strobbridge, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—55.

**NOES**—None.

Assembly Bill No. 1177—An Act transferring money from the General Fund to the State Printing Fund, to pay the expenses of legislative printing for the thirty-sixth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Read second time.

## MOTION.

Mr. McCartney moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 1177.

Motion carried.



## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Assembly Bill No. 1177 was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1177, and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Bill placed on its third reading.

Assembly Bill No. 1177 read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Barnes, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Cooper, Coyle, Cullen, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, McCartney, McGowan, Meincke, Mitcheltree, Moore, Olmsted, Pryor, Rolley, Slaven, Thompson, Transue, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1178—An Act authorizing the Board of Regents of the University of California to exchange the tract of land now constituting the Santa Monica Forestry Station.

Read the second and third times.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Pfaffle, Pryor, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—57.

NOES—Mr. Stanton—1.

Title read and approved.

Bill ordered transmitted to the Senate.

## REQUEST FOR PERMISSION TO INTRODUCE A BILL.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which is as follows: "An Act to amend Section 3713 of the Political Code, relating to the levy of taxes."

PHILIP A. STANTON.

Referred to Committee on Introduction of Bills.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was submitted and read:

## ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 137—An Act appropriating money for the purchase of bedding and furniture, and for repairs for the use of the Preston School of Industry.

Assembly Bill No. 982—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

Assembly Bill No. 831—An Act to promote and facilitate the enforcement of laws against the adulteration of foods and drugs, creating certain officers, prescribing their duties, their terms of office, fixing their salaries, and creating the pure-food fund, defining certain crimes and providing penalties for the punishment thereof and repealing inconsistent Acts.

Assembly Bill No. 967—An Act to provide for the formation, functions, government, operation, and dissolution of water-supply districts; for the development and acquisition thereby, by purchase, condemnation, or otherwise, of sources of water supply for domestic and public purposes, and for the construction or acquisition thereby, by purchase, condemnation, or otherwise, of water works and water systems and other property, and of the operation thereof, and the fixing of water rates thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein, the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds.

DEVLIN, Chairman.

Assembly Bills Nos. 137, 982, 831, and 967 ordered on file for third reading.

#### SPECIAL FILE.

The following bills on the special file were considered:

Assembly Bill No. 1035—An Act to provide for the payment of the fees of county surveyors, and to designate from what fund such fees shall be paid.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Burge, Busick, Chandler, Cooper, Coyle, Creighton, Cronwell, Dorsey, Drew, Estudillo, Gans, Gates, Goodrich, Held, Jones of Tuolumne, Jury, King, Lynch, Maxwell, McCartney, McGowan, Moore, Perkins, Pfaffle, Pryor, Severance, Slaven, Thompson, Walsh, Weyand, and Whiting—31.

NOES—Messrs. Amerige, Anthony, Beardslee, Beckett, Boyle, Burke, Cleveland, Cullen, Devlin, Duryea, Espey, Hartman, Jarvis, Johnson, Johnstone, Lucey, McKenney, McNamara, Meincke, Mitchelltree, O'Brien, Olmsted, Rolley, Stanton, Transue, Treadwell, Tripp, Vogel, Waste, and Mr. Speaker—30.

Assembly Bill No. 426—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Beckett, Boyle, Burge, Burke, Busick, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cronwell, Cullen, Devlin, Dorsey, Duryea, Ellis, Espey, Estudillo, Gates, Hartman, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Maxwell, McGowan, McKenney, Meincke, Mitchelltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Rolley, Severance, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—54.

NOES—Messrs. Anthony, Chandler, Drew, Gans, Lynch, Stanton, Strohbridge, and Wickersham—8.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 290—An Act making an appropriation to pay a deficiency in the appropriation for support of the Industrial Home of Mechanical Trades for the Adult Blind for the fifty-fifth and fifty-sixth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burke, Coghlan, Cooper, Coyle, Creighton, Devlin, Drew, Duryea,

Ells, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, John, Johnson, Jones of Tuolumne, Jury, King, Lucey, Lumley, Lynch, McGowan, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Strohl, Thompson, Transue, Vogel, Weyand, Whiting, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### NOTICE OF MOTION TO RECONSIDER.

Mr. Espey gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 426 was passed this day.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was submitted and read:

##### ON INTRODUCTION OF BILLS

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. SPEAKER. Your Committee on Introduction of Bills, to whom was referred the following bill, herewith returns the same, with the recommendation that the author be permitted to introduce it. The title of said bill is as follows: "An Act to amend Section 3713 of the Political Code, relating to the levy of taxes."

MCCARTNEY, Chairman.

#### RESOLUTION FOR INTRODUCTION OF BILL.

Mr. McCartney offered the following resolution, which was read:

*Resolved*, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereto, be complied with, and that Assemblyman Stanton be and is hereby permitted to introduce Assembly Bill No. 1179.

#### ADOPTION OF RESOLUTION.

Mr. McCartney moved the adoption of the resolution.

The roll was called, and the resolution was declared adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Boyle, Burge, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, Maxwell, McGowan, McKenney, Meincke, Mitchellree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Rolley, Stanton, Stobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—56.

NOES—None.

#### INTRODUCTION OF BILL.

Assembly Bill No. 1179—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

Read first time, and ordered to print with a rush order, to be called up on second reading as soon as returned from the printer.

#### SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 403—An Act making an appropriation to pay the claim of W. F. Gormley for the funeral and burial of W. L. Cotter.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Boyle, Burge, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Ells,

Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, Manwell, McGowan, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Rolley, Severance, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—55.  
Nays—None.

Title read and approved.

Senate Bill No. 734—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the several Acts amendatory thereof and supplemental thereto.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

Ayes—Messrs. Amerige, Anthony, Arnerich, Boyle, Burke, Busick, Cleveland, Coyle, Cromwell, Devlin, Dorsey, Drew, Duryea, Ells, Estudillo, Gans, Goodrich, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, McGowan, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Rolley, Severance, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, and Weyand—46.  
Nays—None.

Title read and approved.

Senate Bill No. 866 (identical with Assembly Bill No. 1087)—An Act making an appropriation of \$675 to pay for postage, expressage, and telegraphing, Secretary of State's office, for the balance of the fifty-sixth fiscal year.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

Ayes—Messrs. Anthony, Beckett, Boyle, Burge, Busick, Coghlan, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ells, Estudillo, Gans, Gates, Hartman, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Rolley, Severance, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, and Whiting—51.  
Nays—None.

Title read and approved.

### THIRD-READING FILE.

The following bill was considered on third-reading file.

Assembly Bill No. 863—An Act to form impounding districts outside of incorporated cities, to prevent animals from running at large, and prescribing the duties, fees, and charges of the poundkeeper in connection therewith.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote.

Ayes—Messrs. Amerige, Anthony, Arnerich, Beckett, Boyle, Burge, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Pfaffle, Pyle, Rolley, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, and Whiting—49.  
Nays—None.

Title read and approved.

Bill ordered transmitted to the Senate.

## MOTION TO RECONSIDER LOST.

Assembly Bill No. 748—An Act to add a new section to the Political Code, to be numbered 1366a, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

Mr. Devlin moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 748 was yesterday refused passage.

The question being, "Shall the Assembly reconsider the vote whereby Assembly Bill No. 748 was refused passage?"

The roll was called, and the Assembly refused to reconsider by the following vote:

**AYES**—Messrs Amerige, Anthony, Beardslee, Busick, Chandler, Coyle, Cromwell, Devlin, Drew, Ellis, Espey, Gans, Goodrich, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, King, Lynch, McKenney, Moore, O'Brien, Olmsted, Pfaffle, Pyle, Strobridge, Thompson, Treadwell, Tripp, Waste, Weyand, Whiting, and Mr. Speaker—36.

**NOES**—Messrs. Atkinson, Beckett, Boyle, Burge, Burke, Cleveland, Coghlan, Creighton, Cullen, Dursey, Duryea, Estudillo, Gates, Hartman, Jury, Lucey, McGowan, McNamara, Meincke, Mitcheltree, Rolley, Severance, Stanton, Transue, Vogel, and Walsh—28.

## SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 34—An Act to provide for locating, surveying, and constructing a State highway from a point in the Congress Hall road at or near the Fair View school house, in the County of Santa Clara, thence along the summit lying between the Pescadero and San Lorenzo creeks in a southwesterly direction, to the northerly rim of the Big Basin Redwood Park, about ten miles, to connect with an existing State road in said Redwood Park, in Santa Cruz County, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Beardslee, Beckett, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Gans, Gates, Goodrich, Hartman, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, King, Lucey, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mitcheltree, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—59.

**NOES**—None.

Title read and approved.

## MOTION TO ADJOURN.

At ten o'clock and thirty minutes P. M., Mr. Beckett moved that the Assembly do now adjourn until ten o'clock A. M. Tuesday, March 7, 1905.

Motion lost.

## REPORT OF COMMITTEE OF CONFERENCE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. SPEAKER: Your Committee of Conference concerning Assembly Bill No. 36—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county and township officers, and providing for the appointment of certain deputy county officials—report that we have met a like committee of the Senate, consisting of Senators Leavitt, Haskins, and Bauer, and we report that the conference committee met, as agreed upon by the respective committees, and after a consideration of said bill, have failed to agree.

BURKE, Chairman.

Ordered on file as unfinished business.

## APPOINTMENT OF COMMITTEE OF FREE CONFERENCE.

The Speaker announced the appointment of Messrs. McGowan, McCartney, and O'Brien as a Committee of Free Conference on Assembly Bill No. 36, to confer with a like committee from the Senate.

## SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 279 (identical with Assembly Bill No. 403)—An Act making an appropriation of \$750 to pay the claim of W. W. Kaye.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Beardslee, Boyle, Burge, Busick, Chandler, Cooper, Coyle, Creighton, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—58.

NOES—None

Title read and approved.

Senate Bill No. 666—An Act concerning warehouse receipts, and the issuing, sale, and transfer thereof, and the sale of goods, wares, and merchandise stored in public or private warehouses in other States.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Beardslee, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Goodrich, Hartman, Held, John, Johnstone, Jones of Tuolumne, King, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Moore, O'Brien, Pfaffle, Pryor, Rolley, Severance, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, and Mr. Speaker—52.

NOES—None.

Title read and approved.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 1134—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding a new section thereto, to be numbered 5½, providing for the doing of work by cities when no bids are received for such work.

Assembly Bill No. 756—An Act to add a new section to the Civil Code, under Title II of Part II thereof, to be numbered Section 3443, relating to contracts with reference to compensation for future services.

Assembly Bill No. 1083—An Act to amend Section 4047 of the Political Code of the State of California, relating to boards of supervisors

Assembly Bill No. 74—An Act making an appropriation of \$14,000 to be used in grading, curbing, and macadamizing of, and the construction of cement sidewalks on the public streets of the town of Berkeley, surrounding and adjacent to the grounds of the University of California, in Alameda County, and prescribing the duties of the Controller and Treasurer in relation thereto.

Assembly Bill No. 1143—An Act to amend Section 685 of the Code of Civil Procedure, relating to the enforcement or carrying into execution of judgments after the lapse of five years from the date of entry.

Assembly Bill No 864—An Act to amend Section 459 of the Penal Code of the State of California, relating to the crime of burglary.

Assembly Bill No 895—An Act to add a new section to the Penal Code to be known as Section 654a, relating to the protection of the purchaser of merchandise against fraud and deception.

Assembly Bill No 660—An Act to pay the claim of Lawrence J. Dunnigan against the State of California, and making an appropriation therefor.

Assembly Bill No 1148—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered and designated Section 595a, relating to certificates of authority to be issued to insurance companies.

Assembly Bill No 1020—An Act to amend Section 1183 of the Code of Civil Procedure, relating to mechanics', laborers', miners', materialmen's, contractors' and other liens upon real property.

Assembly Bill No. 424—An Act to pay the claim of E. A. Dulip as administrator of the estate of John P. Dulip, deceased, against the State of California, and making an appropriation therefor.

Assembly Bill No. 843—An Act to amend Sections 3, 7, and 10 of an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897.

Assembly Bill No 825—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property.

Assembly Bill No. 753—An Act to pay the claim of Philip Bauer against the State of California, and to make an appropriation therefor.

Assembly Bill No 801—An Act to appropriate the sum of \$2,500 to pay the claim of E. J. Card, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Assembly Bill No 138—An Act appropriating money for constructing a refrigerating plant at the Preston School of Industry.

Assembly Bill No. 133—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Assembly Bill No. 132—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including a dam across Sutter Creek.

Assembly Bill No. 136—An Act appropriating money for building an assembly hall at the Preston School of Industry.

Assembly Bill No 712—An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry, and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor.

DEVLIN, Chairman

Assembly Bills Nos. 1134, 756, 1083, 74, 1143, 864, 995, 660, 1148, 1020, 424, 843, 825, 753, 801, 138, 133, 132, 136, and 712 ordered on third-reading file.

SPECIAL FILE—(RESUMED).

Assembly Bill No. 784—An Act making an appropriation of \$785, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing one team, four sets of harness, one mowing machine, and one set of platform scales for the use of said school.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Beardslee, Beckett, Boyle, Burge, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnstone, Jones of Tuolumne, King, Lynch, Maxwell, McGowan, McKenney, O'Brien, Olmsted, Pfaffle, Pryor, Rolley, Stanton, Strobbridge, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Mr Speaker—48.

NOES—None.

Title read and approved.

## MOTION TO ADJOURN.

At ten o'clock and fifty minutes P. M., Mr. Chandler moved that the Assembly do now adjourn until ten o'clock A. M. to-morrow.

Motion lost.

## SPECIAL FILE—(RESUMED).

Assembly Bill No. 1146—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 11, 1872, by amending Section 755 thereof, relating to the salary of the Clerk of the Supreme Court.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Atkinson, Beckett, Boyle, Burge, Busick, Coyle, Duryea, Estudillo, Gans, Gates, John, Jones of Tuolumne, Lucey, McKenney, McNamara, O'Brien, Pryor, Rolley, Vogel, and Walsh—20.

NOES—Messrs. Amerige, Anthony, Chandler, Cleveland, Cooper, Dorsey, Drew, Ellis, Espey, Goodrich, Held, Johnstone, King, Lynch, McGowan, Olmsted, Pfaffle, Stanton, Strobridge, Thompson, Treadwell, Waste, Weyand, Whiting, and Mr. Speaker—25.

## NOTICE OF RECONSIDERATION.

Mr. McGowan gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 1146 was refused passage.

## RESOLUTION—(OUT OF ORDER).

By Mr. Dorsey:

(For compensation of attachés)

WHEREAS, The following attachés of the Assembly: Henry Nelson, S. C. Kutz, S. K. Davis, Albert Kerr, A. H. Brannon, D. B. Ferner, H. A. Russell, Jos. Entough, A. P. Brown, and F. Ridgeway, have acted as Bill Filers during the present session, and have labored frequently until midnight, on Sundays and other unusual hours; therefore, be it

Resolved, That the said attachés are deserving of additional compensation for extra work performed, and that the State Controller be and is hereby directed to draw his warrant for the sum of seven hundred (\$700) dollars, payable out of the Contingent Fund of the Assembly, in favor of said attachés, said amount to be paid in the sum of seventy (\$70) dollars to each of them.

The resolution was ordered printed in the Journal, and referred to the Committee on Ways and Means

## SPECIAL FILE—(RESUMED).

Senate Bill No. 813—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Boyle, Burge, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Jarvis, John, Johnstone, Jones of Tuolumne, King, Lynch, Manwell, McGowan, McNamara, O'Brien, Olmsted, Pfaffle, Pryor, Rolley, Stanton, Strobridge, Thompson, Treadwell, Vogel, Waste, Whiting, and Mr. Speaker—46.

NOES—None.

Title read and approved.



## SPECIAL FILE FOR TUESDAY EVENING.

Mr. Espey moved that if the Assembly adjourn before the completion of the special file this evening, the same be made a special order for consideration to-morrow evening at eight o'clock.

Motion carried.

## THIRD-READING FILE.

The following bill was considered on the third-reading file:

Assembly Bill No. 661—An Act appropriating money to pay the claim of A. Bosquit against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Boyle, Burge, Busick, Cleveland, Cooper, Coyle, Creighton, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Jarvis, John, Johnstone, Jones of Tuolumne, King, Lynch, Manwell, McGowan, McKenney, McNamara, O'Brien, Olmsted, Pfaffle, Pryor, Stanton, Strobridge, Thompson, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—44.

NOES—Mr. Amerige—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 137—An Act appropriating money for the purchase of bedding and furniture, and for repairs for the use of the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Beckett, Boyle, Burge, Busick, Cleveland, Cooper, Coyle, Creighton, Cullen, Devlin, Dorsey, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Jarvis, John, Johnstone, Jones of Tuolumne, King, Lynch, Manwell, McGowan, McKenney, McNamara, Olmsted, Pryor, Roiley, Stanton, Strobridge, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was submitted and read:

## ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Senate Bill No. 748—An Act to provide that no person shall be eligible to the office of justice of the peace in any incorporated city or town of California having a population of more than ten thousand persons, excepting a regularly admitted attorney at law, and providing a special means of determining, for the purposes of this Act, the population of incorporated cities and towns—and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 501—An Act authorizing the Governor of the State of California to set apart one day each year to be designated as Arbor and Bird Day—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

DURYEA, Chairman.

## SECOND READING OF BILLS.

On motion of Mr. Duryea, Senate Bills Nos. 748 and 501 were taken up for second reading.

Senate Bill No. 748—An Act to provide that no person shall be eligible to the office of justice of the peace in any incorporated city or

town of California having a population of more than ten thousand persons, excepting a regularly admitted attorney at law, and providing a special means of determining, for the purposes of this Act, the population of incorporated cities and towns.

Read second time.

#### COMMITTEE AMENDMENT.

The following committee amendment was read:

Amend by striking out of lines 2 and 3, page 1, printed bill, the words "incorporated city or town of California," and insert in lieu thereof the words "township within which is situated any city or town."

Amendment adopted.

Senate Bill No. 748 ordered to reprint and on special Senate file.

Senate Bill No. 501—An Act authorizing the Governor of the State of California to set apart one day each year to be designated as Arbor and Bird Day.

Read second time.

Senate Bill No. 501 was ordered to third reading on the special Senate file.

#### SPECIAL FILE—(RESUMED).

Senate Bill No. 752—An Act to amend Section 791 of the Political Code, relating to the number of notaries public.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Atkinson, Beckett, Boyle, Burge, Burke, Busick, Cleveland, Cooper, Cullen, Devlin, Dorsey, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Jarvis, John, Johnstone, Jones of Tuolumne, Lucey, Lynch, Manwell, McGowan, McNamara, O'Brien, Olmsted, Pryor, Rolley, Slaven, Stanton, Strobbridge, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—45.

NOES—Mr. King—1

Title read and approved.

#### MOTION TO ADJOURN.

At eleven o'clock and fifteen minutes P. M., Mr. Hartman moved that the Assembly do now adjourn until ten o'clock A. M. to-morrow.

Motion lost.

#### THIRD-READING FILE.

Assembly Bill No. 636—An Act to amend Section 2 of Chapter I of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, relating to the manner of procedure in organizing a municipal corporation.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arnerich, Atkinson, Boyle, Cleveland, Coghlan, Cooper, Coyle, Cullen, Devlin, Dorsey, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnstone, Jones of Tuolumne, King, Lucey, Lynch, Manwell, McGowan, McKenney, McNamara, O'Brien, Olmsted, Pryor, Rolley, Stanton, Strobbridge, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—42.

NOES—Messrs. Anthony and Thompson—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 554—An Act to provide for the incorporation of associations for lending money on personal property, and regulating the same, and to forbid certain loans of money, property, or credit.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs Atkinson, Beckett, Boyle, Cleveland, Cooper, Coyle, Devlin, Dorsey, Duryea, Ellis, Estudillo, Gans, Goodrich, Hartman, Held, John, Johnstone, Jones of Tuolumne, King, Lucey, Lynch, Manwell, McKenney, McNamara, O'Brien, Olmsted, Pryor, Rolley, Stanton, Strobridge, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—39.

NOES—Messrs. Anthony, Beardslee, Coghlan, Cullen, Espey, and McGowan—8

#### NOTICE OF RECONSIDERATION.

Mr. Espey gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 554 was refused passage this day.

#### ADJOURNMENT.

On motion of Mr. King, at eleven o'clock and thirty-five minutes P. M., the Speaker, Hon. Frank C. Prescott, declared the Assembly adjourned until ten o'clock A. M. Tuesday, March 7, 1905.

#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Tuesday, March 7, 1905. }

The Assembly met at ten o'clock A. M., pursuant to adjournment.

Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

#### ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Busick, Chandler, Cooper, Creighton, Cromwell, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, John, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Strobl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—60.

Quorum present.

#### PRAYER.

Prayer by the Chaplain, Rev. George C. King.

#### READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. King, its further reading was dispensed with.

#### APPROVAL OF JOURNAL.

The Journal of Saturday, March 4, 1905, was corrected, and, as corrected, approved.

## SPECIAL ORDERS.

Special orders set for immediately after the reading of the Journal were considered, as follows:

Assembly Bill No. 1034—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions, for the remainder of the fifty-sixth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

Ayes—Messrs. Amerige, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Busick, Coyle, Creighton, Cromwell, Drew, Ells, Gans, Gates, Goodrich, Hartman, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, King, Lynch, McCartney, McGowan, McNamara, Meincke, Mitchellree, Moore, O'Brien, Olmsted, Perkins, Plaeffe, Pyle, Severance, Strobbridge, Thompson, Treadwell, Trapp, Weyand, Whiting, Wickersham, and Mr. Speaker—48.

Noes—None.

Title read and approved.

Bill ordered transmitted to the Senate.

## REPORT OF COMMITTEE ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER: Your Committee on Rules and Regulations recommend the adoption of the following Special Joint Rule, after consultation with the Committee on Rules of the Senate, and recommend that the following concurrent resolution be adopted.

McCartney, Chairman.

## ASSEMBLY CONCURRENT RESOLUTION NO. —.

*Resolved by the Assembly, the Senate concurring, That the following Special Joint Rule be adopted:*

*Special Joint Rule No. 2*

After twelve o'clock midnight, Tuesday, March 7, 1905, no Assembly bills shall be passed by the Assembly except Assembly bills in conference, and no Senate bills shall be passed by the Senate except Senate bills in conference. This Special Joint Rule shall not apply to the General Appropriation Bill, the Tax Levy Bill, or bills that have been delayed by notice of reconsideration.

That no business affecting bills be transacted by either house after twelve o'clock midnight of Thursday, March 9, 1905, and that both houses adjourn at midnight on Thursday, March 9, 1905, until nine o'clock and thirty minutes A. M. of Friday, March 10, 1905.

Mr. McCartney moved the adoption of the resolution.

Motion carried.

On motion of Mr. McCartney, the resolution was immediately transmitted to the Senate.

## REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The special investigating committee on charges preferred against Hon. Lucas F. Smith, Judge of the Superior Court of Santa Cruz County, submitted the following report (out of order):

REPORT OF THE INVESTIGATING COMMITTEE ON CHARGES OF MISDEMEANOR IN OFFICE  
PREFERRED AGAINST THE HON. LUCAS F. SMITH, JUDGE OF THE SUPERIOR COURT  
OF SANTA CRUZ COUNTY, STATE OF CALIFORNIA.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER: In the matter of the memorial and resolution presented to the Assembly on the 6th day of February, 1905, by Assemblyman Cleveland, wherein the Honorable Lucas F. Smith, Judge of the Superior Court of Santa Cruz County, California, is charged by certain persons with certain misdemeanors in office, and in accordance with a petition by said Lucas F. Smith, Judge of the Superior Court

of Santa Cruz County, State of California, requesting an investigation of the charges preferred against him, your committee appointed by the Hon. Frank C. Prescott, Speaker of the Assembly, to investigate said charges of misdemeanors in office, beg leave to report as follows:

Your committee took up the investigation in the City of Santa Cruz on Thursday, February 16, 1905, at the hour of eight o'clock p. m., in the courtroom of the Superior Court of Santa Cruz County, all parties being present and represented by counsel, and the hearing was concluded at the hour of two o'clock a. m. February 19, 1905. The hearing was held open to the public. Forty-eight witnesses were sworn and examined orally. There was a great mass of record evidence, consisting of court records and other miscellaneous papers, which was introduced by the respective parties and examined by your committee. The hearing was conducted in accordance with the resolution of this Assembly, limiting the testimony offered to what the committee considered material and relevant to the twelve different specifications charged against said Judge Smith. After duly considering all the testimony, both written and oral, introduced by the memorialists in support of the different specifications charged against said Judge Lucas F. Smith, and the evidence, both written and oral, adduced by the defendant in his behalf, your committee finds and recommends as follows:

*First*—That Specification 1, as follows: "That Lucas Flattery Smith, as Judge of the Superior Court of the County of Santa Cruz, State of California, has been guilty of great partiality and favoritism to one Charles M. Cassin, a practicing attorney in said court. That said partiality and favoritism have been manifested to such a degree by said Smith, while presiding in cases in which said Cassin represented one of the litigants, and has become so well known that it has created a general impression that to succeed in that court before said Smith it is necessary to retain said Cassin"—is not sustained for want of sufficient evidence to show any probable cause or good reason for preferring articles of impeachment, but the evidence shows that Judge Smith has on several occasions committed indiscretions in this. That he has allowed certain attorneys practicing before his court to take certain liberties in the courtroom and in his chambers that should not be allowed, and has severely censured other attorneys for taking liberties of less consequence.

*Second*—That Specification 2, as follows: "That on or about December 6, 1902, said Smith told Peter P. Hartmann, a litigant, one of the parties to a case which was tried before said Smith, during September and October, 1902, but in which no decision had been rendered, that he should have employed Mr. Cassin, who was a friend of said judge, and that he, said Hartmann, was very unfortunate in having a different attorney to represent him; that he, the said Smith, would be more than human should he not let his personal prejudice guide his decision"—is not sustained by the evidence.

*Third*—That Specification 3, as follows: "That on or about the 19th day of April, 1904, during the trial of a case in which one Thomas Dakan was a defendant, which was being tried before said Smith as judge of said court, and a jury, said Smith suffered said Cassin, who represented the plaintiff, to commit an unprovoked assault and battery upon the person of said Thomas Dakan, without punishment or reprimand, and punished said Dakan for defending himself against the assault of said Cassin"—is sustained by the evidence, except that it was not shown that the assault committed by Mr. Cassin was entirely unprovoked; and the evidence further shows that Judge Smith committed an error in the case of *Forgeous vs. Dakan et al.* when he fined said Dakan for contempt and allowed the attorney for the plaintiff to go without being fined, when the evidence shows that they were equally at fault, taken in connection with the fact that an attorney is an officer of the court and more amenable than a layman for an infraction of its rules.

*Fourth*—That Specification 4, as follows: "That during the month of February, 1901, after the trial and conviction, in the Superior Court of the County of Santa Cruz, of one Nathan Smith, who was convicted of assault with a deadly weapon, and by the jury recommended to the mercy of the Court, and before the time set for passing sentence upon said Nathan Smith, said Lucas Flattery Smith, as said judge, requested one George B. Fletcher, the attorney who represented said Nathan Smith, during his trial, to secure from the citizens of the City of Watsonville, in the County of Santa Cruz, a petition setting forth the good character of said Nathan Smith, and petitioning said Lucas Flattery Smith, as judge of said court, to sentence said Nathan Smith to as light a sentence as the law would permit. Said petition, signed and verified by more than one hundred of the said citizens, was obtained and presented to said Lucas Flattery Smith, as said judge, and before the day appointed for the passing of sentence on said Nathan Smith, said Lucas Flattery Smith, as judge of said court, stated that he had received said petition, and would act thereon, and he would sentence said Nathan Smith to the lightest punishment which the law would permit, and thereupon sentenced said Nathan Smith to six months in the county jail"—is not sustained by the evidence.

*Fifth*—That Specification 5, as follows: "That said Lucas Flattery Smith, as judge of said superior court, arbitrarily, of his own motion, and without notice, struck from the files of the court the complaint in the case of *Helen Younger, plaintiff, vs. Charles Moore et al.* defendants. In said case said Smith was made a

party defendant"—is fully sustained by the evidence, but the act complained of in this specification, as shown by the evidence, was an inexcusable error in law on the part of Judge Smith, but was not of itself such conduct on his part as to warrant his impeachment, and, as the evidence shows in this case where Judge Smith himself was named as one of the defendants, said Judge Smith committed a grievous error in, of his own motion and without notice to the plaintiff or other parties to the suit, and without testimony of any kind or nature and relying on his own personal knowledge, striking the complaint from the files of the court when there was, as the evidence plainly shows, nothing contained in the complaint which suggested any disrespect to the court or the judge thereof. That thereafter, in the same case, as the evidence shows, said judge committed a further grievous error in issuing an order to show cause upon John H. Leonard and the Youngers why they, and each of them, should not be punished for contempt of court because, as the judge stated on the stand, John H. Leonard was attorney for the plaintiff in said cause and the other gentlemen, the Youngers, were thought by him to have had some interest in filing the complaint. This order was issued, as the evidence shows, upon the affidavit of one W. C. Hoffmann, based merely upon information and belief.

*Sixth*—That Specification 6, as follows: "That said Lucas Flattery Smith, during the trial of Nicholas Sambuck vs. The Southern Pacific Company, as judge of said court, before whom said action was being tried, called into his chambers one John H. Leonard, attorney for said Sambuck, in said action, and advised said Leonard to permit the doctors in the employ of said Southern Pacific Company to examine said Sambuck, client of said Leonard, and to have said Sambuck bend and squeal when said doctors touched him"—is not sustained by the evidence.

*Seventh*—That Specification 7, as follows: "That said Smith has been guilty of great oppression and tyranny and mal-administration in the conduct of the affairs of his office"—is not sustained by the evidence, except that the evidence shows that Judge Smith committed an indiscretion in the case of the People vs. Otto Lavish when he publicly rebuked, before the jury, one of the attorneys for the defendant without just cause.

*Eighth*—That Specification 8, as follows: "That said Smith has openly expressed himself in open court in such manner as to show great disrespect for the Supreme Court of California, and calculated to bring said Supreme Court into disrepute"—no evidence was introduced in support of this specification.

*Ninth*—That Specification 9, as follows: "That on the 15th day of November, 1904, and after the conviction of one Louis Buelna of a statutory crime, in said court, before said Lucas Flattery Smith, and before the time appointed for the sentencing of said Louis Buelna, said Lucas Flattery Smith had a conversation with Frances Buelna, the mother of said Louis Buelna, in which said Lucas Flattery Smith, for the sole purpose of preventing said Louis Buelna from being in a position to appeal his case to the Supreme Court, informed said Frances Buelna that he, said Lucas Flattery Smith, pitied her very much, and that he would do all in his power in favor of her son Louis Buelna, and told said Frances Buelna to inform her boy, the said Louis Buelna, that if he, the said Louis Buelna, did not ask or permit his attorneys to ask for a new trial of his case, he, the said Lucas Flattery Smith, would sentence him, the said Louis Buelna, very lightly"—is not sustained by the evidence, except that the evidence shows that in his conduct in the case of the People vs. Louis Buelna, when he sentenced the defendant, an ignorant Mexican, to the penitentiary for ninety years, and who at the time was barely of age, in the absence of his attorney of record, who had requested and been granted a continuance of the case, thereby leaving the defendant without the right to move for a new trial or appeal. This was a grievous error and denied to the defendant the rights guaranteed by the Constitution; and further, that his action evidences an undue and hasty exercise of judicial power.

*Tenth*—That Specification 10, as follows: "That said Lucas Flattery Smith has been guilty of oppression and tyranny in his office, incorrectly and oppressively and without just cause imprisoning one P. E. Zabala and one J. J. Wyatt, upon feigned, fictitious, and false charges of contempt of his said court"—is not sustained by the evidence.

*Eleventh*—That Specification 11, as follows: "That said Lucas Flattery Smith, through ignorance, incompetence, favoritism, partiality, willful disregard of facts, and permitting attorneys and litigants privately, in chambers and out, to freely discuss causes before decision thereon, has wrongfully and incorrectly decided a great percentage of the cases tried before him, as is evidenced by the fact that about fifty per cent of the civil cases appealed to the Supreme Court from his judgment, and about seventy-five per cent of the criminal cases appealed to the Supreme Court from the decisions of said Lucas Flattery Smith, have been reversed by the Supreme Court, at great expense to litigants and to the people of the State of California"—is not sustained by the evidence, except that there is some evidence to show that Judge Smith has during the progress of a trial called attorneys into his chambers and discussed the case with them before decision thereon.

*Twelfth*—That Specification 12, as follows: "That said Lucas Flattery Smith has been guilty of conduct unbefitting an upright and impartial judge. Under this specification are included all charges in the specifications herein numbered,

from one to eleven, inclusive, and also the following 1. Denying motion of Louis Buelna for continuance when his counsel failed to appear, and Charles C. Houck and Duncan McPherson, Esqs., were appointed by said Smith to defend said Buelna, not giving the newly-appointed counsel, who were both young lawyers, any time to prepare the defense. Buelna was sentenced for ninety years. 2. Denying the motion of Louis Buelna to have the public excluded from the trial. It was shown that public sentiment was greatly aroused over the case. 3. Denying motion of M. T. Langley, in case of Bloom vs. Langley, for a new trial where the statement on motion for a new trial, signed and certified to be correct, by said Smith, shows on its face that the verdict of the jury was contrary to the evidence and in direct violation of the instructions of the court. In this case, which was won by Mr. Langley in the justice's court and appealed to the superior court, Mr. Cassin was employed as of counsel for Mr. Bloom when the case was tried in said superior court. 4. In giving, on all manner of occasions, both in court and out, expressions, gestures, smiles of recognition, deferential acquiescence, encouragement by look, word, and deed, signs of extreme friendliness, to and toward the warm personal friends of said Smith. 5. Making it known by look, act, word, and deed, both in court and out, on all possible occasions, that a person who opposed the warm personal friends of said Smith is *persona non grata* with the said superior court and the said Judge Smith—is not fully sustained by the evidence. The evidence introduced under this specification shows that either some of the lawyers and litigants in Santa Cruz County are unruly and disrespectful to the Court, or that Judge Smith by his conduct as a judge has in part failed to command the respect due to the Court and to uphold the dignity of the position he occupies; and the evidence further shows that he has in an unusual manner for a judge favored some attorneys to the disparagement of others, and the preponderance of the evidence in this respect is on the side of the lawyers and litigants who claim that the Judge has in some instances shown unwarranted partiality.

That the communication of Judge Smith addressed to this Assembly under date of February 2, 1905, was entirely uncalled for, and has a tendency to impair his usefulness as a judge, as it will plainly appear from his petition. His evidence before the committee was of like character in some respects, which evidence has given us much information of his conduct as a jurist, and more than the evidence of any other witness justifies some criticism of his conduct.

Finally—While it is not necessary that the crime in office of which a judge may be impeached must be an indictable offense, your committee feels that it must be governed in this case in its report by the uniform rule that a judge could be impeached for any misbehavior in office which shows such turpitude, or such a condition of mind or body as rendered him unfit to perform the duties of his office, or for any misbehavior in office that would destroy the confidence, respect and dignity of the court. That should the Assembly prefer articles of impeachment against Judge Smith at the bar of the Senate, it will devolve upon it to establish the truth of these specifications, or some of them, beyond a reasonable doubt. While the evidence shows that Judge Smith is lacking in many judicial traits, and has upon several occasions seemingly disregarded the dignity and respect due to the position which he occupies, his character as a private citizen is unchallenged.

Wherefore, your committee, after due consideration of all the evidence adduced at the hearing, find therefrom and therefore recommend to the Assembly that the Honorable Lucas Flattery Smith, Judge of the Superior Court of Santa Cruz County, State of California, be not impeached upon any of the charges preferred by the memorialists for want of sufficient evidence to sustain the same.

Very respectfully submitted.

MCCARTNEY, Chairman.  
ATKINSON.  
BURKE.  
BEARDSLEE  
LUMLEY.

#### MADE A SPECIAL ORDER.

On motion of Mr. McCartney, the report was ordered printed in the Journal, and consideration of the same made a special order for tomorrow (Wednesday), immediately after the reading of the Journal.

#### SPECIAL ORDER CONTINUED.

On motion of Mr. Weyand, consideration of the report of the special investigating committee on charges preferred against Hon. E. S. Torrance, Judge of the Superior Court of San Diego County, was continued until tomorrow (Wednesday), immediately after the reading of the Journal.

## SPECIAL ORDERS—(RESUMED).

Assembly Joint Resolution No. 10—A resolution relative to forest reserves of California.

Mr. Cromwell called for the reading of the resolution.

The resolution was read.

## ASSEMBLY JOINT RESOLUTION No 10

## Relative to forest reserves of California.

WHEREAS, It is the opinion of the members of the present Legislature that the present management of the national forest reserves of California is working an unnecessary injury to the cattle industry; and

WHEREAS, The cattle industry is a great factor in the State's progress, and believing that more latitude should be given to the cattle-raisers of our State, and that the feeding of cattle on the forest reserves will be beneficial to said forest reserves, in that it will lessen the undergrowth and thereby tend to prevent forest fires; be it therefore

*Resolved that the Assembly, the Senate concurring,* The Speaker of the Assembly and the President of the Senate appoint three members from their respective houses to act as a committee, or commission, to take testimony and gather necessary information touching the advisability of securing some concession for said cattlemen; that the said committee, or commission, be, and is hereby, empowered to issue subpoenas to compel the attendance of witnesses before it to investigate the conditions as they now exist, and reduce to writing such testimony as it may deem proper in the premises, and that such committee render its report as soon as possible to the Governor of the State and to the Secretary of the Interior, and to each member of Congress, and also to the Legislature of this State at its next biennial session.

Mr. Jones of Tuolumne moved the adoption of the resolution.

Motion carried, and resolution declared adopted.

## SPECIAL ORDER CONTINUED.

On motion of Mr. Goodrich, the consideration of Senate Bill No. 547 was continued as a special order until four o'clock this afternoon.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Rules and Regulations submitted the following report (out of order), which was read :

## ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR SPEAKER: Your Committee on Rules and Regulations beg leave to report the following temporary rule, and recommend its adoption :

(Debate to be limited)

*Resolved,* That hereafter debate on any question before the House be limited to five minutes on each side.

MCCARTNEY, Chairman

Mr. McCartney moved the adoption of the resolution.

Motion carried, and resolution declared adopted.

## SPECIAL ORDERS—(RESUMED).

Assembly Bill No. 135—An Act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Boyle, Braustetter, Burge, Busick, Cleveland, Cooper, Coyle, Cromwell, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, John, Johnson, Jones of



Tuolumne, Jury, King, Lumley, Lynch, Manwell, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, O'Brien, Olmsted, Perkins, Pryor, Pyle, Severance, Slavey, Strohl, Thompson, Tripp, Vogel, Weyand, Whiting, Wickersham, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 134—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry.

Read third time

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Busick, Cleveland, Cooper, Coyle, Cromwell, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Stanton, Strohl, Thompson, Treadwell, Tripp, Vogel, Weyand, Whiting, Wickersham, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### REPORTS OF STANDING COMMITTEES.

Reports of standing committees were submitted as follows, and read:

##### ON STATE HOSPITALS AND ASYLUMS

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 1161—An Act to amend the Political Code by adding thereto a new section, to be numbered 422, relating to outside watchmen employed at State hospitals, and providing for their appointment and salaries—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Senate Bill No. 733—An Act to amend Section 2191 of the Political Code of the State of California, relating to the return to the country or State to which they belong of insane or incompetent persons not residents for one year of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HELD, Chairman.

Assembly Bill No. 1161 ordered to second reading.

Senate Bill No. 733 ordered to second reading on special Senate file.

##### ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 749—An Act to amend Section 418 of Article V of Chapter III of Part III of the Political Code of the State of California, relating to fees of the Secretary of State, and his duties.

Also: Assembly Bill No. 750—An Act entitled an Act to amend Article II of Chapter III of Part IV of Division First of the Civil Code of the State of California, by adding a new section thereto, to be numbered 379, providing for the more effectual supervision and control of corporations.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also, Assembly Bill No. 1144—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation—have had the same under consideration, and respectfully report the same back, without recommendation.

GOODRICH, Chairman.

On motion of Mr. Goodrich, Assembly Bills Nos. 749 and 750 were called up for second reading for the purpose of amendment.

## SECOND-READING FILE.

Assembly Bill No. 749—An Act to amend Section 416 of Article V of Chapter III of the Political Code of the State of California, relating to the fees of the Secretary of State, and his duties.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out in line 64, page 3 of the printed bill, the words "fifty dollars additional for every five hundred thousand dollars, or fraction thereof, of capital stock over and above one million dollars," and substituting therefor the words "one hundred dollars."

Amendment adopted.

## AMENDMENT No. 2.

Amend by substituting after the words "twenty-five hundred," lines 106 and 107, page 4 of printed bill, the words "three thousand."

Amendment adopted.

Assembly Bill No. 749 ordered to reprint, engrossment, and to third reading.

Assembly Bill No. 750—An Act entitled an Act to amend Article II of Chapter III of Part IV of Division First of the Civil Code of the State of California, by adding a new section thereto, to be numbered 379, providing for the more effectual supervision and control of corporations.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by inserting after the word "State" on line 7, page 1, printed bill, the following: "except corporations which are now, or which may hereafter be by law required to report at least annually to a State officer, board, or commission."

Amendment adopted.

## AMENDMENT No. 2.

Amend by adding to line 19 of Subdivision 4, page 3 of the printed bill, the following: "In addition, corporations failing to make the reports herein required, and to pay the fees required to accompany such reports by Section 416 of the Political Code, shall, unless the same shall be paid within thirty days after the time herein provided, forfeit for each calendar month of delay in filing such report and in paying such fee, the sum of twenty-five dollars to the State of California, and the same shall be a charge against both the corporation and the stockholders, as are other debts of corporations; and it shall be the duty of the district attorney, upon receipt of notice from the Secretary of State that any corporation has failed to file the report herein provided for, and to pay the accompanying fee, as provided by law, and has incurred the above provided penalty on account of delay in so failing to file such report and to pay such fee, to proceed to collect any amount which may have been forfeited by suit in a court of proper jurisdiction."

## AMENDMENT No. 3.

Amend by adding to line 5, Subdivision 4, page 3 of the printed bill, the following: "Provided, that corporations which are now required by law to make an annual report to an officer or board of the State of California, may, in lieu of the report in this section required to be made, file with the Secretary of State a duplicate of the report so required by existing law to be made annually to an officer or board, and said duplicate may be filed at the same time that the report is required to be made to such officer or board."

## AMENDMENT No. 4.

Amend by substituting for the abbreviation "Sec," line 1, middle of page 3, the word "subdivision."

## AMENDMENT No. 5.

Amend by substituting for the abbreviation "Sec," line 14, page 3, printed bill, the word "subdivision."

## AMENDMENT No. 6.

Amend by substituting for the abbreviation "Sec," line 42, page 2 of the printed bill, the word "subdivision."

## AMENDMENT No. 7.

Amend by substituting for the word "ninth," line 36, page 2 of the printed bill, the word "eighth."

## AMENDMENT No. 8.

Amend by substituting for the word "eighth," line 33, page 2, printed bill, the word "seventh."

## AMENDMENT No. 9

Amend by striking out the word "seventh," line 30, page 2 of the printed bill, and by substituting in place thereof the word "sixth."

## AMENDMENT No. 10.

Amend by striking out all of lines 27, 28, and 29, page 2 of the printed bill.

## AMENDMENT No. 11.

Amend by striking out after the word "State," line 9, page 1 of the printed bill, the words "and with the county clerk of the county in which such corporation may have its principal place of business."

## AMENDMENT No. 12.

Amend the title by adding after the word "corporations," in line 6 of the title of the printed bill, the words "and prescribing the duties of certain officers in connection therewith."

## Amendments adopted

Assembly Bill No. 750 ordered to print, engrossment, and on third-reading file.

## SENATE MESSAGES.

Messages from the Senate were read, as follows:

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed Assembly Bill No. 421—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relating to salaries and fees of county officers in counties of the thirty-ninth class.

Also: Passed Assembly Bill No. 685—An Act to amend Section 1598 of the Political Code of the State of California, prescribing the qualifications of electors voting for school trustees

Also: Passed Assembly Bill No. 686—An Act to amend Section 1600 of the Political Code of the State of California, in regard to challenges of electors in elections for school trustees.

Also: Passed Assembly Bill No. 788—An Act providing for the obtaining of plans and specifications for public buildings and structures, regulating competitions among architects in relation to the same, and the submission of proposals for the erection of such buildings and structures, and repealing an Act entitled "An Act to regulate the erection of public buildings and structures," approved April 1, 1872, and an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876

Also: Passed Assembly Bill No. 456—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Passed Assembly Bill No. 839—An Act to amend Section 12 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901.

And respectfully ask your concurrence in same.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bill No. 421—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relating to salaries and fees of county officers in counties of the thirty-ninth class.

## SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 421 were read:

Amend by striking out of page 2, line 12, the words "four thousand five hundred," and inserting in lieu thereof the words "five thousand"

Also: On line 58 strike out the word "including," and insert in lieu thereof the words "and shall also be allowed the compensation provided by law for"

Also: After the word "ninety-seven," in line 3, and before the word "by," in the title, insert the words "and the amendment thereof, approved March 3, 1901."

## SENATE AMENDMENTS CONCURRED IN.

Mr. Burge moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 421?"

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Amerige, Americh, Barnes, Bates, Beardslee, Beckett, Boyle, Burge, Busick, Cleveland, Cooper, Coyle, Creighton, Cromwell, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Held, John, Johnson, Johnstone, Jury, King, Lumley, Lynch, Manwell, McGowan, McKenney, McNamara, Meincke, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Treadwell, Tripp, Vogel, and Mr. Speaker—46.  
 NOES—None.

Assembly Bill No. 421 ordered to enrollment.

Assembly Bill No. 685—An Act to amend Section 1598 of the Political Code of the State of California, prescribing the qualifications of electors voting for school trustees.

## SENATE AMENDMENT.

The following Senate amendment to Assembly Bill No. 685 was read:

Amend by adding before the word "section," on line 1 of printed bill, the word and figure "Section 1."

## SENATE AMENDMENT CONCURRED IN.

Mr. Manwell moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 685?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Busick, Cleveland, Cooper, Coyle, Creighton, Cullen, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, John, Johnson, Johnstone, Jones of Tuolumne, King, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, and Mr. Speaker—43.  
 NOES—None.

Assembly Bill No. 685 ordered to enrollment.

Assembly Bill No. 686—An Act to amend Section 1600 of the Political Code of the State of California, in regard to challenges of electors in election for school trustees.

## SENATE AMENDMENT.

The following Senate amendment to Assembly Bill No. 686 was read:

Amend by adding before the word "section," on line 1, the following: "Section 1"

## SENATE AMENDMENT CONCURRED IN.

Mr. Manwell moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 686?"

The roll was called, and the Senate amendment concurred in by the following vote :

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Burge, Busick, Cooper, Coyle, Creighton, Cromwell, Cullen, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, John, Johnson, Johnstone, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, O'Brien, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Severance, Slaven, and Mr. Speaker—46.

NOES—None

Assembly Bill No. 686 ordered to enrollment.

Assembly Bill No. 788—An Act providing for a method of obtaining plans for public buildings.

Ordered on the unfinished business file.

Assembly Bill No. 456—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

#### SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 456 were read :

On page 1, amend the title by adding after the figures "1897" the following: "relating to the compensation of county and township officers, and providing for the appointment of certain deputy county officials"

Also: Strike out all after the enacting clause and insert the following.

"Section 1. Section 215 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, is hereby amended to read as follows:

"Section 215 The salaries and fees provided in this Act shall be in full compensation for all services of every kind and description rendered by the officers herein named, either as officers, or ex officio officers, their deputies and assistants, unless in this Act otherwise provided, and all deputies employed shall be paid by their principals out of the salaries hereinbefore provided, unless in this Act otherwise provided; *provided*, and except that where an assistant district attorney has been heretofore appointed in any county, either under the provisions of subdivision thirty-six of section twenty-five, or under any other provisions of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved March twenty-fourth, eighteen hundred and ninety-three, and such assistant is continued by the provisions of this Act, either as an assistant or deputy in such county, then such deputy or assistant shall be paid out of the funds of such county, as heretofore or herein provided, the assessor shall be entitled to receive and retain for his own use six per cent on personal property tax collected by him, as authorized by section thirty-eight hundred and twenty of the Political Code, and fifteen per cent of all amounts collected by him for poll taxes and road poll taxes, and also five dollars per hundred names of persons returned by him as subject to military duty, as provided in section nineteen hundred and one of the Political Code; and the license collector shall be entitled to receive and retain for his own use ten per cent on all licenses collected by him, except where otherwise provided in this Act; *provided, however*, that in counties and cities and counties of the first, second, and third class, the assessor shall receive no commission for the collection of taxes on personal property, nor shall such assessor receive any compensation for making out military roll of persons returned by him as subject to military duty as provided by section nineteen hundred and one of the Political Code, nor shall the license collector in cities and counties of the first class and counties of the second class receive any commission on licenses collected by him except the commissions on State liquor licenses; *provided*, that the treasurer shall receive and retain for his own use the commissions on all inheritance and transfer taxes collected by him; and, *provided further*, that whenever the treasurer of any county shall employ a special attorney for the collection of such taxes said attorney shall be paid out of the commissions and fees allowed by law for the collection of such taxes; *provided*, that in any county where the number of judges of the superior court shall have been increased since the first day of January, eighteen hundred and ninety-seven, or shall hereafter be increased, there must be and there hereby is allowed to the sheriff of said county, by reason of such increase, one additional deputy, to be appointed by the sheriff, at a salary not exceeding twelve hundred dollars per annum, to be paid at the same time and in the same manner as other county officers are paid; and also there must be and is hereby allowed to the county clerk of such county, one additional deputy to act as courtroom clerk, for each judge so appointed or elected, at a salary not exceeding twelve hundred dollars per annum for each of said deputies, to be paid at the same time and in the same manner as other county officers are paid. The board of supervisors shall allow to the sheriff his necessary expenses for pursuing criminals, or transacting any criminal

business, and for boarding prisoners in the county jail; *provided*, that the board of supervisors shall fix a reasonable price at which such prisoners shall be boarded, if not otherwise provided for in this Act; *provided further*, that the sheriff shall be entitled to receive and retain for his own use five dollars per diem for conveying prisoners to and from the State prisons, and for conveying persons to and from the insane asylums or other State institutions not otherwise provided for by law; also all expenses necessarily incurred in conveying insane persons to and from the insane asylums, and in conveying persons to and from the State prisons, or other State institutions, which per diem and expenses shall be allowed by the Board of Examiners, collected from the State. The court shall also allow the sheriff his necessary expenses in keeping and preserving property seized on attachment or executions, to be paid out of the fees collected in the action. The sheriff may retain for his own use the mileage for service of papers or process issued by any court of the State.

"*Provided further*, that the county treasurers of the several counties of this State, where their necessary expense incurred in the making of the State settlements provided for by Section 3866 of the Political Code shall exceed the maximum amount of mileage allowed them by Section 3876 of the Political Code, shall be allowed out of the county treasury of their respective counties the amount of such excess, which shall be paid as other demands against the county are paid."

#### SENATE AMENDMENTS CONCURRED IN.

Mr. Ells moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 456?"

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Burge, Busick, Cooper, Coyle, Creighton, Cullen, Drew, Ells, Estudillo, Gans, Gates, Goodrich, Held, John, Johnson, Johnstone, King, Lynch, McCartney, McGowan, McKenney, Meincke, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Strohl, Treadwell, Tripp, Vogel, Weyand, Whiting, Wickersham, and Mr. Speaker—44.  
 NOES—None.

Assembly Bill No. 456 ordered to enrollment.

Assembly Bill No. 839—An Act to amend Section 12 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901.

#### SENATE AMENDMENT.

The following Senate amendment to Assembly Bill No. 839 was read:

Amend by striking out on page 5, line 151 of the printed bill, the word "may," and inserting in lieu thereof the word "must."

#### SENATE AMENDMENT CONCURRED IN.

Mr. Drew moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 839?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Busick, Cooper, Coyle, Creighton, Cromwell, Cullen, Drew, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Held, John, Johnson, Johnstone, King, Lumley, Lynch, Maxwell, McGowan, McKenney, Meincke, Mindham, O'Brien, Olmsted, Pfaffle, Pyle, Severance, Strohl, Treadwell, Tripp, and Mr. Speaker—45.  
 NOES—None.

Assembly Bill No. 839 ordered to enrollment.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Ways and Means was granted leave to submit the following report (out of order), which was read:

## ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 238—An Act making an appropriation to pay the claim of Richard Price Morgan.

Also: Assembly Bill No. 985—An Act to establish a California State Irrigation School and Experiment Farm, and appropriating money therefor.

Also: Assembly Bill No. 1174—An Act entitled "An Act appropriating the sum of \$5,000 for the purpose of procuring guide-posts to be erected in the desert sections of California, and particularly in the counties of Kern, Ventura, Los Angeles, Inyo, Riverside, San Bernardino, and San Diego."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

STANTON, Chairman.

Senate Bill No. 288 ordered to second reading on special Senate file.  
Assembly Bills Nos. 985 and 1174 ordered on second-reading file.

## SENATE MESSAGES.

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to recede from Senate amendments to Assembly Bill No. 36, and have appointed as a committee of conference, Senators Leavitt, Haskins, and Bauer, and respectfully ask your honorable body to appoint a like committee.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bills Nos. 725, 717, and 174.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 916—An Act to add a new section to the Political Code of the State of California, to be known as Section 1367a, relating to primary elections and the manner of voting thereat.

Also: Assembly Bill No. 617—An Act to repeal an Act entitled "An Act to provide for the appointment of a Deputy Supreme Court Reporter, and to regulate his compensation," approved February 26, 1881.

Also: Assembly Bill No. 782—An Act making an appropriation of \$2,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of constructing a reservoir to be used in storing the water supply of said school.

Also: Assembly Bill No. 785—An Act making an appropriation of \$250 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new books for the library of said school.

Also: Assembly Bill No. 471—An Act to establish and maintain a State hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health, providing for the appointment of a director thereof, and assistants; making an appropriation therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto.

Also: Senate Bill No. 799—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township governments."

Also: Senate Bill No. 701—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property.

Also: Senate Bill No. 515—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known as Section 210, relating to crimes against children.

Also: Assembly Bill No. 740—An Act making an appropriation of \$500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing type and printing materials to be used in the printing office at said school.

Also: Assembly Bill No. 191—An Act to appropriate \$12,245 to pay the claim of Charles Bickerdike against the State of California, upon a judgment recovered in an action entitled Charles Bickerdike vs The State of California, numbered 9608 on the register of the Superior Court of the County of Sacramento.

Also. Senate Bill No. 677—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 916, 617, 782, 785, 471, 780, and 191 ordered to enrollment.

Senate Bill No. 799 read first time and ordered to second reading on special Senate file—being identical with Assembly Bill No. 1023 (No. 78 on file), which was withdrawn.

Senate Bills Nos. 701 and 515 read first time, and referred to the Committee on Judiciary.

Senate Bill No. 677 read first time, and ordered to second reading on special Senate file—being identical with Assembly Bill No. 803 (No. 324 on file), which was withdrawn.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed Assembly Bill No. 272—An Act entitled an Act to amend Section 1670 of the Political Code of the State of California, relating to the establishment of high schools—and respectfully ask your concurrence in same

LEWIS A. HILBORN, Secretary of Senate.

Assembly Bill No. 272—An Act entitled “An Act to amend Section 1670 of the Political Code of the State of California, relating to the establishment of high schools.”

#### SENATE AMENDMENT.

The following Senate amendment to Assembly Bill No. 272 was read: Senator Savage moved to refer to Senator Leeke as a special committee of one, to amend as follows:

By striking out of line 289 the word “forty,” before the word “year,” and inserting in lieu thereof the following. “twenty.”

#### SENATE AMENDMENT CONCURRED IN.

Mr. Transue moved to concur in the Senate amendment.

The question being, “Shall the Assembly concur in Senate amendment to Assembly Bill No. 272?”

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Bates, Boyle, Burge, Busick, Cooper, Coyle, Creighton, Drew, Espey, Estudillo, Gans, Gates, Goodrich, Held, John, Johnstone, Lunley, McGowan, McKenney, McNamara, Meincke, Moore, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—44  
NOES—None.

Assembly Bill No. 272 ordered to enrollment.

#### SENATE MESSAGES.

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 81—An Act to appropriate \$410 to pay the claim of L. C. Waite against the State of California, upon a judgment recovered in an action entitled



"L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

LEWIS A. HILBORN, Secretary of Senate  
By J. W. HARPER, Assistant Secretary

Assembly Bill No. 81 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to Assembly Bill No. 214—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Also: Postponed indefinitely Assembly Bill No. 604—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 382b, relating to the refusal of sale of goods, wares, merchandise, or supplies, by retail dealers therein, to any person offering to purchase the same for cash, and upon conviction thereof, fixing the penalty therefor.

Also: Postponed indefinitely Assembly Joint Resolution No. 2—A resolution relative to manner of presenting and printing bills during the thirty-sixth (present) session.

Also: Refused passage to Assembly Bill No. 158—An Act to add five new sections to the Civil Code to be known as Sections 606, 606a, 606b, 606c, and 606d, relating to the authorizing of certain corporations to act as guardians of the persons of abandoned, dependent, and certain other children; with power as such guardians to consent to the adoption of such children; providing for their appointment as such guardians, with the notice to be given and fees remitted.

Also: Passed Assembly Bill No. 152—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

Also: Denied third reading to Assembly Bill No. 804—An Act to amend Section 11 of an Act approved March 24, 1903, entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement."

Also: Passed Assembly Bill No. 917—An Act to amend Section 1204 of the Political Code of the State of California, relating to election tickets and ballots, and the manner of voting.

Also: Passed Assembly Bill No. 915—An Act to add a new section to the Political Code of the State of California, to be known as Section 1264a, relating to canvassing and returning the vote, and the delivery and custody of the roster of voters after elections and primary elections.

LEWIS A. HILBORN, Secretary of Senate  
By J. W. HARPER, Assistant Secretary

Assembly Bills Nos. 152, 917, and 915 were ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 169—An Act to create a department of music in the University of the State of California, to provide a professorship of music and to appropriate money therefor.

Also: Senate Bill No. 590—An Act to amend an Act entitled "An Act to establish a Political Code, approved March 12, 1872, by amending Section 1115 thereof, relating to the index of the great register.

Also: Senate Bill No. 827—An Act to amend Section 627 of the Penal Code of the State of California, relating to trespassing upon enclosed, cultivated, or other private lands.

Also: Adopted Senate Constitutional Amendment No. 20—A resolution relative to the franchise or charter of corporations.

Also: Adopted Senate Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 14 of Article I, relating to taking or damaging private property for public use.

Also: Adopted Assembly Constitutional Amendment No. 13—A resolution proposing to the people of the State of California, an amendment to Article XI of the Constitution of the State of California, by adding a new section thereto, to be numbered Section 13½, of Article XI, relating to the making of public bonds payable at any place within the United States.

LEWIS A. HILBORN, Secretary of Senate  
By J. W. HARPER, Assistant Secretary.

Assembly Bill No. 169 and Assembly Constitutional Amendment No. 13 ordered to enrollment.

Senate Bill No. 599 read first time, and referred to Committee on Election Laws.

Senate Bill No. 827 read first time, and referred to Committee on Judiciary.

Senate Constitutional Amendments Nos. 20 and 21 ordered to unfinished business.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 638—An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, making an appropriation for the purposes of this Act, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act.

Also: Senate Bill No. 123—An Act to provide for the erection of embankments or levees to care for the flood waters of the Kern River, in Kern County.

Also: Senate Bill No. 681—An Act making an appropriation to pay the claim of Dr. W. J. Hanna for professional services rendered and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon Guards Cotter and Cochrane, after the prison break at Represa on July 27, 1903, and for performing the autopsy on the body of Guard Cotter.

Also: Senate Bill No. 216—An Act to appropriate the sum of \$35,000, for the erection of a dormitory on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind in Alameda County by the Board of Directors thereof, and to provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Also: Senate Bill No. 639—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Also: Senate Bill No. 680—An Act making an appropriation to pay the claim of Dr. G. A. White for professional services rendered and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon Guards Cotter and Cochrane, after the prison break at the said State prison at Represa on July 27, 1903.

Also: Senate Bill No. 418—An Act to provide for the completion of the survey and the location and erection of the remaining milestones on the Lake Tahoe wagon road, and making an appropriation therefor.

Also: Senate Bill No. 145—An Act to create and maintain a public highway between the Counties of Los Angeles and Kern.

Also: Senate Bill No. 670—An Act to provide for the construction of permanent bridge work on the Lake Tahoe wagon road, a State highway, and making an appropriation therefor.

Also: Adopted Assembly Concurrent Resolution No. 25—A resolution relative to the Lewis and Clark International Exposition.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary.

Senate Bill No. 638 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 123 read first time, and ordered to unfinished business.

Senate Bill No. 681 read first time, and ordered to second reading on special Senate file, it being identical with Assembly Bill No. 61 (No. 229 on file), which was withdrawn.

Senate Bill No. 216 read first time, and ordered to second reading on special Senate file.

Senate Bill No. 639 read first time, and referred to Committee on Claims.

Senate Bill No. 680 read first time, and ordered on special Senate file, being identical with Assembly Bill No. 817 (No. 235 on file), which was withdrawn.

Senate Bill No. 418 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 145 read first time, and ordered to second reading on the special Senate file, it being identical with Assembly Bill No. 341 (No. 810 on file), which was withdrawn.

Senate Bill No. 679 read first time, and referred to Committee on Roads and Highways.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 458—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," repealing Section 11 thereof, relating to the issuance of temporary licenses.

Also: Assembly Bill No. 973—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof; relating to compensation of county and township officers of counties of the thirteenth class.

Also: Senate Bill No. 714—An Act to amend Section 303 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the qualifications of directors of banking corporations and to add a new section thereto, to be known as Section 306, relating to the oath of directors of banking corporations.

Also: Assembly Bill No. 850—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery and wagons, huggies, vehicles, and other articles; providing for the collection thereof, and making the violation of this Act a misdemeanor.

Also: Senate Bill No. 233—An Act to provide for the establishment of municipal plants for lighting the streets and public buildings in the cities, cities and counties and in incorporated towns in the State of California and for the purpose of furnishing electricity and gas to the inhabitants thereof.

Also: Senate Bill No. 843—An Act to amend Section 1143 of the Penal Code, relating to the payment of jurors' fees.

Also: Assembly Bill No. 1082—An Act to create a drainage district to be called Sacramento Drainage District; to promote drainage therein; to provide for the election and appointment of officers for said drainage district; defining the powers, duties, and compensation of such officers, and providing for the reclamation and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for the levying and collection of assessments upon lands within said drainage district.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 458, 973, 850, and 1082 ordered to enrollment.

Senate Bill No. 714 read first time, and ordered to second reading on special Senate file.

Senate Bill No. 233 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 843 read first time, and ordered to second reading on special Senate file, it being identical with Assembly Bill No. 1131 (No. 312 on file), which was withdrawn.

#### BILL ORDERED TO GOVERNOR.

Mr. Treadwell offered the following resolution, which was read:

*Resolved*, That Assembly Bill No. 1160 be immediately presented for enrollment and be immediately presented to the Governor.

On motion of Mr. Treadwell, the resolution was adopted.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Mileage submitted the following report, which was read:

##### ON MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER: Your Committee on Mileage, to whom was referred a resolution from your Committee on Public Charities and Corrections—hereto attached—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BECKETT, Chairman.

"ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

"MR. SPEAKER. Your Committee on Public Charities and Corrections have visited the two State Prisons, situate at Folsom and San Quentin, in pursuance and under authority of a resolution heretofore adopted by this Assembly, and the following named persons are entitled to three hundred and sixty-two (362) miles mileage: Messrs. Coghlan, Transue, Tripp, Strohl, Pfaefle, Mitcheltree, and Boyle.

"*Resolved*, That the State Controller be, and he hereby is, authorized to draw his warrant for the amount of \$240.20 in favor of Nathan C Coghlan, chairman of your committee, payable out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same

"COGHLAN, Chairman."

#### REPORT AND RESOLUTION ADOPTED.

Mr. Beckett moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Anthony, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Busick, Coghlan, Cooper, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Jones of Tuolumne, Jury, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Perkins, Pfaefle, Pryor, Pyle, Rolley, Slaven, Strobridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Waste, Weyand, and Mr. Speaker—49.

NOES—None.

#### REQUEST FOR PERMISSION TO INTRODUCE BILL.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER: We ask permission to introduce the accompanying bill, the title of which reads as follows: "An Act to repeal Title VII of Part IV of Division I of the Civil Code, and each and every section of such title, and to substitute a new Title VII to take the place thereof in said Code, relating to telegraph and telephone companies."

#### COMMITTEE ON REVISION AND REFORM OF LAWS

Referred to Committee on Introduction of Bills.

#### REPORT OF COMMITTEE ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bill, herewith returns the same with the recommendation that the author be permitted to introduce it. The title of said bill is as follows: "An Act to repeal Title VII of Part IV of Division I of the Civil Code, and each and every section of such title, and to substitute a new Title VII to take the place thereof in said Code, relating to telegraph and telephone companies."

MCCARTNEY, Chairman.

#### RESOLUTION.

Mr. McCartney offered the following resolution, which was read:

(Permitting the introduction of bill)

*Resolved*, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereto, be complied with, and that the Committee on Revision and Reform of Laws is hereby permitted to introduce Assembly Bill No. 1180.

Mr. McCartney moved the adoption of the resolution.

The roll was called, and the resolution declared adopted by the following vote:

AYES—Messrs. Anthony, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Busick, Chandler, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Jarvis, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Olmsted, Perkins, Pryor, Pyle, Rolley, Slaven, Strobridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, and Mr. Speaker—55.

NOES—None.

## INTRODUCTION OF BILL.

In conformity with the above resolution, the following bill was introduced:

By Committee on Revision and Reform of Laws: Assembly Bill No. 1180—An Act to repeal Title VII of Part IV of Division First of the Civil Code, and each and every section of such title, and to substitute a new Title VII to take the place thereof in said Code, relating to telegraph and telephone corporations.

On motion of Mr. McCartney, Assembly Bill No. 1180 was ordered to print, with a rush order, and to second reading on the special file.

## RESOLUTIONS.

By Mr. Bliss:

(For compensation to attachés)

*Resolved*, That C. W. Curtis be and he is hereby employed to remain in Sacramento after final adjournment for the purpose of completing the file of chapters of the thirty-sixth session of the Legislature, and for the purpose of carrying out this work the sum of \$90 is hereby appropriated out of the Contingent Fund of the Assembly, \$32 of the sum total being used to pay expenses of forwarding a complete file of said chapters to each member's home address, and other expenses appertaining thereto. The State Controller is hereby directed to draw his warrant for \$90 in favor of said C. W. Curtis, and the State Treasurer is hereby directed to pay the same.

Ordered printed in the Journal, and referred to Committee on Ways and Means.

Also:

*Resolved*, That Rolla Fuller be and he is hereby employed to remain in Sacramento after final adjournment for the purpose of completing the file of chapters of the thirty-sixth session of the Legislature, and for the purpose of carrying out this work the sum of \$100 is hereby appropriated out of the Contingent Fund of the Assembly, \$50 of the sum total being used to pay expenses of forwarding a complete file of said chapters to each member's home address, and other expenses appertaining thereto. The State Controller is hereby directed to draw his warrant for \$100 in favor of said Rolla Fuller, and the State Treasurer is hereby directed to pay the same.

Ordered printed in the Journal, and referred to Committee on Ways and Means.

Mr. Strobridge offered the following resolution, which was read:

(For appointment of committee to investigate the common school system of the State)

WHEREAS, The Constitution of the State of California requires the Legislature to establish a public school system, which requirement has been interpreted by the Supreme Court to mean that such system shall be uniform in its operation throughout the State, and

WHEREAS, It is apparent that certain sections of the Political Code relating to the public education are more or less in conflict and greatly need revision, therefore, be it

*Resolved by the Assembly of the State of California*, That a committee of five members of this Assembly be appointed by the Speaker, and that such committee be charged with the duty of thoroughly investigating the system of common schools in this State, and the laws governing the same, that said committee report to the next Legislature, submitting recommendations as a result of its investigation, which in its judgment may be thought necessary, in order to eliminate all confusion and conflict. Said committee shall be entitled to receive from the Contingent Fund of the Assembly its actual traveling expenses incurred in performing its duty herein presented, and the expense of such clerical assistance as may be necessary in connection therewith.

On motion of Mr. Drew, the resolution was referred to Committee on Ways and Means.

## RESOLUTION FOR COMPENSATION TO FILE CLERK.

Mr. Waste offered the following resolution:

*Resolved*, That File Clerk W. C. Guirey be and he is hereby authorized and directed to assist the Chief Clerk of the Assembly, after adjournment of the Legislature *sine die*, in all work that said Chief Clerk will be required to have done in closing up and finish-

ing his work as Chief Clerk, for which services the said W. C. Guirey is hereby allowed the sum of \$150; and the State Controller is hereby directed to draw his warrant in favor of said W. C. Guirey in said sum, upon the appropriation for the contingent expenses of the Assembly, and the State Treasurer is hereby directed to pay said warrant.

The resolution was ordered printed in the Journal, and referred to Committee on Ways and Means.

#### RESOLUTION.

Mr. Cromwell offered the following resolution, which was read:

(To draw warrant in favor of Sergeant-at-Arms for supplies.)

*Resolved*, That the Controller be and is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of \$662 30 in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the following bills attached:

Scott, Stack & Lyman .....	\$87 00
G. A. Pierce .....	10 00
W. H. Metz .....	16 75
Mrs. C. Mackall .....	12 00
R. Hart .....	9 40
F. R. Pulford .....	33 50
John Breuner Company .....	1 75
Dave Ellis .....	1 00
Kane & Trainor Ice Co. ....	21 00
Sunset T. & T. Co. ....	17 00
A. J. Johnston Co .....	282 25
F. M. Jones .....	5 00
Yost Typewriting Co. ....	94 25
W. F. Purnell .....	78 90
Capital Mfg. Co. ....	12 50
Total .....	\$662 30

#### RESOLUTION ADOPTED.

Mr. Cromwell moved the adoption of the resolution without reference to a committee.

The roll was called, and the resolution was declared adopted by the following vote:

**AYES**—Messrs. Anthony, Arnerich, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Busick, Chandler, Cooper, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Jarvis, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, Maxwell, McCartney, McGowan, McKenney, McNauara, Meincke, Mindham, Mitcheltree, Moore, Olmsted, Perkins, Pryor, Pyle, Rolley, Severance, Stanton, Thompson, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—55.

**NOES**—None.

#### BILL ORDERED TO GOVERNOR.

Mr. Moore offered the following resolution, which was read:

*Resolved*, That Assembly Bill No. 1032 be immediately presented for enrollment, and immediately presented to the Governor.

On motion of Mr. Moore, the resolution was adopted.

#### SPECIAL ORDER CONTINUED.

On motion of Mr. Goodrich, Senate Bill No. 694 (No. 379 on file), set as a special order for this forenoon, was continued until four o'clock P. M. this day.

#### BILL RETURNED TO THE SENATE.

Senate Bill No. 233 was ordered returned to the Senate for correction.

## ORDERED ON SENATE FILE.

On motion of Mr. Dorsey, Senate Bill No. 123 was ordered to second reading on the special Senate file, it being identical with Assembly Bill No. 316 (No. 329 on file), which he was granted leave to withdraw.

On motion of Mr. Perkins, Senate Bill No. 714 was ordered to second reading on the special Senate file, without reference to a committee.

## UNFINISHED BUSINESS.

Bills on the unfinished business file were considered, as follows:

Assembly Bill No. 219—An Act to repeal Sections 3824 and 3825 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Withdrawn by the author, Mr. Held.

Assembly Bill No. 145—An Act to provide for the payment by the State, or counties, or cities and counties, of the premium or charge on official bonds.

Withdrawn by the author, Mr. Held.

On motion of Mr. McGowan, Senate Constitutional Amendment No. 20 was substituted on the file in place of Assembly Constitutional Amendment No. 19, which he was granted leave to withdraw.

## SPEAKER PRO TEM. CALLED TO CHAIR.

At eleven o'clock and fifty-five minutes A. M., the Speaker pro tem., Hon. T. E. Atkinson, was called to the chair by the Speaker.

Senate Bill No. 7—An Act to provide for the erection of a State historical building to be located in the City of Los Angeles, to provide for the purchase of a site therefor; to provide for the acquisition, maintenance, and display of historical and educational exhibit and for the collection and preservation of historical records and all objects of interest connected with the history of California; to provide within such building rooms for the Supreme Court of California, for the Court of Appeals of the Second District, and for an armory and other rooms for the accommodation of the National Guard of California located at Los Angeles; to provide for the appointment of trustees as a body corporate for the management, control, and care of said building and its uses, its archives, exhibits, and appurtenances, and making an appropriation for the purposes above stated.

Read third time on a previous day.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Cleveland, Cooper, Creighton, Cullen, Dorsey, Duryea, Ellis, Estudillo, Gates, Hartman, John, Johnson, Johnstone, Jones of Tolueme, Jury, King, Lumley, Lynch, McCarney, McGowan, McKenney, Mundham, O'Brien, Olmsted, Perkins, Pryor, Pyle, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—50

NOES—Messrs. Anthony, Arnerich, Chandler, Coyle, Devlin, Drew, Gans, Held, Manwell, McNamara, Meincke, Rollev, and Strobridge—13

Title read and approved.

## REPORTS OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following reports, which were read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined and found correctly enrolled the following Assembly bills:

Assembly Bill No. 336—An Act to repeal Section 403 of the Civil Code, and to add a chapter to Title I of Part IV of Division I of the Civil Code, all relating to general provisions affecting corporations.

Assembly Bill No. 297—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of Public Instruction.

Assembly Bill No. 209—An Act to amend Title V of Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by revising Sections 4458 and 4459 of said title, and adding three new sections thereto, to be numbered 4460, 4461, and 4462, relating to and regulating publications or notices authorized or required to be given or made by public officers, the officers of courts, or by law, providing that such publications or notices shall be given or made in newspapers of general circulation, defining what is a newspaper of general circulation, providing the manner in which newspapers may be adjudged newspapers of general circulation, and providing a penalty for violation.

Assembly Bill No. 333—An Act to amend Sections 360 and 362, and to repeal Sections 361 and 363 of the Civil Code, as approved March 5, 1889, all relating to the powers of corporations.

Assembly Bill No. 502—An Act to add an Article IIIa to Chapter II of Title III of Part IV of Division III of the Civil Code, relating to warehousemen.

Assembly Bill No. 387—An Act to add a Chapter IV to Title II of Part IV of Division I of the Civil Code, relating to mutual benefit and life associations.

Assembly Bill No. 334—An Act to amend Sections 388, 391, 392, and 393 of the Civil Code, all relating to the sale of franchises under execution.

And presented the same to the Governor on this day at eleven o'clock and thirty minutes A. M.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905

MR. SPEAKER. Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly engrossed:

Assembly Bill No. 1078—An Act providing for the selection and sale by the State of California of lands in lieu of the vacant sixteenth and thirty-sixth school sections embraced in confirmed or proposed Government forest reserves.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following have been correctly engrossed:

Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV, thereof, relating to the length of legislative sessions, the compensation of members of the Legislature and limiting the number of employees of the Senate and Assembly.

Assembly Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 23 of Article IV of said Constitution, limiting the expenses of the Legislature and regulating the salary of the members thereof.

DEVLIN, Chairman.

Assembly Bill No. 1078 ordered on second-reading file.

Assembly Constitutional Amendments Nos. 3 and 25 ordered under the head of Special Orders.

#### RESOLUTION.

Mr. Cleveland offered the following resolution:

(For compensation to Bill Clerks.)

*Resolved*, That S. G. Tyler, Ed Haight, Chas. Curtis, and R. Fuller, Bill Clerks of the Assembly, be and they are hereby directed to remain one week after the close of this session of the Legislature, for the purpose of closing up the business of the session in their department, and the Controller is hereby authorized to draw his warrant for the sum of eighty (\$80) dollars, payable out of the Contingent Fund of the Assembly, in favor of said attachés, said amount to be paid in the sum of twenty (\$20) dollars to each of them, and the State Treasurer is hereby directed to pay the same.

Ordered printed in the Journal, and referred to the Committee on Ways and Means.

UNFINISHED BUSINESS—(RESUMED).

Mr. Estudillo was granted leave to call up Assembly Bill No. 552 (No. 287 on file) in place of Assembly Bill No. 830 (No. 490 on file).

Assembly Bill No. 552—An Act providing for the establishment of a branch agricultural experiment station of the University of California,



providing for the appointment of a commission to purchase land, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Jones of Tuolumne, Jury, King, Lumley, Lynch, Manwell, McKenney, McNamara, Meincke, O'Brien, Olmsted, Perkins, Pryor, Pyle, Severance, Stanton, Strobridge, Strohl, Thompson, Treadwell, Vogel, Waste, Weyand, and Whiting—52

**NOES**—None.

Title read and approved.

Assembly Bill No. 552 ordered transmitted to the Senate.

Assembly Bill No. 320—An Act to amend Section 3821 of the Political Code of the State of California, relating to the collection of taxes.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Anthony, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ells, Gans, Gates, Hartman, Jarvis, John, Johnson, Jones of Tuolumne, Jury, King, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitchelltree, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strobridge, Strohl, Thompson, Treadwell, Vogel, Waste, Weyand, and Whiting—53.

**NOES**—Messrs. Amerige, Coyle, and Held—3

Title read and approved.

Assembly Bill No. 320 ordered transmitted to the Senate.

Assembly Bill No. 315—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to the issuance of writs of attachment issued from justices' courts, and providing that several writs may be issued at the same time to the sheriffs or constables of counties other than the one in which said justice's court may be situated.

#### SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 315 were read:

Amend by striking out of Section 1, line 4, the word "any," before the word "county," and inserting in lieu thereof the word "the."

Also: Amend by striking out of Section 1, line 13, the word "constable."

Also: Amend by inserting in Section 1, line 4, the words "in which such justice court is situate."

Also Amend the title by striking out the words "or constable."

#### SENATE AMENDMENTS CONCURRED IN.

Mr. Dorsey moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 315?"

The roll was called, and the Senate amendments concurred in by the following vote:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ells, Gans, Gates, Hartman, Held, Jarvis, John, Johnson, Jones of Tuolumne, King, Lumley, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Olmsted, Perkins, Pfaffle, Pyle, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, and Whiting—54.

**NOES**—None.

Assembly Bill No. 315 ordered to enrollment.

Assembly Bill No. 742—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 201 thereof, relating to salaries and fees of county and township officers in counties of the forty-fourth class.

Senate amendments pending.

#### SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 742 were read:

Amend by striking out of line 20, page 2 of printed bill, the word "ten," and insert in lieu thereof the word "twelve."

Also: Strike out line 17, and insert in lieu thereof the following.

"The recorder, one thousand five hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected, *and provided*, that when the amount of said fees collected shall amount to more than one hundred and twenty-five dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, all fees in excess of one hundred and twenty-five dollars, and not exceeding one hundred and seventy-five dollars, in any month so collected, so that the amount of fees thus received by the recorder for his own use, plus the salary, shall not exceed the sum of one hundred and seventy-five dollars in any one month."

#### SENATE AMENDMENTS CONCURRED IN.

Mr. Burge moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 742?"

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnstone, Jones of Tuolumne, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, Olmsted, Perkins, Pfaffle, Pyle, Strobridge, Transue, Treadwell, Vogel, Waste, and Weyand—56

NOES—None.

Assembly Bill No. 742 ordered to enrollment.

Assembly Bill No. 420—An Act to amend the Code of Civil Procedure of the State of California by amending Section 851 thereof, relating to form of pleadings.

#### SENATE AMENDMENT.

The following Senate amendment to Assembly Bill No. 420 was read:

On page 1 add a new subdivision, to be numbered and read as follows: "4. If the party appears by attorney, the attorney's postoffice address shall be endorsed on the pleadings, but if the party appears in person, the party's place of residence shall be endorsed thereon."

#### SENATE AMENDMENT CONCURRED IN.

Mr. Busick moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 420?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Espey, Gans, Gates, Goodrich, Held, Jarvis, John, Johnson, Jones of Tuolumne, King, Lucey, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, Olmsted, Perkins, Pfaffle, Pyle, Strobridge, Strohl, Transue, Treadwell, Vogel, Waste, and Weyand—54.

NOES—None.

Assembly Bill No. 420 ordered to enrollment.

Assembly Bill No. 848—An Act to amend Section 57 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.

## SENATE AMENDMENT.

The following Senate amendment to Assembly Bill No. 848 was read:

On page 2, Section 1, line 26 of printed bill, strike out the word "twelve," and insert in lieu thereof the word "fifteen."

## SENATE AMENDMENT CONCURRED IN.

Mr. Lumley moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 848?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Hartman, Held, John, Johnson, Jones of Tuolumne, King, Lumley, Lynch, McKanney, McNamara, Meincke, Mumham, Moore, Olmsted, Perkins, Pfaffle, Pyle, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, and Weyand—51.

NOES—None.

Assembly Bill No. 848 ordered to enrollment.

## TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-eight minutes P. M., the hour for recess was extended for fifteen minutes.

Assembly Bill No. 157—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1878, by amending Section 131 thereof, relating to powers and duties of the courts in providing for the creation and appointment and term of office of boards, to be known as "probation committees," providing for the creation and appointment of probation officers, prescribing their terms of office, duties, and powers, and fixing their salaries

## SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 157 were read:

## AMENDMENT No. 1

On page 1, Section 1, line 8, strike out the word "shall," and insert in lieu thereof the word "may."

## AMENDMENT No. 2

Strike out all of Subdivision 9, on pages 4 and 5, after the word "same," in line 119, and insert in lieu thereof a period (.) after the word "same."

## AMENDMENT No. 3.

On page 3, strike out all of Subdivision 6 from and including line 60, down to and including all of line 73, and insert in lieu thereof the following: "the probation."

## SENATE AMENDMENTS CONCURRED IN.

Mr. Espey moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 157?"

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Busick, Chandler, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, John, Jones of Tuolumne, King, Lumley, Lynch, Maxwell, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, and Weyand—55

NOES—None

Assembly Bill No. 157 ordered to enrollment.

Assembly Bill No. 401—An Act to amend Section 6 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations."

#### SENATE AMENDMENT.

The following Senate amendment to Assembly Bill No. 401 was read:

On page 2, Section 6, line 18, strike out the word "cover," and insert in lieu thereof the word "transfer," after the word "and."

#### SENATE AMENDMENT CONCURRED IN.

Mr. Chandler moved to concur in the Senate amendment.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 401?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, John, Johnson, King, Lumley, Lynch, Maxwell, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, and Whiting—57

NOES—None

Assembly Bill No. 401 ordered to enrollment.

Assembly Bill No. 979—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-eighth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Branstetter, Burge, Burke, Busick, Chandler, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, John, Johnson, Jones of Tuolumne, King, Lumley, Lynch, Maxwell, McKenney, Mindham, Moore, Olmsted, Perkins, Pfaeffe, Pryor, Rolley, Transue, Treadwell, Vogel, Waste, Weyand, and Whiting—50.

NOES—None.

Title read and approved.

Assembly Bill No. 979 ordered transmitted to the Senate.

## MOTION TO TAKE UP BILL LOST.

Mr. Coghlan moved that Assembly Bill No. 267 (No. 203 on file) be made special order for — o'clock P. M. this day.

Mr. Olmsted moved to lay the motion on the table.

So ordered.

## RECESS.

At twelve o'clock and fifty-five minutes P. M., on motion of Mr. Amerige, the Speaker pro tem. declared a recess until two o'clock P. M.

## AFTERNOON SESSION.

The Assembly reconvened at two o'clock P. M.

Hon. Thomas E. Atkinson, of San Francisco, Speaker pro tem., in the chair.

## MOTION.

Mr. Burke moved that Senate messages be taken up.

Motion carried.

## MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to Assembly Bill No. 273—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 3788½, relating to the time within which deeds must be executed for property sold for delinquent taxes, to purchasers other than the State of California, or a municipal corporation within said State.

Also: Passed (as a case of urgency) Assembly Bill No. 745—An Act making an appropriation to pay assessments for sewers on street frontage at the Industrial Home of Mechanical Trades for the Adult Blind, Oakland, California.

Also: Passed (as a case of urgency) Assembly Bill No. 290—An Act making an appropriation to pay a deficiency in the appropriation for support of the Industrial Home of Mechanical Trades for the Adult Blind for the fifty-fifth and fifty-sixth fiscal years.

Also: Passed (as a case of urgency) Assembly Bill No. 286—An Act making an appropriation to pay for bituminous pavement of the street in front of the Industrial Home of Mechanical Trades for the Adult Blind, Oakland, California.

Also: Passed (as a case of urgency) Assembly Bill No. 1178—An Act authorizing the Board of Regents of the University of California to exchange the tract of land now constituting the Santa Monica Forestry Station.

Also: Passed Senate Bill No. 128—An Act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry.

Also: Senate Bill No. 198—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Also: Senate Bill No. 187—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Also: Senate Bill No. 209—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry.

Also: Senate Bill No. 210—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a dam across Sutter Creek.

Also: Senate Bill No. 211—An Act appropriating money for constructing a refrigerating plant at the Preston School of Industry.

Also: Senate Bill No. 212—An Act appropriating money for building an assembly hall at the Preston School of Industry.

LEWIS A. HILBORN, Secretary of Senate  
By J. W. HARPER, Assistant Secretary

Senate Bill No. 128—An Act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 138—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 187—An Act appropriating money for the purchase of bedding and furniture, and for repairs for the use of the Preston School of Industry.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 209—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 210—An Act appropriating money for the maintenance and improvement of the water system of the Preston School of Industry, including the construction of a dam across Sutter Creek.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 211—An Act appropriating money for constructing a refrigerating plant at the Preston School of Industry.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 212—An Act appropriating money for building an assembly hall at the Preston School of Industry.

Read first time, and referred to Committee on Ways and Means.

Assembly Bills Nos. 715, 290, 286, and 1178 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1905

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed the following:

Committee Substitute No. 2 for Senate Bill No. 181—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties

LEWIS A. HILBORN, Secretary of Senate.

Committee Substitute No. 2 for Senate Bill No. 181 read first time, and referred to Committee on Counties and County Boundaries.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the conference committee on Assembly Bill No. 36, and have appointed as a committee of free conference Senators Carter, Lukens, and Salvage.

And ask that the Assembly return for correction Senate Bill No. 233.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary.

Senate Bill No. 233 ordered returned with message to Senate.

#### MOTION.

Mr. McCartney moved that during the remaining days all Senate bills carrying appropriations, instead of being referred to Committee on Ways and Means, as formerly, be ordered on the special Senate file.

Motion lost.

#### MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were, on motion, taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, {  
SACRAMENTO, March 7, 1905. }

*To the Assembly of the State of California*

I have the honor respectfully to return herewith to your honorable body Assembly Bill No. 58—"An Act to amend section six hundred and eleven of the Civil Code, relating to the issuance of bonds by cemetery corporations"—without my approval, for the reason

that in line thirteen (13) thereof there appears what is evidently a clerical or typographical error, viz, the insertion of the word "of" instead of the word "or," which makes the phrase read "any specified share of portion," instead of "any specified share or portion," thus rendering that portion of the bill, in my judgment, unintelligible, or, perhaps, giving it a meaning entirely at variance with that of other parts of the bill.

Very respectfully,

GEO. C. PARDEE, Governor

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,  
SACRAMENTO, March 7, 1905.

*To the Assembly of the State of California*

I have the honor to inform your honorable body that I have approved Assembly Bill No. 44—An Act to amend Section 94 of the Civil Code, relating to extreme cruelty as a cause of action for divorce

Also: Assembly Bill No. 69—An Act to amend Sections 199 and 200 of the Code of Civil Procedure, relating to the qualifications and exemptions of jurors.

Also: Assembly Bill No. 71—An Act to amend Chapter IX of Title XI of Part III of the Code of Civil Procedure of the State of California, relating to the conveyance of real estate and personal property by executors and administrators in certain cases.

Also: Assembly Bill No. 87—An Act making an appropriation of \$5,075 to repay the Regents of the University of California for moneys appropriated by them to repair maintain, and erect necessary buildings for a forestry station at Santa Monica

Also: Assembly Bill No. 131—An Act to add a new section to the Code of Civil Procedure, to be known as Section 1927, relating to the admission in evidence of certain statements of facts contained in patents for mineral lands issued or granted by the United States of America

Also: Assembly Bill No. 192—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts

Also: Assembly Bill No. 217—An Act to amend Section 1969 of the Code of Civil Procedure, relating to payment of taxes and decrees of distribution of estates

Also: Assembly Bill No. 300—An Act to add a new section to the Political Code, to be numbered 2984, for the enforcement of the rules, orders, and regulations of the State Board of Health

Also: Assembly Bill No. 345—An Act to amend Section 737 of the Political Code, relating to salaries of superior judges

Also: Assembly Bill No. 365—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a State Reform School for Juvenile Offenders, and to make an appropriation therefor,'" approved March 11, 1889, relating to the Whittier State School

Also: Assembly Bill No. 435—An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children.

Very respectfully,

GEO. C. PARDEE, Governor.

#### RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Mr. Rolley:

WHEREAS, George Huestis, an Assistant Engrossing and Enrolling Clerk of the Assembly, while in its employ, has met with an accident which will permanently disable him, and will prevent him from following the ordinary avocations of life, therefore, be it

Resolved, That the State Controller be, and is hereby authorized and directed to draw his warrant for the sum of two hundred and fifty (\$250) dollars, payable out of the Contingent Fund of the Assembly, in favor of said George Huestis, and the State Treasurer is hereby directed to pay said warrant

Resolution read, and referred to Committee on Ways and Means.

#### SPECIAL SENATE FILE.

The time for the consideration of the special Senate file having arrived, the following bills were taken up for consideration:

Senate Bill No. 689—An Act amending the Political Code of the State of California by adding thereto a new section, numbered 3418, relating to the public lands of the State.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 818—An Act to amend Section 111 of the Penal Code of the State of California, relating to the expenses of prosecuting escapes

from and crimes committed within State prisons, and the expenses of coroners' inquests of any deceased convict.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 706—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of curable cases of tuberculosis, and making appropriation therefor.

Read second time.

MOTION.

Mr. Treadwell moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Senate Bill No. 706.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Atkinson in the chair.

Senate Bill No. 706 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker pro tem. Atkinson in the chair.

REPORT OF COMMITTEE OF THE WHOLE

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 706, and do now report the same back, and recommend that it do pass.

ATKINSON, Chairman.

Report of Committee of the Whole adopted.

Bill ordered on special Senate file for third reading and passage.

Senate Bill No. 625—An Act to amend Section 1142 of the Political Code, relating to boards of election.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 113—An Act to amend Section 849 of the Code of Civil Procedure, relating to service of summons issued out of justices' courts.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 797—An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining said districts.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Bliss, Burke, Chandler, Coghlan, Cooper, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnson, Jones of Tuolumne, King, Lumley, Lynch, Maxwell, McCartney, McGowan, Meincke, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Strobridge, Strohl, Thompson, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

At two o'clock and twenty-five minutes P. M., Hon. Frank C. Prescott, Speaker of the Assembly, in the chair.



## REPORT OF COMMITTEE OF FREE CONFERENCE.

The following report was received and read:

MR. SPEAKER: Your committee of free conference, to whom was referred Assembly Bill No. 36—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county and township officers, and providing for the appointment of certain deputy county officials—have had the same under consideration with a like committee from the Senate, and respectfully report that they have adopted, as a committee, the following amendments to said bill, and recommend said bill be so amended, as follows:

1. Page 2, line 30, strike out the word "county."
2. Page 2, lines 32 and 33, strike out the words "and the commissions allowed by law for collecting the State liquor license tax."
3. Page 2, line 34, strike out the word "county," and insert in lieu thereof the word "counties."
- Also, On page 2, line 34, strike out the words "second and third," and insert in lieu thereof the words "and second."
4. Page 2, line 36, strike out the words "nor shall such assessor," and insert in lieu thereof the following: "provided, however, that in counties and cities and counties of the first, second, and third class, the assessor shall not."
5. Page 2, line 42, strike out the words "except the commissions on State liquor licenses."
6. Page 3, line 77, insert after the word "examiners" the word "and."

McCARTNEY,  
McGOWAN,  
O'BRIEN,  
Committee.

Mr. McCartney moved the adoption of the report and the amendments therein contained.

The roll was called, and the report and amendments were adopted by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beckett, Bliss, Branstetter, Burke, Chandler, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Jarvis, John, Jones of Tuolumne, Jury, King, Lynch, Manwell, McCartney, McGowan, Meincke, Mitchelltree, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Strobridge, Strohl, Transue, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—51.

NOES—None

## SPECIAL SENATE FILE—(RESUMED).

Senate Bill No 169—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved March 23, 1901, by amending Section 208 thereof, relating to counties of the fifty-first class."

Read third time.

The question being on the final passage of the bill,

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beckett, Bliss, Boyle, Branstetter, Burke, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Estudillo, Gans, Held, John, Johnson, Jones of Tuolumne, Jury, King, Lynch, Manwell, McGowan, McNamara, Meincke, Mitchelltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Senate Bill No. 324—An Act making an appropriation of \$45,616.30 to pay the claim of John Mullan against the State of California, and prescribing the duties of the Controller and the Treasurer of State in relation thereto.

Read third time.

The question being on the final passage of the bill,

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burke, Coghlan, Cooper, Coyle, Creighton, Cullen, Devlin, Drew, Gans, Gates, Goodrich, Hartman, Held,

John, Johnson, Jones of Tuolumne, Jury, King, Lucey, Lumley, Lynch, Manwell, McGowan, McNamara, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Strohl, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr Speaker—49.

NOES—Messrs. Anthony and Cleveland—2

Title read and approved.

Senate Bill No. 393—An Act to provide for completing the survey, locating and constructing a State highway, from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles, to connect with an existing road in Humboldt County, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beckett, Bliss, Boyle, Branstetter, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnson, Jones of Tuolumne, Jury, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Rolley, Strohl, Transue, Treadwell, Vogel, Waste, Whiting, Wickersham, and Mr Speaker—52

NOES—Messrs. Lucey, McNamara, and Meincke—3

Title read and approved.

Senate Bill No. 885—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbor master, defining their duties, and providing for their compensation.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Boyle, Branstetter, Busick, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Devlin, Drew, Estudillo, Gans, Goodrich, John, Johnson, Jones of Tuolumne, Jury, King, Lumley, Lynch, Manwell, McCartney, McKenney, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Rolley, Slaven, Strohl, Transue, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—46.

NOES—Messrs. Cullen, Hartman, Lucey, McGowan, McNamara, Meincke, Mindham, Pfaffle, Severance, and Treadwell—10.

Title read and approved.

Senate Bill No. 728—An Act to amend an Act entitled "An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society," approved March 25, 1901.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bliss, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Cromwell, Cullen, Devlin, Dorsey, Drew, Gans, Gates, Goodrich, Hartman, Held, Jarvis, John, Jones of Tuolumne, Jury, King, Lucey, Manwell, McCartney, McGowan, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Slaven, Strohl, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—50.

NOES—Mr. Beckett—1.

Title read and approved.

Senate Bill No. 769—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending

Section 207 thereof, relating to the compensation of officers of counties of the fiftieth class.

Read third time.

The question being on the final passage of the bill

The roll was called, and the bill finally passed by the following vote.

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Bliss, Boyle, Branstetter, Burge, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Gans, Gates, Goodrich, Held, Jarvis, John, Johnson, Jones of Tuolumne, Jury, King, Lumley, Lynch, Manwell, McGowan, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Rolley, Slaven, Strobridge, Strohl, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—56.

NOES—None

Title read and approved.

#### MOTION TO RECONSIDER.

In compliance with his notice previously given, Mr. Treadwell moved a reconsideration of the vote whereby Senate Constitutional Amendment No. 9—Relative to the exemption from taxation of all of the buildings used solely and exclusively for the accommodation, support, and maintenance of minor orphans, or half orphans, or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use, and occupation thereof—was on yesterday refused adoption.

The roll was called, and the vote reconsidered by the following vote:

AYES—Messrs Anthony, Bates, Beckett, Boyle, Branstetter, Busick, Coghlan, Creighton, Cromwell, Cullen, Devlin, Ellis, Goodrich, Jarvis, John, Johnson, Jones of Tuolumne, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Pfaffle, Pryor, Rolley, Severance, Slaven, Strobridge, Strohl, Transue, Treadwell, Tripp, Vogel, Walsh, Weyand, Wickersham, and Mr. Speaker—45.

NOES—Messrs. Amerige, Barnes, Chandler, Cooper, Coyle, Drew, Duryea, Held, Johnstone, King, Olmsted, Pyle, and Whiting—13

On motion of Mr. Treadwell, Senate Constitutional Amendment No. 9 was ordered placed, for consideration to-morrow, at the head of special Senate file.

Senate Bill No. 551—An Act to provide for the better protection of wild deer, and to provide for game preserves for that purpose.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Barnes, Bates, Beckett, Bliss, Boyle, Branstetter, Burge, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Devlin, Drew, Ellis, Espey, Gans, Gates, Goodrich, Hartman, Held, Jones of Tuolumne, Jury, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Strobridge, Strohl, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—52.

NOES—Messrs. Anthony, Coghlan, Duryea, John, King, and Severance—6

Title read and approved.

Senate Bill No. 518—An Act to authorize the construction, maintenance, and operation of private spur tracks in municipalities.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs Amerige, Barnes, Beckett, Bliss, Boyle, Branstetter, Burge, Busick, Chandler, Coyle, Cromwell, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, John, Johnson, Jones of Tuolumne, Jury, Lumley,

Lynch, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Moore, Perkins, Pfaffle, Pryor, Pyle, Rolley, Strobridge, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—49.  
 Nays—Messrs. Cleveland and King—2.

Title read and approved.

Senate Bill No. 374—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the powers of boards of supervisors.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Cooper, Coyle, Creighton, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, Gates, Goodrich, Hartman, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, McGowan, McKenney, Meincke, Moore, Olmsted, Perkins, Pryor, Pyle, Rolley, Strobridge, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—49.  
 NAYS—Messrs. Held and McNamara—2.

Title read and approved.

Senate Bill No. 592—An Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting said office."

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Bates, Branstetter, Burke, Busick, Chandler, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, McGowan, McNamara, Meincke, Mitcheltree, Moore, Olmsted, Perkins, Pryor, Rolley, Slaven, Strobridge, Strohl, Treadwell, Tripp, Vogel, Waste, Wickersham, and Mr. Speaker—50.  
 NAYS—None

Title read and approved.

Senate Bill No. 694—An Act to authorize the deposit of State moneys in banks of this State, and to repeal all Acts or parts of Acts in conflict with this Act.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Barnes, Bates, Beardslee, Beckett, Branstetter, Burke, Cleveland, Cooper, Creighton, Cromwell, Devlin, Dorsey, Ellis, Espey, Estudillo, Goodrich, Hartman, Held, Jarvis, Johnson, Jones of Tuolumne, Lumley, Lynch, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Rolley, Severance, Stanton, Thompson, Treadwell, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—43.  
 NAYS—Messrs. Anthony, Busick, Chandler, John, and McGowan—5.

Title read and approved.

Senate Bill No. 353—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by adding a new section thereto, to be numbered 7½, relating to the release of prisoners confined in State prisons, and the restoration of them to citizenship, either at the time of or after release.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Bates, Beardslee, Beckett, Branstetter, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lumley, Lynch, McCartney, McGowan, McKenney, Meincke, Mitchell-tree, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Rolley, Slaven, Strobridge, Strohl, Thompson, Treadwell, Vogel, Weyand, Whiting, and Mr. Speaker—51

NOES—None

Title read and approved.

Senate Bill No. 755—An Act to amend Sections 771, 778, and 782 of the Political Code, and to repeal Sections 779, 780, and 781 of said Code, all relating to the preparation and publication of the opinions of the Supreme Court and of the District Court of Appeals.

Read third time, and passed on file temporarily.

Senate Bill No. 632—An Act to amend Sections 418, 419, 456, and 485 of the Political Code, relating to the salaries of appointees in the office of the Secretary of State, of the State Treasurer, and of the Surveyor-General.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Bliss, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Devlin, Dorsey, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, Johnson, Johnstone, Jury, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitchell-tree, O'Brien, Perkins, Pryor, Rolley, Strohl, Thompson, Treadwell, Vogel, Waste, Weyand, and Mr. Speaker—48

NOES—None.

Title read and approved.

Senate Bill No. 499—An Act making an appropriation to the Board of Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against the said society.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Creighton, Cromwell, Cullen, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mitchell-tree, Moore, O'Brien, Perkins, Pryor, Pyle, Rolley, Severance, Slaven, Strobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—56.

NOES—Mr. Cleveland—1

Title read and approved.

Senate Bill No. 598—An Act to create a reclamation district, to be called "Reclamation District No. 70," and providing for the control and management thereof.

Read third time.

Mr. Manwell moved that a select committee of one be appointed by the Speaker to amend, as follows:

Amend by adding another section, to be numbered Section 4. "Section 4. Provided that this Act shall not take effect or be in force until it has been submitted to a vote of the land owners of the above described district, and by them approved, by a majority vote, such election to be called and conducted as near as possible in conformity with the provisions of Section 3491 of the Political Code of the State of California, and any land

owner of said district may make an application to the board of supervisors of the county wherein such district is located to call an election for the purpose of voting upon said Act."

Mr. McCartney moved to lay on the table the motion to refer to select committee for purpose of amendment.

Motion to lay on table carried.

Mr. Transue moved that both bill and proposed amendment be taken from the table.

Motion to take from table carried.

A roll call was demanded on the motion to refer to a select committee for the purpose of amendment.

The roll was called, and the motion to refer lost by the following vote:

AYES—Messrs Barnes, Bates, Beckett, Bliss, Boyle, Burke, Coghlan, Creighton, Cullen, Dorsey, Duryea, Espey, Gans, Gates, Held, Jury, Lucey, Manwell, McKenney, McNamara, Severance, Strobridge, Treadwell, Weyand, and Whiting—25

NOES—Messrs Anthony, Arnerich, Atkinson, Beardslee, Branstetter, Burge, Busick, Chandler, Cleveland, Coyle, Cromwell, Devlin, Drew, Goodrich, Hartman, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Lumley, Lynch, McCartney, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Rolley, Slaven, Strohl, Thompson, Transue, Tripp, Vogel, Walsh, Waste, Wickersham, and Mr. Speaker—42.

The question recurring on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Branstetter, Burge, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Devlin, Drew, Estadillo, Gans, Gates, Goodrich, Hartman, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Lumley, Lynch, Manwell, McCartney, McKenney, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Strohl, Thompson, Transue, Tripp, Vogel, Walsh, Waste, Wickersham, and Mr. Speaker—49.

NOES—Messrs Bates, Bliss, Boyle, Coghlan, Cullen, Duryea, Ellis, Espey, Held, Jury, McNamara, Severance, Slaven, Strobridge, Treadwell, Weyand, and Whiting—17.

Title read and approved.

#### NOTICE OF MOTION TO RECONSIDER.

Mr. Manwell gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No 598 was this day passed.

#### MOTION.

Mr. McCartney moved that the Assembly proceed to consider such bills as carry appropriations for governmental expenses.

Motion carried.

Senate Bill No. 547—An Act relating to revenue and taxation, providing for a license tax upon corporations.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Busick, Chandler, Cooper, Coyle, Cromwell, Devlin, Duryea, Ellis, Espey, Estadillo, Gans, Gates, Goodrich, Held, John, Johnstone, King, Lynch, McCartney, McKenney, Meincke, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Strohl, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, and Whiting—46.

NOES—Mr. Creighton—1.

Title read and approved.

Senate Bill No. 514—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers; to provide for its collection and to direct the disposition of its proceeds; to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the dis-

position of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs Anthony, Barnes, Bates, Branstetter, Burke, Busick, Chandler, Cooper, Coyle, Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Goodrich, Held, John, Johnstone, Jones of Tuolumne, Lumley, McCartney, McGowan, McKenney, McNamara, Meincke, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Slaven, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Wickersham, and Mr. Speaker—44.  
 NOES—Messrs. Beardslee, Beckett, Boyle, and Lynch—4.

Title read and approved.

#### SPECIAL ORDERS SET.

Mr. McCartney moved that the consideration of all Senate bills be continued until the hour of four o'clock P. M. to-morrow.

The question was not put.

Mr. Transue, in conformity with notice given on a previous day, moved a reconsideration of the vote whereby Substitute for Senate Bill No. 723 was refused passage.

On motion, the further consideration of vote was set as a special order for to-morrow, immediately after the reading of the Journal.

Mr. Espey, in compliance with his notice of motion to move a reconsideration of the vote whereby Senate Bill No. 554 was on a previous day refused passage, made such motion.

Its further consideration was set as a special order for to-morrow, immediately after the reading of the Journal.

#### RECONSIDERATION OF VOTE.

Mr. McGowan, in compliance with previous notice, moved a reconsideration of the vote whereby Assembly Bill No. 1146 was on a previous day refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Messrs Anthony, Arnerich, Barnes, Bates, Beckett, Boyle, Branstetter, Burke, Busick, Chandler, Cooper, Coyle, Cromwell, Devlin, Duryea, Ellis, Estudillo, Gans, Hartman, Held, John, Johnson, Jones of Tuolumne, Jury, King, Lumley, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Wickersham, and Mr. Speaker—49.  
 NOES—Messrs. Drew, Gates, Johnstone, Lynch, and Whiting—5.

Assembly Bill No. 1146—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 755 thereof, relating to the salary of the Clerk of the Supreme Court.

The question recurring on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arnerich, Atkinson, Barnes, Bates, Beckett, Bliss, Boyle, Branstetter, Burke, Coglian, Cooper, Cromwell, Cullen, Devlin, Dorsey, Duryea, Ellis, Estudillo, Gans, Gates, Hartman, Held, John, Johnson, Jones of Tuolumne, Jury, Lucey, Lumley, McCartney, McGowan, McKenney, McNamara, Meincke, Nitcheltree, Pfaffle, Pryor, Rolley, Strohl, Transue, Treadwell, Vogel, Waste, and Mr. Speaker—43.  
 NOES—Messrs. Amerige, Chandler, Cleveland, Coyle, Drew, Espey, King, Lynch, Moore, Perkins, Pyle, Thompson, Whiting, and Wickersham—14.

Title read and approved.

## REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

## ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER Your Committee on Engrossment and Enrollment have examined and found correctly enrolled Assembly Bill No. 298—An Act to amend Chapter I of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, by adding a new section thereto, to be numbered Section 9, relating to the powers and duties of city clerks and city recorders, respecting the registration of deaths and the issuance and registration of burial and disinterment permits.

Also, Assembly Bill No. 232—An Act to amend an Act entitled "An Act to establish a Penal Code, approved February 14, 1872, by adding thereto a new section to be known and numbered as Section 381b, relating to duties of the State Dairy Bureau.

Also: Assembly Bill No. 50—An Act requiring the marking of packages of butter containing less than six pounds and more than one-half pound, so as to advise the purchaser or others as to the weight of butter contained in such package.

Also: Assembly Bill No. 92—An Act to amend Section 730 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

Also: Assembly Bill No. 928—An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, cities, and towns of the State.

Also: Assembly Bill No. 955—An Act to amend Section 4 of an Act entitled "An Act to create the office of fish and game warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

Also: Assembly Bill No. 902—An Act to amend Section 1189 of the Political Code, relating to the discharge of persons from State hospitals.

Also: Assembly Bill No. 820—An Act to amend Sections 626, 626c, 626d, 626f, 626g, 626i, 626k, 627a, 627b, 631, 631a, of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631c, all relating to the protection and preservation of game.

Also: Assembly Bill No. 767—An Act to repeal Sections 725, 728, 729, 730, 731, 732, and 733, all of Chapter V, Title I, Part II of the Penal Code of California, relating to suppression of riots.

Also: Assembly Bill No. 737—An Act to amend Section 3819 of the Political Code, relating to the recovery of taxes paid under protest.

Also: Assembly Bill No. 611—An Act to amend an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

Also: Assembly Concurrent Resolution No. 24—Relative to adjournment sine die of the thirty-sixth session of the California Legislature on March 10, 1905.

Also: Assembly Constitutional Amendment No. 14—A resolution proposing to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters.

And presented the same to the Governor on this day at two o'clock P. M.

DEVLIN, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER Your Committee on Engrossment and Enrollment have examined and found correctly enrolled Assembly Bill No. 918—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Also: Assembly Bill No. 919—An Act to amend Section 1457 of the Penal Code of the State of California relating to the disposition of fines collected in police and justice's courts.

Also: Assembly Bill No. 963—An Act to provide for the formation of boulevard districts, and the construction, maintenance and use of boulevards, and defining the term "boulevard."

Also: Assembly Bill No. 650—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section to said Code of Civil Procedure to be numbered 1760, relating to the removal of guardianship proceedings, from the superior court of any county in this State to the superior court, of any other county thereof, and providing for the payment of the fees thereon.

Also: Assembly Bill No. 658—An Act to amend Section 1278 of the Code of Civil Procedure of the State of California relating to hearing application for change of names, and remonstrance, and requiring production of the certificate of the Secretary of State, by corporations, that name desired is not the name of any other corporation or so closely resembles the same as will tend to deceive.



Also: Assembly Bill No. 706—An Act to amend Sections 1359 and 1367 of the Political Code of the State of California, relating to primary elections.

Also: Assembly Bill No. 747—An Act to amend Section 954 of the Penal Code, relating to the joinder of charges in one indictment or information.

Also: Assembly Bill No. 752—An Act to amend the Political Code by adding thereto a new section to be numbered 1874a, creating the office of Secretary to the State Text-Book Committee, defining the duties pertaining to said office, authorizing the said Text-Book Committee to elect a secretary to fill said office, and fixing his compensation, and to repeal all Acts and parts of Acts in conflict with this Act.

Also: Assembly Bill No. 800—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 180 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-third class.

Also: Assembly Bill No. 562—An Act appropriating the sum of \$2,160 for rental of a building or buildings for the use of the San Francisco State Normal School.

Also: Assembly Bill No. 534—An Act to appropriate the sum of \$2,000 to pay the claim of W. C. Van Fleet for legal services rendered the State of California, in the Superior Court of the City and County of San Francisco, and the Supreme Court of the State of California, in an action entitled Jeremiah F. Sullivan et al., vs. Henry T. Gage et al., constituting the State Board of Examiners.

Also: Assembly Bill No. 352—An Act to amend Section 1185 of the Code of Civil Procedure, relating to mechanics' liens.

Also: Assembly Bill No. 289—An Act making an appropriation for transportation of prisoners for the fifty-fifth and fifty-sixth fiscal years.

Also: Assembly Bill No. 283—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard, for the fifty-fifth fiscal year.

Also: Assembly Bill No. 201—An Act authorizing the directors of the Veterans' Home of California to purchase and take over for the State of California, to be used and controlled by said board in the interests of the Veterans' Home of California, a certain piece of land adjoining the premises of the said Veterans' Home of California in the County of Napa, and appropriating the sum of \$3,000 to pay for the purchase of the same.

Also: Assembly Bill No. 162—An Act to appropriate \$590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 156—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the inquiry into the aggravation or mitigation of punishment, the imposition or execution of sentence, and the suspending thereof by probation on plea or verdict of guilty.

Also: Assembly Bill No. 104—An Act to appropriate \$3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 13—An Act to amend Section 3928 of the Political Code, relating to the boundary line between the counties of Sacramento and San Joaquin.

Also: Assembly Bill No. 393—An Act to amend Sections 497, 498, 504, and 507 of the Civil Code, all relating to street railway corporations.

Also: Assembly Bill No. 1157—An Act making appropriations for the support of the government of the State of California for the fifty-seventh and fifty-eighth fiscal years.

Also: Assembly Bill No. 357—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby.

Also: Assembly Bill No. 160—An Act to amend an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions, providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903.

Also: Assembly Bill No. 540—An Act to add a new section to the Political Code, to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

And presented the same to the Governor on this day at two o'clock p. m.

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined and found correctly enrolled Assembly Bill No. 1160—An Act to amend Section 2153a of the Political Code of the State of California, relating to the employment of women as physicians in State hospitals for the care and treatment of the insane, and in the California Home for the Care and Training of Feeble-Minded Children at Eldridge, Sonoma County.

And presented the same to the Governor on this day, at two o'clock and thirty minutes P. M.

DEVLIN, Chairman.

#### CONSIDERATION OF SPECIAL FILE.

Assembly Bill No. 1085—An Act appropriating money for the expenses of the care and improvement of the grounds at the John Marshall monument at Coloma.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burke, Cogblan, Cooper, Coyle, Cromwell, Cullen, Devlin, Dorsey, Duryea, Ellis, Gans, Gates, Goodrich, Hartman, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, McCartney, McKenney, Meincke, Mitchelltree, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Thompson, Transue, Tripp, Vogel, Waste, Whiting, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

#### ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 12.

A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California, amending Section 19 of Article V of said Constitution, relating to the compensation of State officers.

The Legislature of the State of California, at its regular session commencing on the second day of January, A. D. nineteen hundred and five, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that section nineteen of article five of the Constitution of the State of California be amended so as to read as follows:

Section 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers as follows: Governor, ten thousand dollars per annum; Lieutenant-Governor, the same per diem as may be provided by law for the Speaker of the Assembly, to be allowed only during the session of the Legislature; the Secretary of State, Controller, Treasurer, and Surveyor-General, five thousand dollars each per annum, and the Attorney-General, six thousand dollars per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however*, that the Legislature may, by law, diminish the compensation of any or all of such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical service in any office provided for in this Article exceeding eighteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor-General, and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

The roll was called, and the constitutional amendment adopted by the following vote:

AYES—Messrs. Arnerich, Atkinson, Bates, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cogblan, Cooper, Cromwell, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Gans, Gates, Goodrich, Hartman, Held, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitchelltree, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Whiting, Wickersham, and Mr. Speaker—58.

NOES—Messrs. Amerige, Beckett, Coyle, and John—4.

Constitutional amendment ordered transmitted to the Senate.

Assembly Bill No. 550—An Act making an appropriation for the purchase of land adjoining the Napa State Hospital, and for the construction thereon of a dam and storage reservoir.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Bliss, Boyle, Burge, Burke, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Espey, Gans, Gates, Hartman, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Seveance, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Assembly Bill No. 136—An Act appropriating money for building an assembly hall at the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Cullen, Devlin, Dorsey, Duryea, Ellis, Estudillo, Gans, Gates, Hartman, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, Perkins, Pryor, Pyle, Stanton, Thompson, Tripp, Walsh, Whiting, Wickersham, and Mr. Speaker—53.

NOES—None.

Title read and approved.

#### NOTICE OF MOTION TO RECONSIDER.

Mr. Stanton gave notice that on to-morrow he would move a reconsideration of the vote whereby Assembly Bill No. 136 was this day passed.

Assembly Bill No. 132—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a dam across Sutter Creek.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Devlin, Dorsey, Duryea, Ellis, Gans, Gates, Goodrich, Held, John, Johnstone, Jury, Lucey, Lumley, Lynch, Manwell, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, Olmsted, Perkins, Pyle, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—52.

NOES—None.

Title read and approved.

#### NOTICE OF MOTION TO RECONSIDER.

Mr. Waste gave notice that on to-morrow he would move a reconsideration of the vote whereby Assembly Bill No. 132 was this day passed.

Assembly Bill No. 932—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Anthony, Arnerich, Atkinson, Bates, Beardslee, Bliss, Boyle, Branstetter, Burke, Chandler, Cleveland, Cogblan, Cooper, Coyle, Cromwell, Cullen, Devlin, Drew, Ellis, Espey, Gans, Gates, Goodrich, Hartman, Held, John, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Moore, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—56

**NOES**—None.

Title read and approved.

At five o'clock and forty minutes P. M., Hon. Thos. E. Atkinson, Speaker pro tem., in the chair.

#### BILL RECALLED FROM COMMITTEE.

On motion of Mr. Anthony, Senate Bill No. 778—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 2466 and 2468 thereof, relating to rates of pilotage at San Francisco—was recalled from the Committee on Commerce and Navigation and ordered on special Senate file.

Assembly Constitutional Amendment No. 6—To propose an amendment to the Constitution of the State of California, amending Section 1, Article IX, providing for the enactment of certain laws by popular vote in State legislation.

Constitutional amendment read.

Mr. Olmsted moved to amend as follows:

Amend by striking out of line 19, printed bill, the word "ten," and inserting the word "twenty-five" in lieu thereof.

Amendment adopted.

The roll was called on the adoption of the constitutional amendment as amended, and it was refused adoption by the following vote:

**AYES**—Messrs. Anthony, Arnerich, Atkinson, Bates, Bliss, Boyle, Branstetter, Busick, Cooper, Coyle, Cromwell, Devlin, Drew, Ellis, Espey, Held, John, Johnstone, Jury, King, Lumley, Lynch, McCartney, McKenney, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Strobridge, Thompson, Transue, Tripp, Waste, Weyand, Whiting, and Wickersham—39.

**NOES**—Messrs. Beardslee, Cullen, Duryea, McGowan, McNamara, Meincke, Pfaffle, Strohl, Treadwell, Vogel, and Mr. Speaker—11

#### NOTICE OF MOTION TO RECONSIDER.

Speaker Prescott gave notice that on to-morrow he would move a reconsideration of the vote whereby Assembly Constitutional Amendment No. 6 was this day refused adoption.

Assembly Constitutional Amendment No. 7—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XI by adding thereto a new section, to be numbered Section 20, providing for the enactment of certain laws by popular vote in counties, cities and counties, and cities.

Constitutional amendment read.

The roll was called, and the constitutional amendment refused adoption by the following vote:

**AYES**—Messrs. Anthony, Arnerich, Atkinson, Bates, Bliss, Branstetter, Busick, Cooper, Coyle, Cromwell, Devlin, Drew, Ellis, Espey, Gans, Gates, Held, Johnstone, Jury, King, Lumley, Lynch, McCartney, McKenney, Mitcheltree, Moore, Perkins, Pfaffle, Pryor, Pyle, Strobridge, Transue, Tripp, Walsh, Waste, Whiting, and Wickersham—37.

NOES—Messrs Beardslee, Boyle, Cleveland, Cullen, Goodrich, John, Lucey, McGowan, McNamara, Meincke, Mindham, Olmsted, Severance, Thompson, Vogel, and Mr. Speaker—16.

## RECESS.

At five o'clock and fifty-five minutes P. M., on motion of Mr. McCartney, a recess was declared until eight o'clock P. M., this day.

## EVENING SESSION.

The Assembly reconvened at eight o'clock P. M.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 778—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 2466 and 2468 thereof, relating to rates of pilotage at San Francisco.

Read second time, and ordered on file as unfinished business.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON ELECTION LAWS

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Senate Bill No. 599—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1115 thereof, relating to the index of the great register—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ROLLEY, Chairman.

Bill ordered on file.

## ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905

MR. SPEAKER. Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 899—An Act to amend Sections 3943, 3944, and 3945, and to add two new sections thereto, to be numbered 3962 and 3966, all relating to county boundaries

Assembly Bill No. 977—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county and township officers, and providing for the appointment of certain deputy county officials

DEVLIN, Chairman.

## ON RULES AND REGULATIONS

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905

MR. SPEAKER Your Committee on Rules and Regulations beg leave to report the following temporary rule, and recommend its adoption:

*Resolved* That the session this evening be devoted to the consideration of Assembly bills, as follows

*First*—Commencing with No. 39, on special file, and continue in regular order until the special file is finished.

*Second*—Take up the unfinished roll call where the session concluded its last evening's session.

*Third*—Then to Assembly bills, to be designated by each member from any part of the file, the names of the members to be called, alternating from the bottom of the first column and the top of the second column of the roll call.

MCCARTNEY, Chairman

## RESOLUTION.

The following resolution was offered by Mr. Branstetter:

*Resolved*, That the Sergeant-at-Arms be authorized to retain the clerk and page to the Sergeant-at-Arms for one week after adjournment, and the Controller is hereby directed and authorized to draw his warrant in favor of J. T. Stafford for \$52 50, the per diem of aforesaid employés, and the Treasurer is hereby authorized and directed to pay the same out of the appropriation for the Contingent Fund of the Assembly.

Resolution referred to Committee on Ways and Means.

## CASE OF URGENCY.

Mr. McCartney offered the following resolution, and moved its adoption:

*Resolved*, That Assembly Bill No. 1180 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

The roll was called, the resolution adopted, and the provision of the Constitution suspended by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Boyle, Branstetter, Busick, Chandler, Cleveland, Coghlan, Coyle, Cromwell, Devlin, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Jones of Tuolumne, Jury, King, Lucey, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mitchelltree, Moore, Perkins, Pryor, Pyle, Rolley, Severance, Slaven, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—56.

NOES—Messrs. Cooper and Creighton—2.

Assembly Bill No. 1180—An Act to repeal Title VII of Part IV of Division I of the Civil Code, and each and every section of such title, and to substitute a new Title VII to take the place thereof in said code, relating to telegraph and telephone corporations.

Read first and second times, considered engrossed, and read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beckett, Boyle, Branstetter, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Jones of Tuolumne, Jury, King, Lucey, Lynch, McCartney, McGowan, McNamara, Meincke, Mitchelltree, Moore, Olmsted, Perkins, Pryor, Pyle, Rolley, Severance, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—51

NOES—Mr. Creighton—1.

Title read and approved.

At eight o'clock and twenty-five minutes P. M., Hon. Thos. E. Atkinson, Speaker pro tem., in the chair.

## CONSIDERATION OF BILLS.

The following bills were taken up for consideration:

Senate Bill No. 464—An Act to provide for the building, equipping, and furnishing of a wing to be used for patients at the Southern California State Hospital, and to make appropriation for the same.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Atkinson, Barnes, Beardslee, Beckett, Bliss, Boyle, Branstetter, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Jones of Tuolumne, Jury, King, Lucey, Lumley, McCartney, McGowan, McKenney, McNamara, Meincke, Mitchelltree, Moore, O'Brien, Perkins, Pryor, Pyle, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Walsh, Waste, Weyand, Whiting, and Wickersham—56.

NOES—None

Title read and approved.

At eight o'clock and thirty minutes P. M., Hon. F. C. Prescott, Speaker of the Assembly, in the chair.

Assembly Bill No. 1164—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," which became a law under con-

stitutional provision without Governor's approval, February 24, 1901, by amending Section 16 thereof, relating to the definition of what persons shall be deemed as practicing medicine or surgery within the meaning of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Chandler, Cleveland, Coghlan, Dorsey, Ells, Lucey, Meincke, Pryor, Pyle, Slaven, Treadwell, Vogel, and Weyand—13.

NOES—Messrs. Amerige, Arnerich, Barnes, Beardslee, Beckett, Boyle, Branstetter, Coyle, Creighton, Cromwell, Drew, Gans, Gates, Goodrich, Held, Jarvis, Johnson, Jones of Tuolumne, King, Lumley, Lynch, McCartney, McNamara, Mitcheltree, Perkins, Rolley, Severance, Thompson, Fransue, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—34.

Assembly Bill No. 753—An Act to pay the claim of Philip Bauer against the State of California, and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Bliss, Boyle, Branstetter, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Ells, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Perkins, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Assembly Bill No. 831—An Act to promote and facilitate the enforcement of laws against the adulteration of foods and drugs, creating certain officers, prescribing their duties, their terms of office, fixing their salaries, and making an appropriation to pay such salaries and other expenses, creating the pure-food fund, defining certain crimes and providing penalties for the punishment thereof and repealing inconsistent Acts.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Boyle, Branstetter, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Ells, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnson, Johnstone, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McNamara, Meincke, Olmsted, Perkins, Pryor, Pyle, Rolley, Severance, Thompson, Transue, Treadwell, Vogel, Weyand, Whiting, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Assembly Bill No. 31—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1672 of said Political Code, relating to sectarian books and teachings in public schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bliss, Branstetter, Busick, Chandler, Coghlan, Cromwell, Drew, Gates, Goodrich, Johnstone, King, McCartney, Pfeiffer, Pyle, Rolley, Thompson, Walsh, Waste, and Mr. Speaker—23.

NOES—Messrs. Amerige, Beardslee, Beckett, Cleveland, Coyle, Cullen, Devlin, Dorsey, Ells, Gans, Hartman, Held, Jarvis, John, Johnson, Jones of Tuolumne, Jury, Lucey, Lynch, Manwell, McGowan, McKenney, McNamara, Meincke, Mitcheltree, O'Brien, Perkins, Pryor, Severance, Slaven, Stanton, Strobridge, Strohl, Transue, Treadwell, Vogel, Weyand, and Whiting—38.

Senate Bill No. 91—An Act to amend Section 1238 of the Code of Civil Procedure, relating to the exercise of the power of eminent domain.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Bliss, Boyle, Branstetter, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cullen, Devlin, Dorsey, Drew, Ellis, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Jarvis, John, Johnson, Johnstone, Johnstone, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McNamara, Meincke, Mindham, Mitcheltree, Olmsted, Perkins, Pfeifle, Pryor, Pyle, Rollev, Severance, Strohl, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Assembly Bill No. 1083—An Act providing the manner of purchasing furniture for public county buildings by boards of supervisors in certain cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Beardslee, Beckett, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Cullen, Devlin, Drew, Ellis, Estudillo, Gans, Gates, Goodrich, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, Manwell, McCartney, Meincke, Mindham, Mitcheltree, Olmsted, Perkins, Pfeifle, Pryor, Severance, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—51.

NOES—Mr. Arnerich—1.

Title read and approved.

Assembly Bill No. 757—An Act to provide for the formation of drainage districts; to provide for the government of the same, and to authorize the levy and collection of assessments from the property benefited to pay the expenses thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Beardslee, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Devlin, Drew, Estudillo, Gans, Gates, Hartman, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, Meincke, Mindham, Olmsted, Perkins, Pryor, Pyle, Rollev, Strobbridge, Strohl, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—47.

NOES—Mr. Creighton—1.

Title read and approved.

Senate Bill No. 828—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, and amended March 23, 1901, by amending Section 193 thereof, relative to the fees, salaries, and compensation of officers in counties of the thirty-sixth class.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Boyle, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Devlin, Dorsey, Drew, Ellis, Estudillo, Gans, Gates, Hartman, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, Lumley, Lynch, McCartney, McGowan, McNamara, Meincke, Mindham, Mitcheltree, Olmsted, Perkins, Pryor, Pyle, Strobbridge, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—52.

NOES—None.

Title read and approved.



Assembly Bill No. 575—An Act to amend Sections 2293 and 2303 of the Political Code, relating to the State Library.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Barnes, Beardslee, Beckett, Boyle, Branstetter, Busick, Chandler, Coghlan, Cooper, Coyle, Cromwell, Devlin, Dorsey, Drew, Ellis, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Jarvis, John, Johnstone, Jones of Tuolumne, Jury, King, Lynch, McCartney, McGowan, McNamara, Meincke, Mitcheltree, Pfaffle, Pryor, Pyle, Rolley, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—49.

**NOES**—None

Title read and approved.

Assembly Bill No. 267—An Act to amend Sections 1, 4, 5, 6, 7, and 8 of an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation."

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

**AYES**—Messrs. Beckett, Boyle, Cleveland, Cullen, Gates, Jones of San Francisco, Lucey, Manwell, McGowan, McKenney, McNamara, Meincke, Mindham, and Vogel—14.  
**NOES**—Messrs. Amerige, Anthony, Arnerich, Barnes, Branstetter, Busick, Chandler, Coghlan, Cooper, Coyle, Cromwell, Devlin, Dorsey, Drew, Ellis, Estudillo, Gans, Goodrich, Held, Jarvis, John, Johnson, Jones of Tuolumne, Jury, King, Lumley, Lynch, McCartney, Moore, O'Brien, Olmsted, Perkins, Pyle, Rolley, Slaven, Strobridge, Transue, Treadwell, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—43.

#### PROTEST BY MEMBER.

Mr. Coyle requested that the following protest be entered in the Journal:

Mr. Coyle protests against the entry in the Journal of the Assembly of this date (March 7), where it was made to appear that he voted "No" on Assembly Constitutional Amendment No. 12.

#### MOTION TO RECONSIDER.

Mr. Coghlan gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 267 was refused passage.

Assembly Bill No. 1081—An Act making an appropriation to pay the claim of Dr. Geo. T. Hesser for professional services rendered and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon Guards Cotter, Cochrane, and Chalmers, after the prison break at the said State prison on July 27, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Barnes, Beckett, Boyle, Branstetter, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Cullen, Devlin, Drew, Ellis, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Jarvis, John, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Slaven, Strobridge, Transue, Treadwell, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—57

**NOES**—None.

Title read and approved.

Senate Bill No. 336—An Act to appropriate the sum of \$3,500 to pay the claim of E. J. Card, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Beardslee, Beckett, Boyle, Branstetter, Busick, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Devlin, Drew, Ellis, Estudillo, Gans, Goodrich, Held, Jarvis, John, Johnson, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mitchellree, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Slaven, Strobbridge, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Assembly Bill No. 794—An Act providing for the payment by the State of certain fees, costs, and expenses.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Barnes, Beardslee, Beckett, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Devlin, Drew, Estudillo, Gans, Goodrich, Held, Jarvis, John, Johnson, Jury, King, Lucey, Lumley, Manwell, McCartney, McNamara, Meincke, Mitchellree, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Slaven, Strobbridge, Transue, Vogel, Weyand, Whiting, and Mr. Speaker—43.

NOES—Messrs. Ellis, Espey, and McGowan—3.

Title read and approved.

Assembly Bill No. 794 was ordered transmitted to the Senate.

Senate Bill No. 426—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to the compensation of county officers in counties of the fourteenth class.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Barnes, Beardslee, Beckett, Bliss, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Devlin, Ellis, Espey, Gans, Held, John, Johnson, Johnstone, Jury, King, Lucey, Lynch, McGowan, McKenney, McNamara, Meincke, Mitchellree, Olmsted, Perkins, Pryor, Pyle, Slaven, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Senate Bill No. 463—An Act to appropriate \$5,000 for the erection of a dairy building, and the purchase of equipments therefor, for the Southern California State Hospital.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Barnes, Beardslee, Beckett, Bliss, Boyle, Branstetter, Busick, Coghlan, Devlin, Drew, Ellis, Espey, Gans, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lynch, McCartney, McGowan, Meincke, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Slaven, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—41.

NOES—None.

Title read and approved.

Senate Bill No. 751—An Act to amend an Act entitled "An Act to amend Section 36 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901, relating to counties of the thirtieth class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the county surveyor," approved March 19, 1903, and in this Act relating to the compensation of the county recorder, auditor, treasurer, county surveyor, county clerk, district attorney, and members of the board of supervisors.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Beardslee, Beckett, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Hartman, Held, Jarvis, John, Jones of Tuolumne, Jury, King, Lynch, McCartney, McGowan, McKenney, Meincke, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Slaven, Stanton, Strohl, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Assembly Bill No. 837—An Act requiring the payment of tuition fees from all Japanese children attending the public schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Beardslee, Beckett, Bliss, Boyle, Busick, Chandler, Cooper, Cullen, Devlin, Dorsey, Drew, Gans, Hartman, Held, Jarvis, John, Jones of Tuolumne, Jones of San Francisco, King, Lynch, Manwell, McGowan, McKenney, McNamara, Meincke, Moore, Pfaffle, Rolley, Slaven, Stanton, Strohl, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, and Whiting—41.

NOES—Messrs. Branstetter, Cleveland, Coyle, Ellis, Estudillo, Goodrich, Johnstone, Olmsted, Perkins, Pryor, Pyle, Stobridge, Wickersham, and Mr. Speaker—14.

Title read and approved.

Assembly Bill No. 836—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 412 thereof, relating to the service of summons by publication, and as to the nature of the judgment in such cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 836 passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Beardslee, Beckett, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Cullen, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Held, Jarvis, John, Johnstone, Jones of Tuolumne, King, Lynch, McGowan, McKenney, McNamara, Meincke, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Slaven, Stanton, Transue, Treadwell, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Senate Bill No. 302—An Act making an appropriation to pay the claim of H. W. Randal for the reward offered by the State of California for the arrest of Josef E. Blather, for murder.

Read second time.

## MOTION.

Mr. Stanton moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 302.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Senate Bill No. 302 was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 302—An Act making an appropriation to pay the claim of H. W. Randal for the reward offered by the State of California, for the arrest of Josef E. Blanthier, for murder—and do now report the same back, and recommend that it do pass.

PRESCOTT, Chairman.

Report of Committee of the Whole adopted.

Senate Bill No. 273—An Act appropriating money for the building of a library and gymnasium, and for the furniture, equipment, heating, and ventilating apparatus for the same, for the State Normal School at San José.

Read third time.

## MOTION.

Mr. Treadwell moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 273.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Senate Bill No. 273 was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 273—An Act appropriating money for the building of a library and gymnasium, and for the furniture, equipment, heating, and ventilating apparatus for the same, for the State Normal School at San José—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

Report of Committee of the Whole adopted.

The roll was called, and Senate Bill No. 273 finally passed by the following vote:

AYES—Messrs Amerige, Atkinson, Beardlee, Beckett, Bliss, Boyle, Branstetter, Busick, Cleveland, Cromwell, Devlin, Drew, Espey, Estudillo, Gans, Goodrich, Held, Jarvis, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lynch, McCartney, McGowan, McNamara, Meincke, Moore, Perkins, Pfaffle, Pryor, Rolley, Slaven, Stanton, Stobridge, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—45

NOES—None.

Title read and approved.

## REPORTS OF STANDING COMMITTEES.

## ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 636—An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, making an appropriation for the purposes of this Act, and defining and providing for the punishment of certain offenses for violation of the provisions of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

STANTON, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 145—An Act to create and maintain a public highway between the counties of Los Angeles and Kern

Also: Senate Bill No. 302—An Act making an appropriation to pay the claim of H. W. Randal, for the reward offered by the State of California for the arrest of Josef E. Blanthier, for murder.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

STANTON, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 187—An Act appropriating money for the purchase of bedding and furniture, and for repairs for the use of the Preston School of Industry.

Also: Senate Bill No. 209—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry.

Also: Senate Bill No. 138—An Act appropriating money for the purchase of books for the library of the Preston School of Industry

Have had the same under consideration, and respectfully report the same back, with one amendment each, and recommend that the same do pass as amended

STANTON, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 210—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a dam across Sutter Creek.

Also: Senate Bill No. 212—An Act appropriating money for building an assembly hall at the Preston School of Industry.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

STANTON, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 128—An Act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry.

Also: Senate Bill No. 211—An Act appropriating money for constructing a refrigerating plant at the Preston School of Industry.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

STANTON, Chairman.

## ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 778—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 2466 and 2468 thereof, relating to rates of pilotage at San Francisco—have had the same under consideration, and respectfully report the same back, without recommendation.

HARTMAN, Chairman.

## THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 217—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 191.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Beardslee, Beckett, Boyle, Cleveland, Cromwell, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Held, Jarvis, John, Johnstone, Jones of Tuolumne, Jury, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Slaven, Stanton, Strobridge, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—45.

NOES—None.

Title read and approved.

## CASE OF URGENCY.

By Mr. Stanton:

Resolved, That Assembly Bill No. 1179 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Beardslee, Beckett, Bliss, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Goodrich, Hartman, Held, Jarvis, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—58.

NOES—Mr. Lucey—1.

Assembly Bill No. 1179—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

Read third time.

The roll was called, and the bill passed by the following vote.

AYES—Messrs Amerige, Anthony, Beardslee, Bliss, Boyle, Branstetter, Chandler, Cleveland, Cooper, Coyle, Cromwell, Cullen, Devlin, Drew, Ellis, Espey, Gans, Goodrich, Held, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Stanton, Thompson, Transue, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Assembly Bill No. 657—An Act to establish a State refinery of petroleum, and making an appropriation therefor.

Read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs Cleveland, Dorsey, John, Pryor, Pyle, and Thompson—6.  
NOES—Messrs Amerige, Arnerich, Atkinson, Beardslee, Beckett, Bliss, Boyle, Busick, Chandler, Coyle, Cullen, Devlin, Espey, Estudillo, Gans, Goodrich, Jones of Tuolumne, Jones of San Francisco, Jury, King, McCartney, McGowan, McKenney, McNamara, Mitcheltree, Perkins, Pfaeffe, Rolley, Stanton, Strohl, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—39.

Senate Bill No. 850—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of, and for the annexation of territory to, incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and

for the districting, government, and municipal control of annexed territory," approved March 19, 1889, relating to the alteration of such boundaries of, and for the annexation of territory to, incorporated towns and cities.

Read second time.

Assembly Bill No. 843—An Act to amend Sections 3, 7, and 10 of an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897.

Read third time on a previous day.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Beckett, Bliss, Boyle, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Ellis, Estudillo, Goodrich, Held, John, Johnstone, Jones of Tuolumne, Jury, Lynch, McCartney, McGowan, McKenney, McNamara, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strohl, Thompson, Treadwell, Waste, Whiting, Wickersham, and Mr. Speaker—41.

NOES—Mr. King—1.

Title read and approved.

Senate Bill No. 770—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 178 thereof, relating to compensation of officers of counties of the twenty-first class.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Atkinson, Beardslee, Bliss, Boyle, Branstetter, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Devlin, Dorsey, Drew, Ellis, Estudillo, Gans, Goodrich, Held, John, Johnstone, Jury, King, Lucey, Lynch, McCartney, McKenney, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Stanton, Thompson, Vogel, Weyand, Whiting, and Mr. Speaker—41.

NOES—None.

Title read and approved.

Senate Bill No. 883—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Beckett, Boyle, Busick, Cleveland, Coyle, Cromwell, Devlin, Dorsey, Drew, Ellis, Estudillo, Goodrich, Held, John, Johnstone, Jones of Tuolumne, Jury, King, Lynch, McCartney, McGowan, McKenney, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Rolley, Stanton, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—41.

NOES—None.

Title read and approved.

Assembly Bill No. 1018—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 203 thereof, relating to the compensation of county and township officers in counties of the forty-sixth class.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Beardslee, Beckett, Boyle, Busick, Chandler, Coyle, Cromwell, Devlin, Dorsey, Drew, Ellis, Gans, Goodrich, Held, John, Johnstone, Jones of Tuolumne, Jury, King, Lynch, Manwell, McCartney, McGowan, McKenney, O'Brien, Pfaffle, Pryor, Pyle, Stanton, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Assembly Bill No. 1150—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 184 thereof, relating to the compensation of the recorder and of the auditor in counties of the twenty-seventh class.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Beardslee, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Devlin, Dorsey, Ells, Estudillo, Gans, Goodrich, Held, John, Johnstone, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, O'Brien, Olmsted, Pfaffle, Pyle, Rolley, Stanton, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—41.

NOES—None

Title read and approved.

Assembly Bill No. 1153—An Act to amend Section 153 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to county and township officers of counties of the second class.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Beardslee, Beckett, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Cromwell, Devlin, Dorsey, Ells, Estudillo, Gans, Hartman, Held, John, Johnstone, Jones of Tuolumne, Jury, Lumley, Lynch, McGowan, McKenney, O'Brien, Olmsted, Pfaffle, Rolley, Stanton, Strobbridge, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—45.

NOES—None

Title read and approved.

Assembly Bill No. 138—An Act appropriating money for the construction of a refrigerating plant at the Preston School of Industry.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Beardslee, Beckett, Boyle, Branstetter, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Cromwell, Devlin, Ells, Estudillo, Gans, Held, John, Johnstone, Jones of Tuolumne, Jury, King, Lynch, McCartney, McGowan, McKenney, O'Brien, Olmsted, Perkins, Pryor, Rolley, Stanton, Strobbridge, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Assembly Bill No. 133—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Beardslee, Beckett, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Cromwell, Devlin, Dorsey, Ells, Estudillo, Gans, Hartman, Held, John, Jury, King, Lumley, Lynch, McGowan, O'Brien, Olmsted, Pfaffle, Pryor, Rolley, Stanton, Strobbridge, Thompson, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Assembly Bill No. 923—An Act to provide for the construction of permanent bridge work on the Lake Tahoe wagon road, a State highway, and making an appropriation therefor.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Beardslee, Beckett, Boyle, Branstetter, Busick, Chandler, Cooper, Coyle, Cromwell, Devlin, Ells, Estudillo, Hartman, Held, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury,



Lumley, McCartney, McGowan, O'Brien, Olmsted, Pfaeffle, Pryor, Rolley, Stanton, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—42.  
NOES—None

Title read and approved.

#### MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up, on motion, and read:

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day indefinitely postponed Assembly Bill No. 159—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 12, 1872, by amending Section 224 thereof, relating to the consent to the adoption of children.

Also: Passed Senate Bill No. 852—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Also: Senate Bill No. 580—An Act establishing a State commission for the purpose of placing statues in the National Statuary Hall in the Capitol at Washington, D. C., prescribing its duties, and making an appropriation of fifteen thousand (\$15,000) dollars therefor.

Also: Assembly Bill No. 949—An Act to amend the Political Code by adding a new section thereto, to be numbered 1033, relating to compensation of State officers.

Also: Denied third reading to Assembly Bill No. 442—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation of property may be imposed upon and performed by county and State officers, and making county officers in certain cases *ex officio* officers of cities.

Also: Refused passage to Assembly Bill No. 818—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 25 of said Act a new subdivision, to be known as 6½, relating to cooperation by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services.

Also: Passed Assembly Bill No. 519—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 599, making it a felony to kill any elk within the State of California.

Also: Denied third reading to Assembly Bill No. 84—An Act to amend Section 1 of an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended March 20, 1903.

Also: Postponed indefinitely Assembly Bill No. 90—An Act to amend Sections 771, 778, and 779 of the Political Code, relating to the publication of the opinions of the Supreme Court and of the District Courts of Appeal.

Also: Passed Assembly Bill No. 91—An Act to amend section 767 of the Political Code, relating to the appointment and term of office of the reporter and the assistant reporters of the decisions of the Supreme Court and of the District Courts of Appeal.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bills Nos. 498, 696, and 810.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 161—An Act to appropriate \$2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 163—An Act to appropriate \$815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of the County of Sacramento.

Also: Refused passage to Assembly Bill No. 845—An Act to amend an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," relating to the appointment and term of office of the members of said board.

Also: Passed Assembly Bill No. 619—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.

Also: Senate Bill No. 611—An Act to prescribe a method of electing boards of education in cities controlled by charters other than those controlled by the city and county government.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendment to Senate Bill No. 393

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 731—An Act to appropriate \$40,000 for the repair of the buildings of the State Normal School at Los Angeles, California, including the construction and installation of a steam heating plant and boiler-house for heating said buildings, and authorizing the board of trustees of said school to make and construct said plant and boiler-house.

Also: Senate Bill No. 613—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purpose of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, subdivisions, or additions thereto before such maps are filed and recorded," approved March 9, 1893.

Also: Assembly Bill No. 1077—An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said courts, and to fix the compensation of certain officers thereof.

Also: Senate Bill No. 855—An Act to amend Section 602 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section to said Act to be numbered 612a, relating to the liabilities of casualty insurance corporations and the determination of the loss reserve of such corporations.

Also: Request Assembly Bill No. 818 returned to the Senate for reconsideration.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1905

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day amended and passed Assembly Bill No. 849—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof in relation to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices—and respectfully ask your concurrence in same.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1905

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 634—An Act to amend Section 770 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeal from judgments of removal from office

Also: Adopted Senate Constitutional Amendment No. 14—Amending Sections 15 and 19, Article V, of the Constitution.

Also: Passed (as a case of urgency) Senate Bill No. 890—An Act to amend an Act entitled "An Act to establish a uniform system of county governments," approved April 1, 1897, by amending Section 214½ thereof, approved March 23, 1901, creating the office of matron of the county jail in and for the counties of the first, second, third, fourth, and fifth classes, defining the duties and powers and fixing the term of office and compensation of, and providing for the appointment of, and the giving of official bond by such matron.

Also: Senate Bill No. 862—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding a new section thereto, to be numbered 5½, providing for the doing of work by cities when no bids are received for such work.

Also: Refused passage to Assembly Bill No. 236—An Act to amend Section 792 of the Political Code of the State of California, relating to notaries public.

Also: Passed Senate Bill No. 232—An Act to amend Section 2039 of the Code of Civil Procedure, relating to the examination of persons by physicians upon order of court in damage suits

Also: Passed Senate Bill No. 101—An Act to provide for the satisfaction of record of real property mortgages which have been foreclosed and the property covered thereby sold, and to provide for the form of such satisfaction

Also: Passed Senate Bill No. 93—An Act to amend Section 454 of the Code of Civil Procedure, relating to pleading accounts and bills of particulars

Also: Passed Senate Bill No. 367—An Act to regulate the practice of pharmacy in the State of California.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 908—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 200 thereof, relating to the compensation of officers of the forty-third class

Also: Assembly Bill No. 952—An Act to amend Section 374 of the Penal Code of the State of California, relating to public health.

Also: Assembly Bill No. 872—An Act amending the Political Code of the State of California by adding thereto a new section, numbered 3571½, relating to the public lands of this State.

Also: Assembly Bill No. 238—An Act to amend Section 1188 of the Civil Code of the State of California, relating to certificates of acknowledgments.

Also: Senate Bill No. 449—An Act making an appropriation for the care of the insane suffering from tuberculosis in the State hospitals of California.

Also: Senate Bill No. 579—An Act to appropriate \$25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such appropriation

Also: Passed (as a case of urgency) Assembly Bill No. 979—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 198 thereof, relating to salaries and fees of county and township officers of counties of the thirty-eighth class.

Also: Passed (as a case of urgency) Assembly Bill No. 1034—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions, for the remainder of the fifty-sixth fiscal year

Also: Passed (as a case of urgency) Assembly Bill No. 661—An Act appropriating money to pay the claim of A. S. Bosquit against the State of California.

Also: Passed (as a case of urgency) Assembly Bill No. 937—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 198 thereof, relating to the compensation of officers of counties of the forty-first class

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed Assembly Bill No. 233—An Act to prevent deception in the sale of renovated butter, and to license manufacturers and dealers in the same.

Also: Amended and adopted Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 17 of Article VI of said Constitution, relating to the compensation of Justices of the Supreme Court and Judges of the Superior Court.

Also: Passed Assembly Bill No. 1145—An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof, to provide for the creation of said commission, and to define its powers

Also: Assembly Bill No. 950—An Act to amend Section 1 of an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissioners and officers, and directing the disposition of the same," approved March 17, 1899.

Also: Assembly Bill No. 810—An Act to amend Section No. 3488 of the Political Code of the State of California.

And respectfully ask your concurrence in same

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 233—An Act to provide for the establishment of municipal plants for lighting the streets and public buildings in the cities, cities and counties, and in incorporated towns in the State of California, and for the purpose of furnishing electricity and gas to the inhabitants thereof.

Also: Adopted Senate Constitutional Amendment No. 40—Senate Committee Substitute for Senate Constitutional Amendments Nos. 4, 15, and 23.

Also: Adopted Assembly Concurrent Resolution No. 28—A resolution relative to the passage of Assembly and Senate bills.

Also: Adopted Assembly Concurrent Resolution No. 21—A resolution relative to the appointment of a joint committee of the Senate and Assembly, consisting of four members, two to be appointed by the President of the Senate and two by the Speaker of the Assembly, to examine into and report upon all matters connected with, or in any way appertaining to the system of revenue and taxation in this State; and to further report upon such constitutional and legislative measures as may be deemed necessary to the revision and reform of revenue and taxation

LEWIS A. HILBORN, Secretary of Senate  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendment to Senate Bill No 279.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No 788—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Also: Senate Bill No. 528—An Act to add a new section to the Political Code, to be known as Section 1576a, providing for clerks of school boards in certain cases, and for payment of their salaries

Also: Passed (as a case of urgency) Assembly Bill No. 134—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry.

Also: Passed (as a case of urgency) Senate Bill No 888—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the Legislature

Also: Passed (as a case of urgency) Assembly Bill No. 135—An Act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry

Also: Passed (as a case of urgency) Assembly Bill No. 137—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Also: Passed (as a case of urgency) Assembly Bill No. 784—An Act making an appropriation of \$785, to be used by the Board of Trustees of the Whittier State School at Whittier, California, for the purpose of purchasing one team, four sets of harness, one mowing machine, and one set of platform scales for use of said school.

Also: Passed (as a case of urgency) Assembly Bill No. 1177—An Act transferring money from the General Fund to the State Printing Fund to defray the expenses of legislative printing for the thirty-sixth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer

LEWIS A. HILBORN, Secretary of Senate  
By J. W. HARPER, Assistant Secretary.

In reference to the above messages, the Senate bills reported were read the first time, and ordered on special Senate file.

All Assembly bills reported as having passed the Senate were ordered to enrollment.

All Assembly bills reported to have been amended in Senate were ordered on file as unfinished business, to be considered immediately after the reading of the Journal on to-morrow.

Assembly Bill No. 818 ordered returned to the Senate with a message.

#### SENATE AMENDMENTS CONCURRED IN.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1145—An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of

the Legislature of the State of California, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers?"

On page 1, strike out the period after the word "powers," in the title, and insert in lieu thereof the following: "and making an appropriation therefor."

Also: On page 2, Section 3, line 3, strike out the words "to be paid as the salaries of State officers are paid," and insert in lieu thereof a period (.).

Also: On page 2, Section 5, strike out all of Section 5, and insert in lieu thereof the following:

"SEC. 5. The members of said commission other than the members appointed by the Governor shall be paid the sum of ten dollars (\$10) per diem and their necessary expenses, while actually engaged in the performance of their duties as prescribed in this Act."

"SEC. 6. There is hereby appropriated out of the General Fund, not otherwise appropriated, the sum of ten thousand dollars, or so much thereof as may be necessary, for the purposes of this Act."

"SEC. 7. This Act shall take effect immediately."

On page 1 amend the title by adding after the word "California" the words "of which commission the Governor shall be ex officio a member and chairman."

Also: On page 2, Section 3, line 1, strike out the words "his compensation," and insert in lieu thereof the following: "The compensation of said expert."

Also: Amend on page 2, Section 1 line 11, by adding after the word "State" the words "The Governor shall be ex officio a member of said commission and shall be chairman thereof."

Also: Amend by adding after the word "the," at the end of line 1, Section 5, the words "chairman and the."

#### MOTION.

Mr. Stanton moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering the Senate amendments to Assembly Bill No. 1145.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker Prescott in the chair.

Assembly Bill No. 1145 was considered in Committee of the Whole.

#### IN ASSEMBLY.

Speaker Prescott in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO. March 7, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1145, and do now report the same back, and recommend that the Assembly concur in Senate amendments.

PRESCOTT, Chairman

Report of committee adopted

The roll was called, and the amendments concurred in by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Beardslee, Beckett, Boyle, Branstetter, Busick, Cleveland, Cooper, Coyle, Cromwell, Devlin, Dorsey, Ella, Estudillo, Gans, Hartman, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, King, Lunley, Lynch, McCartney, McGowan, McKenney, O'Brien, Olmsted, Pfaffle, Pryor, Rolley, Stanton, Strobbridge, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, Wick-ersham, and Mr. Speaker—44.

NOES—None.

Senate Bill No. 107—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class," approved March 16, 1903.

Mr. Arnerich moved that a select committee of one be appointed to amend Senate Bill No. 107, as follows:

Amend by striking out of Section 13, line 96, printed bill, the words "four hundred."  
Also: By striking out of Section 13 all after the word "annum," on line 96, printed bill

Also: All of line 97 up to and including the word "field."

Also: All of line 100 after the word "annum"

Also: All of lines 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, of printed bill

Also: By striking out of Section 13, line 99, printed bill, the words "one thousand two hundred," and inserting in lieu thereof the words "nine hundred."

Motion carried.

Mr. Arnerich was appointed such select committee.

#### REPORT OF SELECT COMMITTEE OF ONE

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 107, with instructions, does now report that the instructions of the Assembly have been carried out.

ARNERICH, Committee.

Report of select committee adopted.

Assembly Bill No. 835—An Act making the cost of certain bonds of receivers, assignees, trustees, guardians, administrators, and executors chargeable to a certain extent against the trust estate.

Read third time.

The roll was called, with the following result:

AYES—Messrs. Arnerich, Beardslee, Coyle, Creighton, Dorsey, Ells, Estudillo, Gans, Held, John, Jones of Tuolumne, King, Lynch, McCartney, McGowan, McKenney, O'Brien, Olmsted, Pfaffle, Pryor, Transue, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—27.

NOES—Messrs. Anthony, Beckett, Cullen, Devlin, Hartman, Manwell, Treadwell, and Weyand—8.

#### ADJOURNMENT.

Whereupon, at eleven o'clock and fifty-nine minutes P. M., the Speaker announced that the roll call showed "no quorum," and thereupon declared the Assembly adjourned until ten o'clock A. M. of Wednesday, March 8, 1905.

#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Wednesday, March 8, 1905. }

The Assembly met at ten o'clock A. M., pursuant to adjournment.

Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

#### ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cronwell, Cullen, Devlin, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—71

#### PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Weyand, its further reading was dispensed with.

## BILL RECALLED FROM ENROLLMENT.

On motion of Mr. Cromwell, Assembly Bill No. 409 was recalled from the Committee on Engrossment and Enrollment, that the bill may be examined to ascertain if it contains all Senate amendments which were concurred in by the Assembly, and to correct the Journal of March 6, 1905, to show the Senate amendments that were concurred in by the Assembly.

## RESOLUTION.

By Mr. Cromwell:

*Resolved*, That Assembly Bill No. 409 be forthwith recalled from the Committee on Engrossment and Enrollment, and the Committee on Engrossment and Enrollment is hereby directed to deliver said bill to the Clerk of the Assembly.

Resolution adopted.

## REPORTS OF STANDING COMMITTEES.

Reports from standing committees were submitted and read, as follows:

## ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. SPEAKER: Your Committee on Rules and Regulations beg leave to report the following temporary rule and recommend its adoption:

*Resolved*, That for to-day's session the order of considering bills be as follows:

1. Special orders.
2. Notices of motions to reconsider.
3. Assembly committee amendments to Senate bills.
4. Concurrence in Senate amendments to Assembly bills.
5. Second reading of Senate bills.
6. Consideration of Senate bills on third-reading file.

McCARTNEY, Chairman.

On motion of Mr. McCartney, the report and resolution were adopted.

## BILLS ORDERED STRICKEN FROM FILES.

The Committee on Rules and Regulations submitted the following report and resolution, which were read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. SPEAKER: Your Committee on Rules and Regulations report the following temporary rule, and recommend its adoption:

*Resolved*, That all Assembly bills on the special second-reading and third-reading files, except constitutional amendments, be stricken from the Assembly General file

McCARTNEY, Chairman.

On motion of Mr. McCartney, the report and resolution were adopted.

## REPORT OF STANDING COMMITTEE.

## ON COUNTIES AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Senate Committee Substitute No. 2 for Senate Bill No. 181—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and

fulfillment of the rights and obligations arising between such new counties and other counties—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

PYLLE, Chairman.

On motion of Mr. McCartney, Senate Committee Substitute No. 2 for Senate Bill No. 181 was taken up for second reading and consideration of proposed amendments.

Committee Substitute No. 2 for Senate Bill No. 181—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Read second time.

#### COMMITTEE AMENDMENTS.

The following committee amendments, submitted by the Committee on Counties and County Boundaries, were read:

##### AMENDMENT No. 1.

Amend by striking out the word "twenty," on line 5, first page, printed bill, and inserting in lieu thereof the word "twenty-five."

Amendment adopted.

##### AMENDMENT No. 2.

Also: By striking out the word "twenty," on line 112, fourth page, printed bill, and inserting in lieu thereof the word "twenty-five."

Amendment adopted.

##### AMENDMENT No. 3.

Also: By striking out the word "determined," on line 1, Section 3, page 5 of printed bill, and inserting in lieu thereof the word "determines."

Amendment adopted.

##### AMENDMENT No. 4.

Also: By striking out the word "twenty," on line 3, Section 3, page 5, printed bill, and inserting in lieu thereof the word "twenty-five."

Amendment adopted.

##### AMENDMENT No. 5.

Also: By striking out the figures "20,000," on line 18, Section 3, page 5, printed bill, and inserting in lieu thereof the figures "25,000."

Amendment adopted.

##### AMENDMENT No. 6.

Also: By striking out the word "and," on line 50, page 6 of printed bill.

Amendment adopted.

##### AMENDMENT No. 7.

Also: On page 4, Section 2, lines 102, 103, and 104, strike out the words "which boundaries shall conform to the boundary lines designated in said petition."

Amendment adopted.

##### AMENDMENT No. 8.

Also: On page 5, at the end of Section 2, after line 126, insert the following: "On the final hearing, said board of supervisors may, upon the petition of one half of the residents of any territory lying within said proposed new county, and contiguous to the boundary line thereof, asking that said territory be not included within the proposed new county, make such changes in the proposed boundaries as they may find to be proper, and shall establish and define such boundaries; *provided*, that any changes made by said board shall not include any territory outside of boundaries described in



said last-named petition; and *provided further*, that said change shall not reduce the population of the proposed new county to less than six thousand."

Amendment adopted.

On motion of Mr. McCartney, Senate Bill No. 181 was ordered to print, with a rush order, and to third reading on special Senate file.

#### REPORT OF STANDING COMMITTEE.

##### ON JUDICIARY

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 1142—An Act to amend Section 869 of the Penal Code, relating to the authentication of depositions in cases of homicide—reports the same back, with the recommendation that it do pass.

Also: Senate Bill No. 54—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures—reports the same back without recommendation.

Also: Senate Bill No. 59—An Act to amend an Act entitled "An Act to authorize the appointment of an interpreter of the Italian language and dialects in criminal proceedings in cities, and cities and counties, of one hundred thousand inhabitants," and to make said Act applicable to counties of the second class in this State—reports the same back without recommendation.

Also: Senate Bill No. 248—An Act adding a new section to the Political Code, to be known as Section 3769½, providing for giving notice of tax sales in certain cases—reports the same back without recommendation.

Also: Senate Bill No. 515—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known as Section 210, relating to crimes against children—reports the same back, with the recommendation that it do pass.

Also: Senate Bill No. 584—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto to be numbered 274a, providing for the taking down and transcribing of instructions to jurors by judges of the superior court, and for opinions rendered in cases before said superior court—reports the same back without recommendation.

Also: Senate Bill No. 503—An Act to amend Sections 412 and 413 of the Code of Civil Procedure, all relating to the service of summons in civil action—reports the same back without recommendation.

Also: Senate Bill No. 685—An Act to amend the Political Code of California by adding six new sections thereto, to be numbered and known as Sections 3683, 3684, 3685, 3686, 3687, and 3688—reports the same back without recommendation.

Also: Senate Bill No. 701—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property—reports the same back without recommendation.

Also: Senate Bill No. 785—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of the same—reports the same back without recommendation.

Also: Senate Bill No. 827—An Act to amend Section 627 of the Penal Code of the State of California, relating to trespassing upon enclosed cultivated or other private lands—reports the same back without recommendation.

Also: Assembly Bill No. 743—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1140 thereof, relating to the discharge of juries—reports the same back without recommendation.

DURYEA, Chairman.

#### SECOND READING OF BILLS.

On motion of Mr. McCartney, Senate Bills Nos. 54, 59, 248, 515, 584, 503, 665, 701, 785, and 827 were ordered to be called up at this time for second reading.

Senate Bill No. 54—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Read second time.

Senate Bill No. 54 ordered to third reading on special Senate file.

Senate Bill No. 59—An Act to amend an Act entitled "An Act to authorize the appointment of an interpreter of the Italian language and

dialects in criminal proceedings in cities, and cities and counties, of one hundred thousand inhabitants," and to make said Act applicable to the counties of the second class in this State.

Read second time.

Senate Bill No. 59 ordered to third reading on special Senate file.

Senate Bill No. 248—An Act adding a new section to the Political Code, to be known as Section 3769½, providing for giving notice of tax sales in certain cases.

Read second time.

Senate Bill No. 248 ordered to third reading on special Senate file.

Senate Bill No. 515—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known as Section 210, relating to crimes against children.

Read second time.

Senate Bill No. 515 ordered to third reading on special Senate file.

Senate Bill No. 584—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274a, providing for the taking down and transcribing of instructions to jurors by judges of the superior court, and for opinions rendered in cases before said superior court.

Read second time.

Senate Bill No. 584 ordered to third reading on special Senate file.

Senate Bill No. 503—An Act to amend Sections 412 and 413 of the Code of Civil Procedure, all relating to the service of summons in civil actions.

Read second time.

Senate Bill No. 503 ordered to third reading on special Senate file.

Senate Bill No. 665—An Act to amend the Political Code of California by adding six new sections thereto, to be numbered and known as Sections 3683, 3684, 3685, 3686, 3687, and 3688.

Read second time.

Senate Bill No. 665 ordered to third reading on special Senate file.

Senate Bill No. 701—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property.

Read second time.

Senate Bill No. 701 ordered to third reading on special Senate file.

Senate Bill No. 785—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Read second time.

Senate Bill No. 785 ordered to third reading on special Senate file.

Senate Bill No. 827—An Act to amend Section 627 of the Penal Code of the State of California, relating to trespassing upon enclosed cultivated or other private lands.

Read second time.

Senate Bill No. 827 ordered to third reading on special Senate file.

## REPORTS OF STANDING COMMITTEES.

## ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 887—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class—have had the same under consideration, and respectfully report the same back, without recommendation.

BURKE, Chairman.

On motion of Mr. McCartney, Senate Bill No. 887 was read the second time, and ordered to third reading on special Senate file.

## ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred Senate Bill No. 641—An Act to amend Sections 238, 239, 245, and 246 of the Political Code of the State of California, relating to the officers, attachés, and employés of the Legislature and their compensation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BLISS, Chairman

On motion of Mr. McCartney, Senate Bill No. 641 was called up for second reading.

Senate Bill No. 641—An Act to amend Sections 238, 239, 245, 246, 415, and 420 of the Political Code of the State of California, relating to the officers, attachés, and employés of the Legislature and their compensation.

Read second time.

Senate Bill No. 641 ordered to third reading on special Senate file.

## BILL CALLED UP FOR AMENDMENT.

On motion of Mr. Johnstone, Senate Bill No. 638 was called up for second reading, and consideration of committee amendments.

Senate Bill No. 638—An Act to provide for the regulation of fires on, and the protection and management of public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, making an appropriation for the purpose of this Act, and defining and providing for the punishment of certain offenses for violation of the provisions of this Act.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

## AMENDMENT No. 1.

Amend by striking out the words "railway locomotives and all," on line 2, Section 17, seventh page, printed bill, and inserting in lieu thereof the word "and."

Amendment adopted.

## AMENDMENT No. 2.

Amend by striking out the words "engines, boilers, and locomotives," on line 3, Section 17, eighth page, printed bill, and inserting in lieu thereof the words "engines and boilers."

Amendment adopted.

## AMENDMENT No. 3.

Amend by striking out the words "officer or employé of a railroad company," on line 11, Section 17, eighth page, printed bill, and inserting in lieu thereof the word "person."

Amendment adopted.

## AMENDMENT No. 4.

Amend by striking out the word "railroads," on line 1, Section 19, page 6, printed bill, and inserting in lieu thereof the words "land after lumbering."

Amendment adopted.

## AMENDMENT No. 5.

Amend by striking out the words "and railroad companies along their lines of road," on lines 2 and 3, Section 19, page 8, printed bill.

Amendment adopted.

## AMENDMENT No. 6.

Amend by striking out the words "or railroad company," on line 9, Section 19, page 9, printed bill.

Amendment adopted.

## AMENDMENT No. 7.

Amend by striking out the word "forester," on line 14, Section 9, page 9, printed bill, and inserting in lieu thereof the words "board of forestry."

Amendment adopted.

## AMENDMENT No. 8.

Amend by striking out the word "him," on line 15, Section 19, page 9, printed bill, and inserting in lieu thereof the words "said board."

Amendment adopted.

## AMENDMENT No. 9.

Amend by striking out the words "are hereby authorized to," on line 2, Section 21, page 9, printed bill, and inserting in lieu thereof the word "may."

Amendment adopted.

## MOTION.

Mr. Johnstone moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 638.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 638 was considered in Committee of the Whole.

Mr. Johnstone moved that the Committee of the Whole rise and report back Senate Bill No. 638, with a recommendation that it do pass as amended.

Motion carried.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 638—An Act to provide for the regulation of fires on, and the protection and management of public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, making an appropriation for the purpose of this Act, and defining and providing for the punishment of certain offenses for violation of the provisions of this Act—and do now report the same back, with amendments, and recommend that the same do pass as amended.

PRESCOTT, Chairman

The report of the Committee of the Whole was adopted.

Senate Bill No. 638 was ordered to reprint, with a rush order, and ordered to third reading on the special Senate file.

## VOTE RECONSIDERED.

Mr. King called up his notice of motion of reconsideration of the vote whereby Substitute for Senate Bill No. 723 was refused final passage.

Mr. King moved to reconsider the vote whereby Substitute for Senate Bill No. 723 was refused final passage on the previous legislative day.

The question being, "Shall the Assembly reconsider the vote whereby Substitute for Senate Bill No. 723 was refused final passage?"

The roll was called, and the Assembly reconsidered its vote by the following vote:

**AYES**—Messrs. Amerige, Anthony, Barnes, Bliss, Branstetter, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Creighton, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Houser, Johnson, Johnstone, Jones of Tuolumne, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, O'Brien, Pfaffle, Pryor, Rolley, Stanton, Strohl, Transue, Vogel, Walsh, Waste, Weyand, and Mr. Speaker—47.

**NOES**—Messrs. Arnerich, Bates, Beardslee, Burge, Cromwell, Held, John, Jury, King, Mitcheltree, Moore, Olmsted, Perkins, Pyle, Severance, Strobridge, Treadwell, Tripp, and Whiting—19

## ACTION ON FINAL PASSAGE OF BILL.

On motion of Mr. Transue, Substitute for Senate Bill No. 723 was placed on its final passage.

Substitute for Senate Bill No. 723—An Act to amend Title XVI of Part IV of Civil Code of the State of California, and each and every part and section of said title, relating to land and building corporations, also called mutual building and loan associations, and to similar corporations and associations.

Mr. Transue was granted unanimous consent to send to the Clerk's desk and have read the following:

## STATEMENT BY SPECIAL SENATE INVESTIGATING COMMITTEE.

*To the Honorable Members of the Assembly of the State of California:*

**GENTLEMEN:** Knowledge has come to us of certain statements alleged to have been made upon the floor of the Assembly last evening, during the consideration of the Committee Substitute for Senate Bill No. 723, which statements are alleged to have been made in substance as follows:

1. That William Corbin, secretary of the Continental Building and Loan Association, dictated in whole or in part the provisions of said bill.

2. That the members of the special Senate investigating committee who submitted said substitute, were interested financially in the passage of said bill.

3. That said bill was drafted by said committee in the interests of that class of building and loan associations commonly known as "National," and to the detriment of that class of building and loan associations called "Local."

We, the undersigned, being members of the special investigating committee of the Senate, who proposed said bill, do most emphatically deny

First—That William Corbin communicated directly or indirectly with said committee; that he had anything whatever to do with the drafting of said bill; that he could have had any possible knowledge of the contents of said bill before the same was introduced, and assert that many of the provisions of said bill were incorporated therein for the purpose of preventing a repetition of business methods alleged to have been pursued by said Corbin.

Second—Deny that said committee or any member thereof is financially interested in any way, shape, or manner in the passage or defeat of said bill.

Third—Deny that said bill was drafted in the interest of any class of building and loan association, but on the contrary, allege that said bill is equally applicable to all classes of associations, and that we listened to the testimony of different persons interested in all classes of associations before drafting said bill, and accepted and incorporated suggestions made by persons interested in all classes of associations, and that said bill, as finally amended in the Senate, was considered by us a satisfactory bill in its entirety to all persons affected by it

ANDERSON.  
CURTIN.  
HAHN.  
LYNCH.  
WOODWARD.

The statement was ordered printed in the Journal.

## CALL OF THE HOUSE.

Pending the roll call, and the announcement of the result, Mr. Transue, at eleven o'clock and twenty minutes A. M., moved a call of the House.

On division, the motion was declared carried.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Bliss, Branstetter, Burge, Burke, Chandler, Cleveland, Coghlan, Cooper, Creighton, Cromwell, Cullen, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, McCartney, McGowan, Meincke, Mindham, Mitcheltree, Moore, Olmsted, Perkins, Pfaefle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Stroll, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—64.

The doors were ordered closed.

The Sergeant-at-Arms was furnished with a list of members who were absent without excuse, and directed to bring them before the bar of the House.

At eleven o'clock and thirty-five minutes A. M., the Sergeant-at-Arms brought before the bar of the House Messrs. McKenney, Jones of San Francisco, and O'Brien.

The members were excused.

Mr. Beardslee, at eleven o'clock and forty minutes A. M., moved that further proceedings under call of the House be dispensed with.

Motion lost.

At eleven o'clock and forty minutes A. M., Mr. Dorsey was brought before the bar of the House and excused.

Mr. John, at eleven o'clock and fifty minutes A. M., moved that further proceedings under the call of the House be dispensed with.

Motion carried.

Mr. Transue, at eleven o'clock and fifty-two minutes A. M., moved a call of the House.

Motion carried.

The roll was called, and the following answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyte, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaefle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—74.

The doors were ordered closed.

The Sergeant-at-Arms was furnished with a list of unexcused members and directed to bring them before the bar of the House.

At twelve o'clock and five minutes P. M., Mr. Treadwell was brought before the bar of the House, and excused.

Mr. Beardslee, at twelve o'clock and ten minutes P. M., moved that further proceedings under the call of the House be dispensed with.

A division being called for, the Speaker announced that the vote was thirty ayes and thirty noes, gave the casting vote in the affirmative, and declared further proceedings under the call of the House dispensed with.

## BILL DEFEATED.

The roll was called on the final passage of Substitute for Senate Bill No. 723, and the bill was refused final passage by the following vote:

**AYES**—Messrs Anthony, Beckett, Bhss, Burke, Chandler, Cleveland, Coghlan, Cooper, Cullen, Devlin, Duryea, Ella, Estudillo, Gates, Goodrich, Hartman, Houser, Johnstone, Jones of Tuolumne, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, O'Brien, Pfaffle, Pryor, Rolley, Stanton, Strohl, Transue, Vogel, Walsh, Weyand, and Wickersham—38

**NOES**—Messrs. Amerige, Arnerich, Atkinson, Barnes, Bates, Beardslee, Branstetter, Burge, Busick, Coyle, Creighton, Cromwell, Dorsey, Drew, Espey, Gans, Held, Jarvis, John, Johnson, Jury, King, Lucey, Manwell, Mitcheltree, Moore, Olmsted, Perkins, Pyle, Severance, Strobbridge, Thompson, Treadwell, Trapp, Waste, Whiting, and Mr. Speaker—37.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on County and Township Governments submitted the following report, which was read :

## ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 631—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 187 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BURKE, Chairman

Mr. Duryea moved that Senate Bill No. 631 be called up for second reading and the consideration of proposed amendments.

Motion carried.

Senate Bill No. 631—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 187 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Read second time.

## COMMITTEE AMENDMENTS.

The following committee amendments were read:

Amend by striking out the word "eighteen" on line 15, page 2, printed bill, and inserting in lieu thereof the word "twenty-one."

Amendment adopted.

Also: Amend by inserting at the end of the bill the following: "16. This Act shall take effect January 1, 1907."

Amendment adopted.

Senate Bill No. 631 ordered to reprint with a rush order, and to third reading on the special Senate file.

## REPORTS OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following reports, which were read :

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly engrossed:

Assembly Bill No. 1174—An Act appropriating the sum of \$5,000 for the purpose of procuring guide-posts to be erected in the desert sections of California, and particularly in the counties of Kern, Ventura, Los Angeles, Inyo, Riverside, San Bernardino, and San Diego

DEVLIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined and found correctly enrolled the following Assembly bills:

Assembly Bill No. 389—An Act to add a Chapter VI of Title II of Part IV of Division I of the Civil Code, relating to life, health, accident, and annuity or endowment insurance on the assessment plan.

Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State

Assembly Bill No. 19—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 69 of said Civil Code, relating to marriage licenses.

Assembly Bill No. 439—An Act to appropriate \$100,000 from any moneys hereafter collected and received by the State of California from the United States in payment of the claims of this State arising out of the Indian and Civil wars, to be expended in the acquisition, preservation, and protection of the forests of this State; creating the State Board of Examiners a commission to carry this Act into effect, and for the disbursement of said moneys, and creating the State Forestry Fund.

Assembly Bill No. 564—An Act making an appropriation for traveling and contingent expenses of the Department of Highways for the remainder of the fifty-sixth fiscal year.

Assembly Bill No. 965—An Act to amend Section 437 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, relating to mutual life, health, and accident insurance corporations

Assembly Bill No. 925—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 21, 1872, by amending Section 340 thereof, relating to the time within which certain actions must be commenced.

Assembly Bill No. 776—An Act to amend Section 2 of that certain Act of the Legislature of the State of California entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899.

And presented the same to the Governor on this day at ten o'clock and forty minutes A. M.

DEVLIN, Chairman.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The Committee on Constitutional Amendments submitted the following report, which was read:

##### ON CONSTITUTIONAL AMENDMENTS

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 13 of Article XI, relating to powers not to be delegated to any special commission, private corporation, company, association, or individual.

Also: Assembly Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 7 of Article I of said Constitution, relating to the number of jurors required to render a verdict in criminal cases.

Also: Assembly Concurrent Resolution No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State amending Section 1 of Article IV, providing for the enactment of certain laws by popular vote, in State legislation.

Also: Constitutional Amendment No. 17—A resolution to propose to the people of the State of California, amending the Constitution of the State, by adding a new section to Article VI thereof, to be numbered Section 25

Have had the same under consideration, and respectfully report the same back, without recommendation.

HOUSER, Chairman.

Assembly Constitutional Amendments Nos. 2, 4, 6, and 17 ordered on special file.

##### ON CLAIMS

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 639—An Act making an appropriation to pay the claim of Albert J. Lafferty against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SEVERANCE, Chairman.

On motion of Mr. McCartney, Senate Bill No. 639 was called up for second reading.



Senate Bill No. 639—An Act making an appropriation to pay the claim of Albert J. Lafferty against the State of California.

Read second time.

MOTION.

Mr. Rolley moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 639.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 639 was considered in Committee of the Whole.

Mr. Rolley moved that the Committee of the Whole rise and report back Senate Bill No. 639, with a recommendation that it do pass.

Motion carried.

IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 639—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

Report of Committee of the Whole adopted.

NOTICE OF RECONSIDERATION—WITHDRAWN.

Mr. Stanton requested and was granted leave to withdraw his notice of motion to reconsider the vote whereby Assembly Bill No. 136 was finally passed yesterday.

Assembly Bill No. 136 ordered transmitted to the Senate.

RECONSIDERATION OF VOTE.

Mr. Espey called up his notice of motion, given on the previous day, to reconsider the vote whereby Senate Bill No. 554 was refused passage.

Mr. Espey moved to reconsider the vote whereby Senate Bill No. 554 was refused final passage on previous legislative day.

The question being, "Shall the Assembly reconsider the vote whereby the Assembly refused final passage to Senate Bill No. 554?"

The roll was called, and the Assembly reconsidered its vote by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Bates, Beckett, Bliss, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Dorsey, Drew, Ellis, Espey, Gans, Held, Houser, Johnson, King, Lumley, Lynch, McKenney, Mitchell-tree, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—46.

NOES—Messrs. Atkinson, Meincke, and Stobridge—3.

Senate Bill No. 554—An Act to provide for the incorporation of associations for lending money on personal property, and regulating the same, and to forbid certain loans of money, property, or credit.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell,

Devlin, Dorsey, Drew, Ells, Espey, Estudillo, Gans, Gates, Goodrich, Held, Houser, Johnson, Jury, King, Lumley, Lynch, McCartney, Meincke, Mindham, Mitcheltree, Olmsted, Pfaffle, Pryor, Pyle, Stanton, Strobridge, Strohl, Thompson, Treadwell, Vogel, Walsh, Waste, Weyand, Wickersham, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Senate Bill No. 554 ordered transmitted to the Senate.

#### TIME FOR RECESS EXTENDED.

On motion of Mr. Burke, at twelve o'clock and twenty-eight minutes P. M., the hour for recess was extended for fifteen minutes.

On motion of Mr. Burke, Assembly Bill No. 835 was called up for passage, the Assembly being declared adjourned—for want of a quorum—during the roll call on this bill on the previous evening.

Assembly Bill No. 835—An Act making the costs of certain bonds of receivers, assignees, trustees, guardians, administrators, and executors chargeable to a certain extent against the trust estate.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beckett, Bliss, Branstetter, Burge, Burke, Busick, Coyle, Creighton, Cullen, Dorsey, Drew, Ells, Espey, Estudillo, Gans, Goodrich, Houser, John, Johnson, Jury, King, Lumley, Lynch, McCartney, McGowan, Meincke, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Rolley, Strohl, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—45.

NOES—Messrs. Devlin, Held, and Thompson—3.

Title read and approved.

Assembly Bill No. 835 was ordered immediately transmitted to the Senate.

#### SPECIAL ORDER.

On motion of Mr. Amerige, Senate Bill No. 24 (special order for this morning) was called up, and made a special order for three o'clock P. M., this day.

#### PROPOSED COMMITTEE TO INVESTIGATE BUILDING AND LOAN ASSOCIATIONS.

Mr. Drew was granted leave to introduce the following Assembly concurrent resolution, which was read:

##### ASSEMBLY CONCURRENT RESOLUTION No. 29.

Providing for a committee of six to investigate the building and loan associations of this State, and to report to the thirty-seventh session such legislation as they deem necessary, and providing for the expense thereof.

*Resolved by the Assembly of the State of California, the Senate concurring,* That a committee of six, consisting of three Assemblymen and three Senators, be appointed by the Speaker of the Assembly and the President of the Senate, respectively, to prepare and present to the Assembly and Senate of the thirty-seventh session, a report of the building and loan association corporations of this State, and to suggest such legislation from this investigation as they shall deem necessary. For the purposes of this investigation, the said committee is hereby empowered to demand and receive such information, and to subpoena witnesses, and obtain such information as it will require to prepare said report and said legislation. Said committee shall be entitled to receive, and there is hereby made payable out of the Contingent Funds of the Assembly and Senate, such sum, or sums, as may be necessary to defray their necessary expenses incidental to such examinations and investigations, and such sums as may be required to pay the clerk employed by them under and by virtue of this resolution.

On motion of Mr. Walsh, the resolution was referred to Committee on Ways and Means.

## RESOLUTIONS FOR EXTRA COMPENSATION TO ATTACHÉS.

The following resolutions were presented, ordered printed in the Journal, and referred to the Committee on Ways and Means:

By Mr. Pryor:

*Resolved*, That J. F. Murray, Bill Filer, be allowed the sum of one hundred and fifty dollars (\$150) as payment for overtime work and additional services rendered this Assembly, and the Controller is hereby directed to draw his warrant out of the Contingent Fund of the Assembly for said amount, in favor of J. F. Murray, and the State Treasurer is hereby directed to pay the same.

By Mr. Bliss:

WHEREAS, A. H. McCurdy has been in attendance and performed the work of Stenographer of this Assembly from January 2d to January 10th, both days inclusive; therefore, be it

*Resolved*, That he be allowed the sum of forty-five dollars (\$45), the regular rate per diem allowed stenographers. That the Controller be directed to draw his warrant for the same, and the Treasurer be directed to pay the same.

By Mr. Wickersham:

*Resolved*, That Assistant Sergeant-at-Arms Ben Cohn, and Assistant Sergeant-at-Arms W. H. Benchley, be and they are hereby employed to remain in Sacramento after the final adjournment to attend to any and all work which the Sergeant-at-Arms or Chief Clerk may direct, and that for such services the sum of fifty (\$50) dollars each, amounting in all to the sum of one hundred (\$100) dollars, payable out of the Contingent Fund of the Assembly, is allowed, and the Controller is directed to draw his warrant for and the Treasurer is directed to pay the same.

By Mr. Jones of Tuolumne:

*Resolved*, That E. N. Baxter be and he is hereby directed to mail to each member of the Assembly after adjournment all enrolled bills and chapters, and the Controller is hereby directed to draw his warrant in favor of the said E. N. Baxter in the sum of \$100, and the Treasurer is hereby directed to pay the same, the same to be payable out of the Contingent Fund of the Assembly.

## RECESS.

On motion of Mr. Amerige, at twelve o'clock and forty minutes P. M., the Speaker declared a recess until two o'clock P. M.

## AFTERNOON SESSION.

The Assembly reconvened at two o'clock P. M.  
Speaker Hon. Frank C. Prescott in the chair.

## THIRD-READING SPECIAL SENATE FILE.

## SENATE CONSTITUTIONAL AMENDMENT No. 20.

The Legislature of the State of California, at its thirty-sixth session, two-thirds of all the members elected to the Senate and Assembly voting therefor, proposes to the qualified electors of the State of California the following amendment to Section seven of Article twelve of the Constitution:

Section seven of article twelve of the Constitution is hereby amended to read as follows:

Section 7. The franchise or charter of any corporation, now or hereafter existing under the laws of this State, may be extended, at any time prior to the expiration of its corporate existence, for a period not exceeding fifty years from the date of such extension, by the vote or written consent of stockholders representing two-thirds of its capital stock or by two-thirds of the members thereof. A certificate of such vote or assent shall be signed and sworn to by the president and secretary and by a majority of the directors of the corporation and filed in the office of the county clerk where the original articles of incorporation were filed, and a copy certified by such clerk shall be filed in the office of the Secretary of State, who shall issue a certified copy thereof which must be filed with the county clerk of the county where the original certificate is on file; and thereupon the term of the corporation shall be extended for the period specified in such certificate.

Constitutional amendment read.

The roll was called, and the constitutional amendment adopted by the following vote:

AYES—Messrs. Amerige, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Dorsey, Duryea, Ellis, Estudillo, Gans, Gates, Hartman, Held, Houser, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, McCartney, McGowan, McKenney, Meincke, Mindham, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Wickersham, and Mr. Speaker—55.

NOES—None.

Ordered transmitted to the Senate.

#### WITHDRAWAL OF NOTICE OF MOTION TO RECONSIDER.

Mr. Manwell withdrew his notice of motion to reconsider the vote whereby Senate Bill No. 598 was on yesterday passed.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

##### ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed:

Assembly Bill No. 749—An Act to amend Section 416 of Article V of Chapter III of Part III of the Political Code of the State of California, relating to fees of the Secretary of State, and his duty.

Assembly Bill No. 750—An Act entitled an Act to amend Article II of Chapter III of Part IV of Division First of the Civil Code of the State of California by adding a new section thereto, to be numbered 379, providing for the more effectual supervision and control of corporations, and prescribing the duties of certain officers in connection therewith.

DEVLIN, Chairman.

##### ON BUILDING AND LOAN ASSOCIATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905

MR. SPEAKER: Your Committee on Building and Loan Associations, to whom was referred Senate Bill No. 295—An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor, to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers, and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses, providing a course of procedure where violation of law or unsafe practices are found to exist or are reported by the commissioners to the Attorney-General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions, and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports, providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict therewith—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

TRANSUE, Chairman.

Bill ordered on file.

#### SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 539—An Act making an appropriation to pay the claims of Messrs. Daugherty & Lacey against the State of California.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Barnes, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Cooper, Creighton, Cullen, Devlin, Dorsey, Duryea, Ellis, Estudillo, Gans, Gates, Held, John, Johnson, Johnstone, Jones of

Tuolumne, Jury, King, Lumley, Lynch, McKenney, Meincke, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffie, Pryor, Pyle, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Wickersham, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Assembly Bill No. 1174—An Act entitled "An Act appropriating the sum of \$5,000 for the purpose of procuring guide-posts to be erected in the desert sections of California, and particularly in the counties of Kern, Ventura, Los Angeles, Inyo, Riverside, San Bernardino, and San Diego."

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerge, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Cullen, Devlin, Dorsey, Ellis, Estudillo, Gans, Gates, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, McGowan, McKenney, Meincke, Mindham, Mitcheltree, O'Brien, Perkins, Pfaffie, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Weyand, and Mr. Speaker—50.

NOES—Mr. Branstetter—1.

Title read and approved.

Senate Bill No. 138—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Read second time.

The following committee amendment was read:

Amend by striking out the words "five hundred," on line 3, Section 1, first page, printed bill, and inserting in lieu thereof the words "two hundred and fifty."

Amendment adopted.

Senate Bill No. 128—An Act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry.

Read second time.

Senate Bill No. 187—An Act appropriating money for the purchase of bedding and furniture, and for repairs for the use of the Preston School of Industry.

Read second time.

The following committee amendment was read:

Amend by striking out the words "two thousand and five hundred" on line 3, Section 1, first page, printed bill, and inserting in lieu thereof the words "one thousand."

Amendment adopted.

Senate Bill No. 211—An Act appropriating money for constructing a refrigerating plant at the Preston School of Industry.

Read second time.

Senate Bill No. 212—An Act appropriating money for building an assembly hall at the Preston School of Industry.

Read second time.

Senate Bill No. 209—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry.

Read second time.

The following committee amendment was read:

Amend by striking out the words "twenty-five," on line 3, Section 1, first page, printed bill, and inserting in lieu thereof the word "twenty."

Amendment adopted.

## MOTION.

Mr. McKenney moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bills Nos. 187, 209, 138, 128, 211, and 212.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bills Nos. 187, 209, 138, 128, 211, and 212 were considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 187, 138, 128, 209, 212, and 211, and do now report the same back, and recommend that the same do pass as amended, except that Senate Bill No 212 do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bills Nos. 138, 187, and 209 ordered to print, and on file for third reading.

Senate Bills Nos. 211, 212, and 128 ordered on file for third reading.

Senate Bill No. 787—An Act making an appropriation to pay the claim for services, subsistence, supplies, and transportation of the National Guard of California, called into service by order of the Governor in the month of July, 1903.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYE—Messrs. Anthony, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burke, Chandler, Cooper, Coyle, Creighton, Cullen, Devlin, Dorsey, Drew, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnson, Jones of Tuolumne, Jones of San Francisco, King, Lumley, Lynch, McGowan, Meincke, Mitcheltree, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Strobridge, Strobl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Wickersham, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Senate Bill No. 295—An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor, to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers, and compensation; providing for the rental of offices for the use of the bureau, and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violation of law or unsafe practices are found to exist or are reported by the commissioners to the Attorney-General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions, and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; pro-

viding penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict therewith.

Read second time.

The following committee amendments were read:

AMENDMENT No. 1.

On line 2, Section 6, page 4 of engrossed bill, insert after the word "year" the following: "without previous notice"

Amendment adopted.

AMENDMENT No. 2.

On line 7, Section 6, page 4, after the word "shall," insert the following: "first count the cash and check the bank balance of such corporation or association with the proper amount of funds, as shown by the books to be on hand, and at the date and hour of such examination, and shall then"

Amendment adopted.

AMENDMENT No. 3.

On line 9, Section 7, page 4, strike out the words "have power to order," and insert the word "make."

Amendment adopted.

AMENDMENT No. 4.

On line 13, Section 7, page 4, strike out the following: "whenever they may deem it necessary."

Amendment adopted.

AMENDMENT No. 5.

On line 14, Section 7, page 4, after the word "appraisers," insert "who shall be disinterested persons."

Amendment adopted.

AMENDMENT No. 6

On line 15, Section 7, page 4, strike out the word "total."

Amendment adopted.

AMENDMENT No. 7.

Strike out after the word "by," on line 8, Section 14, page 8, down to and including the word "year," on line 17, Section 14, page 8, and insert the following: "the proportion which its assets bear to the aggregate assets of all such associations, corporations, or societies, receiving license, as shown by the last reports of such corporations, associations, or societies to the commissioners."

Amendment adopted

Bill ordered to print, and on file for third reading.

Assembly Bill No. 757—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

Read second time.

The following committee amendments were read:

Amend by striking out lines 22 and 23, Section 1, second page, printed bill, and inserting in lieu thereof the words "per annum."

Amendment adopted.

Also: Amend by inserting the words "one way," after the word "traveled," on line 11, Section 1, page 4, printed bill

Amendment adopted.

Bill ordered to print, and on file for third reading.

Senate Bill No. 799—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the third class, and repealing all conflicting Acts.

Read second time.

The following amendment was offered:

By Mr. Cleveland:

Amend by striking out of the printed bill, as amended March 2, 1905, lines 159 and 160 on page 5 thereof, all of page 6 and lines 199 to 209 on page 7, and substitute in lieu thereof the following:

"8. The assessor, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor the following deputies, who shall be appointed by the assessor and shall be paid salaries as follows: One chief deputy assessor, at twenty-four hundred dollars per annum; one deputy assessor, at fifteen hundred dollars per annum; one mortgage deputy assessor, at twelve hundred dollars per annum, one transfer deputy assessor, at twelve hundred dollars per annum, seven outside held deputy assessors, at one hundred and twenty-five dollars each per month, not exceeding six months in any one year; one stenographer, at six hundred dollars per annum; six field deputy assessors, for not exceeding four months in any one year, at one hundred dollars each per month; one cashier, for not exceeding seven months in any one year, at a salary of one hundred and twenty-five dollars per month; eight copyists, for not exceeding four months in any one year, at a salary of one hundred dollars each per month; five extra deputy assessors, for not exceeding four months in any one year, at a salary of one hundred dollars each per month, and such additional assistance as the assessor may appoint and whose compensation shall not in the aggregate exceed the sum of fifteen hundred dollars per annum; *and provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts paid and the persons to whom such compensation is paid for such extra assistance, as aforesaid. The salaries herein provided for shall be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; it is hereby *further provided*, that in counties of this class the assessor shall receive no commissions for his collections of taxes on personal property, nor shall such assessor receive compensation or commission for the collection of poll taxes or road poll taxes, but the said assessor shall receive compensation for making out the military roll of persons returned by him as subject to military duty as provided by section nineteen hundred and one of the Political Code; *provided, however*, that should the assessor be directed by any law, or by any order of the board of supervisors, or by any municipality within said counties of the third class, to prepare maps, plats or block books for the use of the county, or assessment rolls for the use of any municipality, then said assessor shall make such maps, plats or block books, or assessment rolls, but shall receive the actual cost by him incurred in making or preparing such maps, plats or block books or assessment rolls, *and provided further*, that he shall file with the county auditor a sworn statement showing the persons to whom, and the amounts paid to each for such maps, plats or block books, or assessment rolls, and he shall account forthwith and pay over to the county any difference between such cost and the amount allowed him for such work."

Amendment lost.

Bill ordered on file for third reading.

Senate Bill No. 24—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof.

Read third time.

Mr. Cleveland moved that a select committee of one be appointed by the Speaker to amend bill, as follows:

Amend by striking out the semicolon (;) after the word "misdemeanor," and insert a period (.)

Strike out the balance of Section 412 of printed bill.

On the adoption of the amendment, a roll call was demanded by Messrs. Espey, McGowan, and Atkinson.

The roll was called, and the motion to refer to a select committee for the purpose of amendment was lost by the following vote:

AYES—Messrs Atkinson, Bates, Beckett, Boyle, Cleveland, Creighton, Cullen, Dorsey, Hartman, Jury, Lumley, Manwell, McGowan, Meincke, Mindham, Mitchellree, Pfaffle, Severance, Strohl, Vogel, Walsh, and Wickersham—22.



NOES—Messrs Amerige, Anthony, Arnerich, Barnes, Beardslee, Burke, Chandler, Cooper, Coyle, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, King, Lynch, McKenney, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Rolley, Thompson, Treadwell, Waste, Weyand, Whiting, and Mr. Speaker—40.

#### SELECT COMMITTEE AMENDMENT.

Mr. Espey moved that a select committee of one be appointed to amend Senate Bill No. 24, as follows:

Strike out lines 2 and 3 of the title, and insert in lieu thereof the following: "to amend section four hundred and twelve (412) of the Penal Code of the State of California, relating to prize fighting."

Also: Strike out the word "section," in line 1 of the printed bill

Also: Amend by inserting after the enacting clause the following:

"Section 1. Section four hundred and twelve of the Penal Code of California is hereby amended to read as follows:"

Motion carried.

Mr. Espey was appointed such select committee.

#### REPORT OF SELECT COMMITTEE OF ONE

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905

MR SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 24, with instructions, does now report that the instructions of the Assembly have been carried out.

EESPEY, Committee.

Bill ordered to print, and on file for third reading.

#### SPECIAL ORDER SET.

On motion of Mr. Espey, the further consideration of Senate Bill No. 24 was set as a special order for Thursday, March 9, 1905, immediately after the reading of the Journal.

Hon. Arthur G. Fisk, a distinguished ex-Speaker of the Assembly, was at this point of the proceedings introduced to the Assemblymen. He acknowledged the warm welcome of his reception and entertained the members with a few recollections of his life in the Assembly chamber.

#### CONSIDERATION OF SENATE AMENDMENTS.

Assembly Bill No. 849—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof, relating to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 849?"

1. On page 2, Section 1, line 32 of printed bill, strike out the word "three" and insert in lieu thereof the word "four."

2. On page 2, Section 1, line 32 of printed bill, strike out the words "two hundred."

3. On page 2, Section 1, line 33 of printed bill, strike out after the word "annum," on line 33, the following: "provided, that in any incorporated city in the county, with a population of not less than fifteen hundred inhabitants, he may appoint a resident deputy at a salary of six hundred dollars per annum, payable as other county officers are paid"

4. On page 1, title, lines 2 and 3, strike out the double quotation marks and insert single quotation marks.

5. On page 1, title, line 5, strike out the double quotation marks before the word "approved"; also, on line 9, after the word "offices," strike out the double quotation marks.

The roll was called, and the amendments concurred in by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Held, John, Johnson, Johnstone, Jones of San Francisco, Jury, Lumley, Lynch, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Pfaffle, Severance, Thompson, Transue, Vogel, Waste, Whiting, and Mr. Speaker—44.

NOES—None.

Bill ordered to enrollment.

Assembly Bill No. 810—An Act to amend Section 3488 of the Political Code of the State of California.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 810?"

#### AMENDMENT No. 1.

Strike out the word "five" in line 6, page 1 of printed bill, and insert the word "three" in lieu thereof.

#### AMENDMENT No. 2.

Insert after line 38, and between lines 38 and 39, page 2 of printed bill, the following: "Any person who for the period of one year continuously prior to the date when this Act shall take effect shall have been in the exclusive use, occupation and possession of, and shall have continuously for said period actually used for the purpose of planting and cultivating oysters any swamp or overflowed salt-marsh or tide lands belonging to the State within five (5) miles of the corporate limits of the City and County of San Francisco, or the City of Oakland, and whose occupation and possession of such lands shall have been evidenced continuously for said period by enclosure by means of stakes erected on said lands, and protruding above high-water mark, are preferred purchasers for all of such lands, for the period of three (3) months from the date when the Act shall take effect, irrespective of any provision in this chapter contained limiting the amount of swamp, overflowed, salt-marsh, or tide lands which any one person may purchase."

#### AMENDMENT No. 3.

Amend by adding the following: "Sec. 1," after the enacting clause

The roll was called, and the amendments concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burke, Chandler, Cleveland, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Ellis, Estudillo, Gans, Gates, Held, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Lynch, McCartney, McGowan, McKenney, Meincke, Moore, O'Brien, Pfaffle, Pryor, Pyle, Transue, Treadwell, Vogel, Waste, Whiting, and Mr. Speaker—44.

NOES—None

Bill ordered to enrollment.

#### CASE OF URGENCY.

The following resolution was offered by Mr. McCartney:

*Resolved*, That Senate Bill No. 888 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lynch, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Rolley, Severance, Strohl, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—56.

NOES—None.

Senate Bill No. 888—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the Legislature.

Read second time.

## MOTION.

Mr. McCartney moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 888.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 888 was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 888—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the Legislature—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

Senate Bill No. 888—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the Legislature.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Gates, John, Johnson, Johnstone, Jones of Tuolumne, Lynch, McCartney, McGowan, McKenney, Meineke, Mindham, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Stanton, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—51.

NOES—None.

Title read and approved.

## CONSIDERATION OF SENATE AMENDMENTS.

Assembly Bill No. 788—An Act providing for a method of obtaining plans for public buildings.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 788?"

## AMENDMENT No. 1.

Amend Section 1 by striking out in lines 4, 5, and 6 the words "or making alterations to, or making additions to, or improvement to any State institution, or other improvement, erected or now being erected, or to be erected."

## AMENDMENT No. 2.

In Section 1, lines 11 and 12, strike out the words "or making alterations to, or making additions to"

## AMENDMENT No. 3.

Amend by inserting in Section 1, line 12, after the word "structure" the following: "when the cost of such building or structure shall exceed twenty-five thousand dollars"

## AMENDMENT No. 4.

Amend by striking out all of Section 2.

## AMENDMENT No. 5.

Amend by striking out of Section 3, lines 1, 2, and 3, the following. "pursuant to the instructions provided to be given in the last preceding section of this Act."

## AMENDMENT No. 6.

In Section 3, lines 34 and 35, strike out all after the word "work" in line 34 and insert a period (.) after the word "work."

## AMENDMENT No. 7.

In Section 3 strike out the period (.) after the word "upon" in line 43 and insert the following: comma "(", but in no case shall such premium exceed one per cent of the cost of such building or structure."

The roll was called, and the amendments concurred in by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, John, Johnson, Johnstone, Jones of San Francisco, Lynch, McCartney, McGowan, McKenney, Meincke, Moore, O'Brien, Olmsted, Pryor, Pyle, Rolley, Stanton, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Whiting, Wickersham; and Mr. Speaker—48.

NOES—None.

Bill ordered to enrollment.

Assembly Bill No. 950—An Act to amend Section 1 of an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 950?"

On page 2, Section 1, line 31, strike out the words "the board," and insert in lieu thereof the word "boards."

The roll was called, and the amendment concurred in by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beckett, Boyle, Branstetter, Burke, Chandler, Cleveland, Cooper, Coyle, Cromwell, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Gates, Houser, John, Johnson, Johnstone, Lynch, McCartney, McGowan, McKenney, Meincke, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Rolley, Stanton, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—47.

NOES—None.

Bill ordered to enrollment.

Assembly Bill No. 233—An Act to prevent deception in the sale of renovated butter and to license manufacturers and dealers in the same.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 233?"

Amend by inserting in Section 3, line 15, immediately preceding the word "shall," the following words: "and which use, or furnish, renovated butter in connection with said meals."

The roll was called, and the amendment concurred in by the following vote:

AYES—Messrs. Anthony, Barnes, Bates, Beckett, Boyle, Branstetter, Burke, Chandler, Cooper, Coyle, Cromwell, Devlin, Dorsey, Duryea, Ellis, Espey, Gans, Houser, John, Johnstone, Lynch, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—47.

NOES—None.

Bill ordered to enrollment.

## MESSAGES FROM THE SENATE.

The following messages from the Senate were, on motion, taken up and read:

SENATE CHAMBER, SACRAMENTO, March 8, 1905

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day refused passage to Assembly Bill No. 478—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and

to insure the proper qualifications of persons following such business and the sanitary conditions of barber shops in the State of California.

Also: Indefinitely postponed Assembly Bill No. 202—An Act to promote the drainage of wet swamp and overflowed lands, and to promote the public health in the communities in which they lie.

Also: Indefinitely postponed Assembly Joint Resolution No. 9—Relative to immigration of Japanese laborers, and to restrict or prevent their immigration into the United States.

Also: Denied third reading to Assembly Bill No. 188—An Act to amend an Act entitled "An Act entitled an Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 208 thereof, relating to counties of the fifty-first class.

Also: Indefinitely postponed Assembly Bill No. 815—An Act to amend Section 270 of the Penal Code, relative to minor children and their care by parents.

Also: Passed Assembly Bill No. 808—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 164—An Act to appropriate \$640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Also: Assembly Bill No. 596—An Act providing for an appropriation of \$3,000 for the purpose of improving the grounds and repairing the buildings of Sutter's Fort, and for the necessary incidental expenses for maintenance.

Also: Assembly Bill No. 924—An Act making an appropriation to pay the judgment against the State of California, recovered by Abe Darlington, in the Superior Court of El Dorado County, March 11, 1903, for and on account of claims for bounty on coyote scalps.

Also: Assembly Bill No. 1141—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code of the State of California, to be known as Section 28, providing for the release and discharge of persons now confined in, or that may hereafter be admitted, to any penitentiary, prison, jail, house of detention, reform school, or other penal institution, by whatever name the same may now or hereafter be known, under conviction for a penal offense, on a Monday." (Which became a law under constitutional provision without Governor's approval March 9, 1903.)

Also: Assembly Bill No. 524—An Act to amend Sections 435, 3668, and 3746 of the Political Code of the State of California, all relating to revenue and taxation.

Also: Assembly Bill No. 94—An Act to amend Section 1618 of the Code of Civil Procedure, relating to the compensation of executors and administrators, and to add a new section to said Code, to be known as Section 1619, relating to the compensation of attorneys of executors and administrators.

Also: Assembly Bill No. 123—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 786—An Act making an appropriation of \$250, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new sewing-machines for use in said school.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 921—An Act to amend Section 1368 of the Penal Code, relating to doubts as to sanity of defendant, and how determined.

Also: Denied third reading to Assembly Bill No. 175—An Act fixing a limit of time within which a purchaser at a delinquent tax sale shall apply for a tax deed.

Also: Denied reconsideration and refused passage to Assembly Bill No. 878—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 35 of said Act a new subdivision to be known as 6½ and relating to cooperation by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services.

Also: Adopted report of committee of free conference on Assembly Bill No. 36—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county and township officers, and providing for the appointment of certain deputy county officials.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed Assembly Bill No. 635—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 736 of said Act, relative to the salary of Justices of the Supreme Court.

Also: Assembly Bill No. 993—An Act to add a new section to the Political Code to be known and numbered as Section 2236, and to amend Section 2237 of the Political Code, all relating to the Deaf, Dumb, and Blind Asylum at Berkeley.

Also: Assembly Bill No. 992—An Act to amend an Act entitled "An Act to confer certain powers upon the directors of the Deaf, Dumb, and Blind Asylum," approved April 1, 1876, by changing the name of such asylum.

Also: Assembly Bill No. 402—An Act to appropriate the sum of \$520 to pay the claim of William Saunders against the State of California.

Also: Assembly Bill No. 325—An Act to amend Sections 2, 3, 5, 7, 10, 11, 12, and 13, and to repeal Section 14, of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

And respectfully ask your concurrence in the same.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 576—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

Also: Assembly Bill No. 69—An Act authorizing the bringing of actions on behalf of the State for the purpose of enforcing the lien or liens of taxes under an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises; to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, and the several Acts amendatory thereof; and to authorize the bringing and prosecution of actions against the State for the purpose of quieting title against claims of liens made by or upon behalf of the State under the said Act and the Acts amendatory thereof, and to regulate the procedure in such actions.

Also: Assembly Bill No. 417—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered 1177, relating to the settlement and engrossment of bills of exceptions in criminal proceedings.

Also: Assembly Bill No. 475—An Act to add a new section to Chapter III, Title I, Part II of the Penal Code of the State of California, to be numbered Section 714a, giving the right to appeal from justices' courts in certain cases.

Also: Assembly Bill No. 419—An Act to amend the Code of Civil Procedure of the State of California, by amending Section 859 thereof, relating to amendment of pleadings.

Also: Assembly Bill No. 139—An Act to repeal an Act entitled "An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903.

Also: Assembly Bill No. 758—An Act to amend Section 1476 of the Penal Code, relating to writs of habeas corpus.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bills Nos. 514, 547, 836, 823, and 91.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day denied third reading to Assembly Bill No. 560—An Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to witnesses.

Also: Denied third reading to Assembly Bill No. 559—An Act to amend Section 1844 of the Code of Civil Procedure of the State of California, relating to the evidence necessary for the proof of certain facts.

Also: Denied third reading to Assembly Bill No. 76—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

Also: Denied third reading to Assembly Bill No. 311—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

Also: Denied third reading to Assembly Bill No. 107—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding

thereto a new section, to be numbered 1760, relating to giving special notice to relatives and wards during the administration of wards' estates.

Also: Denied third reading to Assembly Bill No. 340—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 857, relating to the purpose for which express trusts may be created.

Also: Denied third reading to Assembly Bill No. 10—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

LEWIS A. HILBORN, Secretary of Senate  
By J. W. HARPER, Assistant Secretary.

All Assembly bills reported to have been passed by the Senate in foregoing messages were ordered to enrollment, and the Assembly then proceeded to consider the reported Senate amendments to the other referred-to Assembly bills.

#### CONSIDERATION OF SENATE AMENDMENTS.

Assembly Bill No. 635—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 736 of said Act, relative to the salary of Justices of the Supreme Court.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 635?"

On page 1, Section 1, line 5, strike out the period and insert thereafter a semicolon; and also add the following: "and the annual salary of each Justice of the several District Courts of Appeal is seven thousand dollars."

The roll was called, and amendment concurred in by the following vote:

**AYES**—Messrs. Anthony, Barnes, Bates, Beckett, Bliss, Royle, Branstetter, Burke, Chandler, Cooper, Coyle, Cromwell, Devlin, Drew, Duryea, Espey, Gans, Gates, Hartman, Houser, John, Johnstone, King, Lynch, McCartney, McGowan, Meincke, Mitchell-tree, Moore, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—44  
**NOES**—None.

Bill ordered to enrollment.

Assembly Bill No. 993—An Act to add a new section to the Political Code, to be known and numbered as Section 2236, and to amend Section 2237 of the Political Code, all relating to the Deaf, Dumb, and Blind Asylum at Berkeley.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 993?"

Amend as follows by striking out of Section 1, lines 7 and 8, the words "Institution for the Deaf and Dumb and the Blind" and insert in lieu thereof the words "California Institution for the Deaf and the Blind."

Also: In Section 2, strike out all of lines 3, 4, and 5 and insert the following: "2237. The Institution for the Deaf and the Blind, located at Berkeley, Alameda County, is a part of the school system of the State, except that it shall derive no revenue from the public school fund and has for its object the education of the deaf and the blind, who by reason of their infirmity cannot be taught in the public schools. It shall be known and designated as the California Institution for the Deaf and the Blind."

The roll was called, and the Senate amendments concurred in by the following vote:

**AYES**—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burke, Chandler, Cleveland, Cooper, Coyle, Cromwell, Devlin, Dorsey, Drew, Espey, Gans, Hartman, Houser, John, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, McCartney, McGowan, Meincke, Mitchell-tree, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Stanton, Thompson, Treadwell, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—46.  
**NOES**—None.

Bill ordered to enrollment.

Assembly Bill No. 992—An Act to amend an Act entitled "An Act to confer certain powers upon the directors of the Deaf, Dumb, and Blind Asylum," approved April 1, 1876, by changing the name of such asylum.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 992?"

Amend as follows: By striking out of Section 1, line 3, the words "Institution for the Deaf and Dumb and the Blind," and insert in lieu thereof the following: "The California Institution for the Deaf and the Blind."

Also: In Section 1, line 5, strike out of line 5 and insert in lieu thereof the following: "The California Institution for the Deaf and the Blind."

Also: In Section 2, lines 1 and 2, strike out the words "Institution for the Deaf and Dumb and the Blind," and insert in lieu thereof the following: "California Institution for the Deaf and the Blind."

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Devlin, Drew, Gans, Houser, John, Johnson, Johnstone, Jones of Tuolumne, King, Lynch, McCartney, McGowan, McKenney, Meincke, Mitchelltree, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Slaven, Thompson, Treadwell, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—48.  
 NOES—None.

Bill ordered to enrollment.

Assembly Bill No. 402—An Act to appropriate the sum of \$520 to pay the claim of William Saunders against the State of California.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 402?"

Amend by striking out of Section 2, line 3 of printed bill, the words "five hundred and twenty," and inserting in lieu thereof the words "one hundred and seventy-five."

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Burke, Busick, Cooper, Coyle, Devlin, Dorsey, Drew, Duryea, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, King, Lynch, McCartney, McGowan, McKenney, Meincke, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, and Whiting—42.  
 NOES—None.

Bill ordered to enrollment.

Assembly Bill No. 325—An Act to amend Sections 2, 3, 5, 7, 10, and 13, and to repeal Section 14, of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 12, 1897.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 325?"

#### AMENDMENT No. 1

Add letter "s" to word "section," at end of line 1 of title, and insert after the figure "14," second line of title, the word and figures "and 16"

#### AMENDMENT No. 2.

Strike out lines 7, 8, and 9 of Section 1, page 1 of printed bill, and lines 10 and 11 and all of line 12 down to and including word "years" of said section on page 2, and insert the following: "of seven directors, to be appointed by the Governor as follows: the terms of each of the present members of said board shall expire on the first day of July, nineteen hundred and five, and seven persons shall be appointed as their successors, four of whom shall be appointed for a term and period of four years, and the other three for a term and period of two years."



## AMENDMENT No. 3.

Insert after the word "instance" on line 24, Section 6, page 5 of printed bill, the following: "and provided further, that the board may in the meantime, and until a contract or contracts can be let, purchase in the open market the necessary butter, eggs, and vegetables for the table of the home, if any contract or contracts for such supplies has or have been rejected"

## AMENDMENT No. 4.

Strike out lines 8, 9, and 10 of Section 8, page 7 of printed bill, and insert the following: "The board of directors may maintain an office in the city of San Francisco at an expense for clerical service and expenses of every character, including rent, light, fuel, telephone, and janitor, not to exceed the sum of fifteen hundred dollars per annum."

## AMENDMENT No. 5

Insert letter "s" after the word "section," line 1 of Section 9, page 7, and insert after figure 14, in said line, word and figures "and 16"

## AMENDMENT No. 6.

Strike out all of Section 10, page 7.

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beckett, Boyle, Branstetter, Burke, Busick, Cooper, Coyle, Devlin, Dorsey, Drew, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, McCartney, McGowan, McKenney, Meincke, Mitchellree, Moore, Perkins, Pfaffle, Pryor, Pyle, Strobridge, Thompson, Treadwell, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—41.

NOES—Mr. King—1.

Bill ordered to enrollment.

Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 17 of Article VI of said Constitution, relating to the compensation of Justices of the Supreme Court and Judges of the Superior Court

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Constitutional Amendment No. 11?"

Amend by inserting after the word "not," in line 14, the word "hereafter."

Also: After the word "elected," in line 16, add the following: "Upon the adoption of this amendment the salaries then established by law shall be paid uniformly to the justices and judges then in office."

## ASSEMBLY CONSTITUTIONAL AMENDMENT No. 11.

To propose to the people of the State of California, amending Section 17 of Article VI of the Constitution, relating to the judiciary.

WHEREAS, The salaries now paid to the Justices of the Supreme Court and of the District Courts of Appeal are inadequate compensation for the services they are required to perform; and

WHEREAS, It is impracticable to change the salaries of the justices or judges of the same court, where their terms expire at different times, under the present restriction that such salary shall not be increased or diminished during the term for which they have been elected,

Now, Therefore, The Legislature of the State of California, at its regular session commencing on the 2d day of January, 1905, two thirds of all the members elected to each of the houses thereof voting in favor thereof, hereby propose that Section 17 of Article VI of the Constitution of said State be amended so as to read as follows:

Section 17. The Justices of the Supreme Court and of the District Courts of Appeal, and the Judges of the Superior Courts, shall severally, at stated times during their continuance in office, receive for their services such compensation as is or shall be provided by law. The salaries of the Judges of the Superior Court, in all counties having but one judge, and in all counties in which the terms of the Judges of the Superior Court expire at the same time, shall not be increased or diminished after their election, nor during the term for which they shall have been elected. The salaries of the Justices of the Supreme Court and of the District Courts of Appeal shall be paid by the State. One half of the salary of each Superior Court Judge shall be paid by the State; and the other half thereof shall be paid by the county for which he is elected. On and after the first day

of January, A. D. one thousand nine hundred and seven, the Justices of the Supreme Court shall each receive an annual salary of eight thousand dollars, and the justices of the several District Courts of Appeal shall each receive an annual salary of seven thousand dollars, the said salaries to be payable monthly.

The roll was called, and the amendments concurred in by the following vote:

**AYES**—Messrs. Anthony, Arnerich, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Cromwell, Devlin, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Hartman, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, King, Lynch, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Rolley, Stanton, Strobridge, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—55.

**NOES**—None.

**Assembly Bill No. 36**—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county and township officers, and providing for the appointment of certain deputy county officials.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 36?"

Amend as follows: In Section 1, line 21, by striking out after the word "provided" all matter enclosed in the brackets [ ], and insert a semicolon ( ; )

Also: In line 36, after the word "all" insert the word "county."

Also: In line 37, after the word "Act," strike out the semicolon and insert a comma ( , ) and the words "and the commissions allowed by law for collecting the State liquor license tax"

Also: In line 46, after the word "him," strike out the semicolon, and insert the words "except the commissions on State liquor licenses; *provided*, that the treasurer shall receive and retain for his own use the commissions on all inheritance and transfer taxes collected by him, and *provided further*, that whenever the treasurer of any county shall employ a special attorney for the collection of such taxes, said attorney shall be paid out of the commissions and fees allowed by law for the collection of such taxes"

Also: Amend as follows, by striking out of Section 1, line 21, the comma after the word "provided," and inserting in lieu thereof a semicolon. Insert after the semicolon the following: "the treasurer is authorized to pay to a special attorney when employed by him for the collection of collateral inheritance taxes, the fees provided in Section 20 of an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection and to direct the disposition of the proceeds, and all Acts amendatory thereof.'"

The roll was called, and the Senate amendments concurred in by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Cromwell, Devlin, Drew, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, King, Lynch, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Moore, Olmsted, Perkins, Pfaffle, Pyle, Rolley, Strobridge, Thompson, Transue, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—52.

**NOES**—None.

Bill ordered to enrollment.

#### MESSAGE FROM THE GOVERNOR.

Message from the Governor was, on motion, taken up and read, as follows:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }  
SACRAMENTO, March 8, 1905. }

*To the Assembly of the State of California*

I have the honor to inform your honorable body that I have approved Assembly Bill No. 64—An Act for the relief of Patrick Creighton.

Also: Assembly Bill No. 1160 An Act to amend Section 2153a of the Political Code, relating to employment of women as physicians in State hospitals.

Very respectfully,

GEO. C. PARDEE, Governor.

## CONSIDERATION OF SPECIAL SENATE FILE.

Senate Bill No. 288—An Act making an appropriation to pay the claim of Richard Price Morgan.

Read second time.

## MOTION.

Mr. Stanton moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 288.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 288 was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 288, and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

Report of Committee of the Whole adopted.

Bill ordered on file for third reading.

Senate Bill No. 738—An Act to amend Section 2191 of the Political Code of the State of California, relating to the return to the country or State in which they belong of insane or incompetent persons not resident for one year of the State of California.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 677—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation thereof.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 599—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1115 thereof, relating to the index of the great register.

Read second time.

The following committee amendment was read:

Amend by inserting the word and figure "Section 1," on line 3, page 1, printed bill

Amendment adopted.

Ordered to print, and on special Senate file for third reading.

Senate Bill No. 123—An Act to provide for the erection of embankments or levees to care for the flood waters of the Kern River, in Kern County.

Read second time.

## MOTION.

Mr. Dorsey moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 123.

Motion lost.

Senate Bill No. 681—An Act making an appropriation to pay the claim of Dr. W. J. Hanna, for professional services rendered and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon Guards Cotter and Cochrane, after the prison break at Represa, on July 27, 1903, and for performing the autopsy on the body of Guard Cotter.

Read second time.

MOTION.

Mr. Dorsey moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 681.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 681 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 681, and do now report the same back, and recommend that the same do pass

PRESCOTT, Chairman.

Report of Committee of the Whole adopted.

Bill ordered on file for third reading.

Senate Bill No. 216—An Act to appropriate the sum of thirty-five thousand (\$35,000) dollars for the erection of a dormitory on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind in Alameda County by the Board of Directors thereof, and to provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto

On motion of Mr. Espey, further action on the bill was indefinitely postponed.

Senate Bill No. 680—An Act making an appropriation to pay the claim of Dr. G. A. White for professional services rendered and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon Guards Cotter and Cochrane, after the prison break at the said State prison at Represa.

Read second time.

MOTION.

Mr. Busick moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 680.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 680 was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 680, and do now report the same back, and recommend that the same do pass

PRESCOTT, Chairman.

Report of Committee of the Whole adopted.

Bill ordered on file for third reading.

Senate Bill No. 145—An Act to create and maintain a public highway between the counties of Los Angeles and Kern.

Read second time.

## MOTION.

Mr. Dorsey moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 145.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 145 was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 145, and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman

Report of Committee of the Whole adopted.

Bill ordered on file for third reading.

Senate Bill No. 679—An Act to provide for the construction of permanent bridge work on the Lake Tahoe wagon road, a State highway, and making an appropriation therefor.

Read second time.

## MOTION.

Mr. Stanton moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 679.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 679 was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 679, and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

Report of Committee of the Whole adopted.

Bill ordered on file for third reading.

Senate Bill No. 714—An Act to amend Section 303 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the qualifications of directors of banking corporations, and to add a new section thereto, to be known as Section 306, relating to the oath of directors of banking corporations.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 233—An Act to provide for the establishment of municipal plants for lighting the streets and public buildings in the cities, cities and counties, and in incorporated towns in the State of California, and for the purpose of furnishing electricity and gas to the inhabitants thereof.

On motion of Mr. Busick, further consideration of the bill was indefinitely postponed.

Senate Bill No. 843—An Act to amend Section 1143 of the Penal Code, relating to the payment of jurors' fees.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 634—An Act to amend Section 770 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeal from judgments of removal from office.

Read second time, and ordered to third reading on special Senate file.

#### SENATE CONSTITUTIONAL AMENDMENT No. 14.

##### Amending Sections 15 and 19, Article V, of the Constitution

The Legislature of the State of California, at its thirty-sixth session, commencing January second, nineteen hundred and five, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby propose that Sections fifteen (15) and nineteen (19), Article five (5), of the Constitution of the State of California, be amended so as to read as follows

Section 15. A Lieutenant-Governor shall be elected at the same time and places, and in the same manner, as the Governor, and his term of office and his qualifications of eligibility shall also be the same. In case of the death or disqualification of the Governor for any reason, he shall become Governor of the State. He shall be President of the Senate, but shall have only a casting vote therein. He shall also, when the Senate is not in session, visit the State institutions and asylums, and other institutions receiving State aid from the State, and make careful examinations of the manner in which the appropriations for the support of such institutions, and for permanent improvements, have been expended, and report the result of his examinations to the Governor, to the Legislature, and to any other officer, or board of officers, that the Legislature may direct.

The Legislature may by law prescribe the time and manner that such examinations shall be made. If, during a vacancy in the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President pro tempore of the Senate shall act as Governor until the vacancy be filled, or the disability shall cease. The Lieutenant-Governor shall be disqualified from holding any other office, except as specially provided in this Constitution, during the term for which he shall have been elected.

Section 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General, shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following offices for the two terms next ensuing the adoption of this Constitution, as follows: Governor, six thousand dollars per annum; Lieutenant-Governor, four thousand dollars per annum, and traveling expenses, when he may be employed in visiting and examining State institutions and asylums, and other institutions receiving State aid; the Secretary of State, Controller, Treasurer, Attorney-General and Surveyor-General, three thousand dollars each per annum, such compensation to be in full for all services by them, respectively, rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however*, that the Legislature, after the expiration of the terms hereinbefore mentioned, may by law diminish the compensation of any or all such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No

salary shall be authorized by law for clerical services, in any office provided for in this article, exceeding sixteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor-General, and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

The roll was called, and Senate Constitutional Amendment No. 14 adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Burke, Busick, Chandler, Cleveland, Coyle, Cromwell, Devlin, Dorsey, Drew, Dur-yea, Ellis, Espey, Estudillo, Gans, Gates, Held, Houser, John, King, Lynch, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pyle, Rolley, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—55.  
NOES—None.

Senate Bill No. 880—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 214½ thereof, approved March 23, 1901, creating the office of matron of the county jail in and for the counties of the first, second, third, fourth, and fifth classes, defining the duties and powers, and fixing the term of office and compensation of, and providing for the appointment of, and the giving of official bond by such matron.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 862—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding a new section thereto, to be numbered 5½, providing for the doing of work by cities when no bids are received for such work.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 232—An Act to amend Section 2039 of the Code of Civil Procedure, relating to examination of persons by physicians upon order of court in damage suits.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 101—An Act to provide for the satisfaction of record of real property mortgages which have been foreclosed and the property covered thereby sold, and to provide for the form of such satisfaction.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 93—An Act to amend Section 454 of the Code of Civil Procedure, relating to pleading accounts and bills of particulars.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 367—An Act to regulate the practice of pharmacy in the State of California.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 449—An Act making an appropriation for the care of the insane suffering from tuberculosis in the State hospitals of California.

Read second time.

#### MOTION.

Mr. O'Brien moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 449.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 449 was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

GENTLEMEN The Committee of the Whole have had under consideration Senate Bill No. 449, and do now report the same back, and recommend that the same do pass

PRESCOTT, Chairman.

Report of Committee of the Whole adopted.

Bill ordered on file for third reading.

Senate Bill No. 579—An Act to appropriate \$25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such appropriation.

Read second time.

## MOTION.

Mr. O'Brien moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 579.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 579 was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 579, and do now report the same back, without recommendation.

PRESCOTT, Chairman

Report of Committee of the Whole adopted.

Bill ordered on file for third reading.

Senate Bill No. 528—An Act to add a new section to the Political Code, to be known as Section 1576a, providing for clerks of school boards in certain cases, and for payment of their salaries.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 788—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 852—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 580—An Act establishing a State commission for the purpose of placing statues in the National Statuary Hall in the Capitol at Washington, D. C., prescribing its duties, and making an appropriation of fifteen thousand (\$15,000) dollars therefor.

Read second time.



## MOTION.

Mr. McGowan moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 580.

So ordered.

## IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 580 was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE OF THE WHOLE

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 580, and do now report the same back, and recommend that the same do not pass.

PRESOTT, Chairman.

Report of Committee of the Whole adopted.

Bill ordered transmitted to the Senate.

Senate Bill No. 611—An Act to prescribe a method of electing boards of education in cities controlled by charters other than those controlled by the city and county government.

Read second time, and ordered to third reading on special Senate file.

Senate Bill No. 613—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivision of lands into small lots or tracts for the purpose of sale, and providing a penalty for selling or offering for sale any lots or tracts in cities, towns, subdivisions, or additions thereto before such maps are filed and recorded," approved March 9, 1883.

Read second time.

The following amendment was offered:

By Mr. Rolley:

Amend by inserting the following on page one of the printed bill: "The people of the State of California, represented in Senate and Assembly, do enact as follows: "

Amendment adopted.

Bill ordered to print, and on file for third reading.

Senate Bill No. 855—An Act to amend Section 602 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section to said Act to be numbered 612a, relating to the liabilities of casualty insurance corporations and the determination of the loss reserve of said corporations.

Read second time, and ordered to third reading on special Senate file.

## RESOLUTIONS.

By Mr. Burke:

WHEREAS, The Assembly, during this, the last week of the session, works each day far into the morning of the next day; and

WHEREAS, The Pages of the Assembly have been in constant attendance upon the Assembly, now therefore, be it

Resolved, That Sanford Barnes, Eddie Fitzgerald, Leslie Burnett, Edward Curran, Lester Summerheld, George Berry, F. J. Niedlien, and Wm Murphy, Pages of the Assembly, each be paid the sum of five (\$5) dollars extra compensation for this, the last week's work of the session; that the State Controller is hereby directed to draw his warrant in favor of each of the above-named persons, in the sum of \$5 as extra compensation for this, the last week's work, and the State Treasurer is hereby directed to pay the same.

Referred to Committee on Ways and Means.

By Mr. Duryea:

*Resolved*, That the Controller be directed to draw his warrant in favor of the Chief Clerk for \$125, and the Treasurer is hereby directed to pay the same, said amount being appropriated for paying postage and expressage on printed matter directed to be sent out by the Chief Clerk during and after the close of the session.

The question being on the adoption of the resolution.

The roll was called, with the following result:

**AYES**—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, John, Jones of Tuolumne, King, Lynch, McCartney, McGowan, McKenney, Meincke, O'Brien, Olmsted, Perkins, Pfaffle, Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—49.

**NOES**—None.

Senate Bill No. 778—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 2466 and 2468 thereof, relating to rates of pilotage at San Francisco.

Read third time.

The roll was called, and the bill finally passed by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beckett, Bliss, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Devlin, Dorsey, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, Houser, John, Johnstone, Lynch, McGowan, McKenney, Meincke, Olmsted, Perkins, Pfaffle, Severance, Stanton, Strobridge, Thompson, Transue, Treadwell, Vogel, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—45.

**NOES**—Mr. Coyle—1.

Title read and approved.

#### NOTICE OF MOTION TO RECONSIDER.

Mr. Beckett gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 778 was this day passed.

Senate Bill No. 107—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class," approved March 16, 1903.

Read third time on a previous day.

The roll was called, and the bill finally passed by the following vote:

**AYES**—Messrs. Anthony, Arnerich, Atkinson, Bates, Beardslee, Beckett, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Devlin, Drew, Ellis, Espey, Estudillo, Gans, Held, Houser, John, Johnstone, King, Lynch, McGowan, Meincke, Olmsted, Perkins, Pfaffle, Severance, Stanton, Strobridge, Thompson, Transue, Vogel, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—43.

**NOES**—None.

Title read and approved.

Senate Bill No. 196—An Act to pay the claim of Fred E. Borton, and making an appropriation therefor.

Read third time.

The roll was called, and the bill finally passed by the following vote:

**AYES**—Messrs. Anthony, Arnerich, Atkinson, Bates, Beardslee, Beckett, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Cromwell, Cullen, Devlin, Ellis, Espey, Estudillo, Gans, Gates, Held, Houser, John, Johnstone, King, Lynch, McGowan, McKenney, Meincke, O'Brien, Olmsted, Perkins, Pfaffle, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—47.

**NOES**—None.

Title read and approved.

## REPORTS OF STANDING COMMITTEES.

## ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly resolution, by Mr. Strobridge, relative to the appointing of a committee to investigate the common school system of the State, have amended the same, and recommend that the resolution be adopted as amended.

STANTON, Chairman.

## RESOLUTION AS AMENDED BY COMMITTEE ON WAYS AND MEANS.

WHEREAS, The Constitution of the State of California requires the Legislature to establish a public school system, which requirement has been interpreted by the Supreme Court to mean that such system shall be uniform in its operation throughout the State; and

WHEREAS, It is apparent that certain sections of the Political Code relating to the public education are more or less in conflict and greatly need revision; therefore, be it

*Resolved by the Assembly of the State of California*, That a committee of five members of this Assembly be appointed by the Speaker, and that such committee be charged with the duty of thoroughly investigating the system of common schools in this State, and the laws governing the same; that said committee report to the next Legislature, submitting recommendations, as a result of its investigation, which in its judgment may be thought necessary, in order to eliminate all confusion and conflict. Said committee shall be entitled to receive from the Contingent Fund of the Assembly their actual traveling expenses incurred in performing its duty herein presented, and the expense of such clerical assistance as may be necessary in connection therewith. The total expense of this committee to be limited to five hundred (\$500) dollars.

Report and resolution adopted, on motion of Mr. Treadwell.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Concurrent Resolution No. 29—Relative to the appointment of a committee to investigate the building and loan associations of the State—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STANTON, Chairman.

## ASSEMBLY CONCURRENT RESOLUTION No. 29.

Providing for a committee of six to investigate the building and loan associations of this State, and to report to the thirty-seventh session such legislation as they deem necessary, and providing for the expense thereof.

*Resolved by the Assembly of the State of California, the Senate concurring*, That a committee of six, consisting of three Assemblymen and three Senators, be appointed by the Speaker of the Assembly and the President of the Senate, respectively, to prepare and present to the Assembly and Senate of the thirty-seventh session a report of the building and loan association corporations of this State, and to suggest such legislation from this investigation as they shall deem necessary. For the purposes of this investigation the said committee is hereby empowered to demand and receive such information, and to subpoena witnesses, and obtain such information as it will require to prepare said report and said legislation.

Said committee shall be entitled to receive, and there is hereby made payable out of the Contingent Funds of the Assembly and Senate, such sum, or sums, as may be necessary to defray their necessary expenses incidental to such examinations and investigations, and such sums as may be required to pay the clerk employed by them under and by virtue of this resolution, the total expenses of this committee to be limited to one thousand dollars.

Resolution read, and, on motion, adopted.

## RESOLUTION.

By Committee on Ways and Means:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of the Chief Clerk of the Assembly for \$448 71, and the Treasurer is hereby directed to pay the same out of the Contingent Fund of the Assembly, said warrant being for the payment of the following claims, which we have examined and found correct:

Sunset Telephone Company	\$18 00
Western Union Telegraph Company	2 41
A. F. Kleinsorge	60 00
Postal Telegraph Company	355 30
Henry E. Sleeper	13 00

Total .....\$448 71

The roll was called, and the resolution adopted by the following vote:

**AYES**—Messrs. Anthony, Arnerich, Atkinson, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Estudillo, Gans, Gates, Held, Houser, John, Johnstone, King, Lynch, McCartney, McGowan, Meincke, Moore, O'Brien, Olmsted, Perkins, Pyle, Severance, Stanton, Strohl, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr Speaker—51.

**NOES**—None.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined and found correctly enrolled the following:

Assembly Bill No. 413—An Act to amend Section 1 of an Act entitled "An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled an Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7, 1883,' providing for an increase in the annual appropriation thereof and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita," approved March 12, 1901, by providing for a fixed annual appropriation of \$65,000 in the place and stead of \$75 per annum for each and every aged and indigent United States ex-soldier, sailor, or marine admitted to or residing at said home.

Assembly Bill No. 670—An Act to provide for the improvement of the public highways.

Assembly Bill No. 768—An Act to amend the Penal Code of the State of California by adding thereto new sections, numbered 421 and 422, providing for punishment of persons and associations conniving against and attempting to injure the National Guard of California, and members thereof.

Assembly Bill No. 873—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, by amending Section 167, relating to counties of the tenth class, and providing for certain increases of salaries and deputies.

Assembly Bill No. 635—An Act to amend Sections 3897 and 3898 of the Political Code of the State of California, relating to the sale by the State of property sold to the State for taxes.

Assembly Bill No. 270—An Act to amend Section 3617 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms.

Assembly Bill No. 177—An Act to provide for the classification of supervisors in counties of the fifteenth class where they are not now classified, so that all of them shall not go out of office at the same time.

Assembly Bill No. 119—An Act to amend Section 1255 of the Political Code of the State of California, relating to ballots voted at elections.

Assembly Bill No. 69—An Act making an appropriation of \$10,000 for the establishing at the Lick Observatory of a light and power plant, and prescribing the duties of the Controller and Treasurer in relation thereto.

Assembly Bill No. 1126—An Act to amend Section 1616 of the Code of Civil Procedure, relating to the fees and allowances of executors, administrators, and their attorneys.

Assembly Bill No. 860—An Act providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof.

Assembly Bill No. 840—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 179 thereof.

Assembly Bill No. 783—An Act making an appropriation of \$500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the assembly hall of the boys' department.

Assembly Bill No. 679—An Act fixing the rate of interest and charges on loans upon chattel mortgages on certain personal property, and prescribing penalties for the violation of the Act.

Assembly Bill No. 151—An Act making an appropriation for searching for beneficial insects.

Assembly Bill No. 338—An Act to amend Section 515 of the Political Code and to provide for the appointment of a statistician, a clerk and stenographer, and a text-book clerk for the Superintendent of Public Instruction, and to fix their compensation.

Assembly Bill No. 173—An Act confirming the organization of school districts.

Assembly Bill No. 207—An Act entitled "An Act to amend Section 1772 of the Political Code of the State of California, relating to certificates upon examination."

Assembly Bill No. 118—An Act to amend Section 1264 of the Political Code of the State of California, relating to election returns.

Assembly Bill No. 709—An Act to amend Section 1883 of the Political Code, relating to the manner of conducting elections for issuance of bonds in school districts.

Assembly Bill No. 612—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Assembly Bill No. 627—An Act to amend Section 848 of the Code of Civil Procedure of the State of California, relating to the service of summons issued from justices' courts, where the defendant resides out of the county in which the action is brought.

Assembly Bill No. 117—An Act to amend Section 1149 of the Political Code of the State of California, relating to the posting of precinct registers.

Assembly Bill No. 34—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, by amending Section 3 of said Act, and an Act amendatory thereof, approved March 27, 1895.

Assembly Bill No. 39—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 939 and 963 of said Code of Civil Procedure, relating to appeals.

Assembly Bill No. 935—An Act to add a new section to the Penal Code, to be numbered Section 499b, relating to the unauthorized taking for temporary use or operation of automobiles, bicycles, motorcycles, and other vehicles.

Assembly Bill No. 909—An Act to amend Section 2197 of the Political Code, relating to actions which may be brought by the State Commission in Lunacy.

Assembly Bill No. 819—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628a, 628b, 628c, 628d, and 628e, all relating to the protection and preservation of fish.

Assembly Bill No. 886—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the amendment thereof approved March 3, 1901, by amending Section 205 thereof, relating to counties of the forty-eighth class.

Assembly Bill No. 779—An Act making an appropriation of \$750 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of refurbishing "B" cottage, in the girls' department.

And presented the same to the Governor on this day at five o'clock P. M.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined and found correctly enrolled Assembly Concurrent Resolution No. 19—*Resolved by the Assembly, the Senate concurring, That leave of absence from the State of California is hereby granted to the Honorable John E. Raker, Superior Judge of the County of Modoc, State of California, for six (6) months from and after the first day of June, 1905.*

Also: Assembly Concurrent Resolution No. 22—*Relative to the consent of the Legislature to absence from the State of certain members of the Assembly.*

Also: Assembly Concurrent Resolution No. 20—*Relative to the consent of the Legislature to absence from the State of Assemblyman Frank J. O'Brien for a period not to exceed six months.*

DEVLIN, Chairman.

Senate Bill No. 798—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments, approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Bates, Beckett, Bliss, Boyle, Branstetter, Burke, Chandler, Cleveland, Cooper, Coyle, Cromwell, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Held, Houser, John, Johnstone, King, Lynch, McGowan, McKenney, Meincke, Olmsted, Severance, Stanton, Strobbridge, Thompson, Transue, Treadwell, Vogel, Waste, Whiting, Wickersham, and Mr. Speaker—41.

NOES—None.

Title read and approved.

RECESS.

At six o'clock P. M., on motion of Speaker pro tem. Atkinson, the Assembly was declared at recess until seven o'clock and thirty minutes P. M. this day.

EVENING SESSION.

The Assembly reconvened at seven o'clock and thirty minutes P. M. Speaker Hon. Frank C. Prescott in the chair.

## THIRD READING OF SENATE BILLS.

Bills on special Senate file were considered, as follows:

Senate Bill No. 763—An Act to amend Section 1387 of the Penal Code, relating to an order for dismissal being a bar in cases of misdemeanor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Branstetter, Chandler, Cleveland, Cromwell, Devlin, Drew, Espey, Estudillo, Gans, Gates, Held, Houser, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, King, Lumley, Lynch, McCartney, McGowan, Meincke, Mitcheltree, Moore, Olmsted, Perkins, Pryor, Pyle, Severance, Thompson, Transue, Treadwell, Vogel, Waste, and Mr. Speaker—41.

NOES—None.

Title read and approved.

Senate Bill No. 254—An Act to add a new section to the Code of Civil Procedure, to be known as Section 1639, relating to the settlement of accounts of an executor or administrator after his death.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Busick, Chandler, Cleveland, Cromwell, Devlin, Drew, Espey, Estudillo, Gans, Gates, Held, Houser, John, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, McCartney, McGowan, Meincke, Mitcheltree, Moore, Olmsted, Perkins, Pryor, Pyle, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Senate Bill No. 255—An Act to repeal Section 1639 of Code of Civil Procedure, approved March 24, 1874, and to add a new section to said code, to be numbered 1527, both relating to sale of personal property of a deceased person upon application for sale of real property.

Read third time

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Cromwell, Devlin, Drew, Espey, Estudillo, Gans, Gates, Held, Houser, John, Johnson, Johnstone, Jones of Tuolumne, King, Lynch, McCartney, McGowan, Meincke, Mitcheltree, Moore, Perkins, Pryor, Pyle, Severance, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—44.

NOES—None

Title read and approved.

Senate Bill No. 435—An Act to add a new section to the Penal Code, to be numbered 397b, relating to the sale, giving, or delivering of intoxicating liquors to minor children, and to the preventing of minor children from visiting saloons or public houses where intoxicating liquors are sold.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Devlin, Dorsey, Drew, Espey, Estudillo, Gans, Gates, Held, Houser, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, King, Lumley, Lynch, McCartney, McGowan, Meincke, Mitcheltree, O'Brien, Olmsted, Perkins, Pryor, Pyle, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—49.

NOES—None.

Title read and approved.

## ACTION RECONSIDERED.

Mr. Transue moved that the action of the Assembly this afternoon, whereby Senate Bill No. 233 was denied a second reading, be reconsidered.

Motion carried.

## SECOND-READING FILE.

Senate Bill No. 233—An Act to provide for the establishment of municipal plants for lighting the streets and public buildings in the cities, cities and counties, and in incorporated towns in the State of California, and for the purpose of furnishing electricity and gas to the inhabitants thereof.

Read second time.

Senate Bill No. 233 ordered to third reading on special Senate file.

## THIRD-READING SENATE FILE—(RESUMED).

Senate Bill No. 692—An Act to amend Section 1 of an Act entitled "An Act to authorize suits against the State, and regulating the procedure therein," approved February 28, 1893.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Busick, Chandler, Cooper, Coyle, Dorsey, Drew, Duryea, Espey, Gans, Held, John, Johnstone, Jones of Tuolumne, King, Lynch, McCartney, McKenney, Meincke, Mitcheltree, Moore, Olmsted, Perkins, Pryor, Pyle, Rolley, Stanton, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—45.

NOES—None.

Title read and approved.

## MADE A SPECIAL ORDER:

Senate Constitutional Amendment No. 9—Relative to the exemption from taxation of all of the buildings used solely and exclusively for the accommodation, support, and maintenance of minor orphans, or half orphans, or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use, and occupation thereof.

On motion of Mr. Treadwell, Senate Constitutional Amendment No. 9 was made a special order for to-morrow (Thursday) morning, immediately after the reading of the Journal.

## THIRD-READING SENATE FILE—(RESUMED).

Senate Bill No. 237—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 211 thereof, relating to the compensation of officers of counties of the fifty-fourth class.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Anthony, Arneuch, Barnes, Bates, Beardslee, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Devlin, Drew, Espey, Estudillo, Gans, Gates, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, McGowan, McKen-

ney, Meincke, Moore, Olmsted, Perkins, Pryor, Pyle, Severance, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, and Mr. Speaker—43.

NOES—Messrs. Beckett, Boyle, Jones of San Francisco, Lumley, McCartney, Slaven, Vogel, and Wickersham—8.

Title read and approved.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The Committee on Judiciary was granted leave to submit (out of order) the following report, which was read:

#### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Concurrent Resolution No. 17—Relative to the adjusting of freight rates in the State of California—respectfully report the same back, with the recommendation that the author be permitted to withdraw, for the reason that the said resolution directs the State Board of Railroad Commissioners and the Attorney-General to act in a matter in which the said State Board of Railroad Commissioners, under the Constitution, has original and exclusive jurisdiction, and for the further reason that it is not shown that said matter has ever been presented to the said State Board or to the Attorney-General.

DURYEA, Chairman.

#### RESOLUTION WITHDRAWN.

Assembly Concurrent Resolution No. 17—Relative to the adjusting of freight rates in the State of California.

Mr. Cleveland requested and was granted leave to withdraw Assembly Concurrent Resolution No. 17.

#### THIRD-READING SENATE FILE—(RESUMED).

Senate Bill No. 755—An Act to amend Sections 771, 778, and 782 of the Political Code, and to repeal Sections 779, 780, and 781 of said code, all relating to the preparation and publication of the opinions of the Supreme Court and of the District Courts of Appeal.

Passed on file.

Senate Bill No. 675—An Act amending an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1307 thereof.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, McGowan, McKenney, Meincke, Mitcheltree, Moore, Olmsted, Perkins, Pryor, Pyle, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—55

NOES—None

Title read and approved.

Senate Bill No. 640—An Act to amend Section 1671 of the Political Code of the State of California, relating to the establishment of high schools.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Busick, Chandler, Cleveland, Coyle, Cromwell, Devlin, Duryea, Ellis, Espey, Estudillo, Gans, Held, John, Johnson, Johnstone, Jury, King, Lumley, Lynch, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Moore, Olmsted, Perkins, Pryor, Pyle, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—50

NOES—Messrs. Cooper and Stanton—2

Title read and approved.



Senate Bill No. 669—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Drew, Ells, Espey, Estudillo, Gans, Gates, Held, John, Johnson, Jones of Tuolumne, Jury, King, Lumley, Lynch, McCartney, McGowan, McKenney, Meincke, Mitchellree, Moore, Olmsted, Perkins, Pryor, Pyle, Strohl, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Wickersham, and Mr. Speaker—50.

NOES—Mr. Stanton—1.

Title read and approved.

Senate Bill No. 626—An Act to amend Sections 3335, 3337, 3338, and 3339 of the Political Code, relating to fires and firemen.

Read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Beardslee, Boyle, Branstetter, Chandler, Cromwell, Cullen, Drew, Ells, Espey, Johnstone, Jury, King, Lynch, Meincke, O'Brien, Pryor, Pyle, Rolley, Strohl, Thompson, Treadwell, Vogel, Waste, and Weyand—27.

NOES—Messrs. Atkinson, Beckett, Busick, Cooper, Covle, Creighton, Devlin, Duryea, Estudillo, Gans, Gates, Hartman, Held, John, Jones of Tuolumne, Lumley, McGowan, McKenney, Mitchellree, Moore, Olmsted, Perkins, Stanton, Strobridge, Transue, Tripp, Whiting, Wickersham, and Mr. Speaker—29.

#### NOTICE OF RECONSIDERATION.

Mr. Olmsted gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 626 was refused passage this day.

#### THIRD-READING SENATE FILE—(RESUMED).

Senate Bill No. 606—An Act to appropriate \$9,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles; to make necessary repairs and improvements in the building of said normal school.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Barnes, Beckett, Boyle, Busick, Cooper, Coyle, Creighton, Cullen, Drew, Duryea, Espey, Estudillo, Gates, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, McCartney, McGowan, McKenney, Meincke, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Rolley, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—48.

NOES—Mr. Branstetter—1.

Title read and approved.

Senate Bill No. 510—An Act to amend an Act entitled "An Act fixing the price and conditions of sale at which jute goods shall be sold by the State," approved February 27, 1893.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Busick, Chandler, Cooper, Coyle, Cromwell, Cullen, Devlin, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Hartman, Held, John, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, McCartney, McGowan, McKenney, Meincke, Moore, O'Brien, Olmsted, Perkins, Pryor, Pyle, Rolley, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Senate Bill No. 533—An Act to provide for the survey, location, plans, and estimates of cost of a highway from San Francisco to the southern boundary of San Diego County, and making an appropriation therefor.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Cleveland, Cooper, Coyle, Devlin, Drew, Duryea, Ells, Estudillo, Gans, Gates, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, Lumley, McCartney, McGowan, McKenney, Mitcheltree, Moore, O'Brien, Perkins, Pryor, Pyle, Rolley, Severance, Stanton, Strobbridge, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—47.

NOES—Messrs. Burke, Busick, Chandler, Cromwell, Dorsey, Espey, Hartman, King, Lynch, Meincke, Strohl, and Walsh—12.

Title read and approved.

#### NOTICE OF RECONSIDERATION.

Mr. Jones of San Francisco gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 533 was finally passed this day.

Senate Bill No. 572—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by adding a new section thereto, relating to the powers and duties of boards of supervisors.

Read third time.

#### CALL OF THE HOUSE.

Pending the calling of the roll and the announcement of the result, Mr. Transue, at nine o'clock and thirty-five minutes P. M., moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Anthony, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Bliss, Branstetter, Burke, Chandler, Cleveland, Cooper, Coyle, Cromwell, Devlin, Drew, Duryea, Ells, Espey, Estudillo, Gates, Hartman, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Moore, O'Brien, Perkins, Pfaeffle, Pyle, Rolley, Severance, Stanton, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—59

The doors were ordered closed.

The Sergeant-at-Arms was furnished with a list of unexcused members, and directed to bring them before the bar of the House.

At nine o'clock and forty-five minutes P. M., the Sergeant-at-Arms brought Messrs. Cullen, Creighton, Amerige, and Busick before the bar of the House.

The gentlemen were excused.

At nine o'clock and fifty minutes P. M., on motion of Mr. Espey, further proceedings under the call of the House were dispensed with.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Atkinson, Barnes, Beardslee, Beckett, Bliss, Branstetter, Burke, Busick, Cooper, Cullen, Dorsey, Duryea, Estudillo, Gates, Hartman, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, Lumley, Lynch, Manwell, McCartney, McGowan, Meincke, Mitcheltree, O'Brien, Pfaeffle, Pyle, Rolley, Severance, Stanton, Strohl, Transue, Tripp, Vogel, Walsh, Wickersham, and Mr. Speaker—41.

NOES—Messrs Anthony, Chandler, Cleveland, Coyle, Creighton, Cromwell, Devlin, Drew, Ellis, Espey, Gans, Held, John, Johnstone, King, McKenney, Moore, Olmsted, Perkins, Strobridge, Thompson, Treadwell, Waste, Weyand, and Whiting—25.

Title read and approved.

Senate Bill No. 664—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence.

Read second time.

#### MOTION.

Mr. Barnes moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 664.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker Hon. Frank C. Prescott in the chair.

Senate Bill No. 664 was considered in Committee of the Whole.

Mr. Barnes moved that the Committee of the Whole rise and report back Senate Bill No. 664, with a recommendation that it do pass.

Motion carried.

#### IN ASSEMBLY.

Speaker Hon. Frank C. Prescott in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 664—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence—and do now report the same back, and recommend that the same do pass.

PRESCOTT, Chairman.

The report of the Committee of the Whole was adopted.

Senate Bill No. 664 ordered to third reading on special Senate file.

Senate Bill No. 605—An Act for the relief of E. D. McCabe, and to appropriate money therefor.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Arnerich, Atkinson, Barnes, Beardslee, Beckett, Bliss, Branstetter, Burke, Busick, Cleveland, Cooper, Coyle, Devlin, Dorsey, Duryea, Gates, Hartman, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lumley, Lynch, Maxwell, McCartney, McGowan, O'Brien, Perkins, Pfaffle, Pyle, Stanton, Strohl, Thompson, Transue, Tripp, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—42.

NOES—Messrs. Amerige, Chandler, Espey, Gans, Held, Jones of San Francisco, King, McKenney, Meincke, Moore, Olmsted, Rolley, Strobridge, and Vogel—14.

Title read and approved.

Senate Bill No. 576—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof," approved March 23, 1901, by amending Section 201 thereof.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bliss, Branstetter, Burke, Cleveland, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Espey, Gans, Gates, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, McGowan, McKenney, Meincke, Mitcheltree, Moore, Olmsted, Perkins, Pfaffle, Pyle, Rolley, Severance, Stanton, Strobridge, Thompson, Transue, Waste, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Senate Bill No. 781—An Act amending an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens of mechanics and others.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bliss, Branstetter, Burke, Busick, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Hartman, Held, John, Johnson, Johnstone, Jones of Tuolumne, King, Lynch, McGowan, Mitcheltree, Perkins, Pfaeffe, Pyle, Rolley, Severance, Strobbridge, Strohl, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, and Mr. Speaker—45.

NOES—Messrs. Chandler and McKenney—2

Title read and approved.

Senate Bill No. 693—An Act to amend an Act entitled "An Act, authorizing certain corporations to act as executor, and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and prohibiting the use of the word "trust" in combination or connection with the word "company," "corporation," "incorporation," "association," "society," "organization," or "syndicate," by any person, corporation, or association which is not subject to the provisions of the Act last mentioned.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Beardslee, Beckett, Bliss, Branstetter, Burke, Busick, Chandler, Cleveland, Coyle, Creighton, Cromwell, Devlin, Dorsey, Duryea, Espey, Estudillo, Gans, Gates, Hartman, Held, John, Johnstone, King, Lynch, McGowan, McKenney, Meincke, Mitcheltree, Perkins, Pyle, Rolley, Severance, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Whiting, and Mr. Speaker—44

NOES—None.

Title read and approved.

Senate Bill No. 718—An Act to establish a State hospital for the care, custody, and maintenance of insane convicts, and certain other insane persons charged with commission of a felony, near Folsom, California, and to provide for the government and management thereof, and to direct the expenditure of money heretofore appropriated by an Act entitled "An Act to provide for the erection at Folsom State Prison of a building for the accommodation of insane prisoners, and making an appropriation therefor," approved March 26, 1903, and declaring that the same may be used and expended for the purposes of this Act.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Beardslee, Bliss, Branstetter, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Devlin, Estudillo, Gates, Hartman, Held, John, Johnstone, King, Lynch, McGowan, McKenney, Meincke, Perkins, Pfaeffe, Pyle, Rolley, Severance, Stanton, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Weyand, Whiting, and Mr. Speaker—41.

NOES—None.

Title read and approved.

Senate Bill No. 115—An Act making an appropriation for the payment of Division and Brigade National Guard of California Headquarters allowances for the fifty-fifth and fifty-sixth fiscal years.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Beardslee, Beckett, Branstetter, Burke, Busick, Chandler, Cooper, Cromwell, Devlin, Estudillo, Gans, Gates, Hartman, Held, John, Johnson, Johnstone, King, Lynch, McGowan, McKenney,

Meinke, Mitcheltree, Perkins, Pfaeffe, Pyle, Rolley, Severance, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Weyand, Whiting, and Mr. Speaker—41.  
Nays—None.

Title read and approved.

Senate Bill No. 262—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Beardslee, Beckett, Branstetter, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Espey, Estudillo, Gans, Gates, Held, John, Johnson, Johnstone, King, Lynch, McCartney, McGowan, McKenney, Meincke, Mitcheltree, Olmsted, Perkins, Pyle, Rolley, Severance, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—45.

NAYS—None

Title read and approved.

Senate Bill No. 448—An Act to amend Section 169 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Beardslee, Burke, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Ells, Espey, Estudillo, Gans, Gates, Hartman, Held, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, King, Lynch, Manwell, McGowan, McKenney, Meincke, Perkins, Pfaeffe, Rolley, Severance, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—47.

NAYS—None.

Title read and approved.

Senate Bill No. 382—An Act authorizing the payment of a judgment heretofore rendered in favor of Benjamin Lauer, plaintiff, against the State of California, defendant, in the Superior Court of the State of California, in and for the County of Modoc, in a cause numbered 1314 upon the register of actions maintained in the office of the clerk of said court, and making an appropriation therefor.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Beardslee, Burke, Busick, Chandler, Cleveland, Creighton, Cromwell, Devlin, Drew, Ells, Espey, Gans, Hartman, Held, John, Johnson, Johnstone, Jones of San Francisco, King, Lynch, McGowan, McKenney, Meincke, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaeffe, Pyle, Rolley, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—44.

NAYS—None.

Title read and approved.

Senate Bill No. 178—An Act confirming the organization of school districts.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Beardslee, Beckett, Bliss, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Duryea, Ells, Espey, Estudillo, Gans, Gates, John, Johnstone, Jones of San Francisco, King, Lynch, McGowan, McKenney, Meincke, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaeffe, Rolley, Stanton, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—49

NAYS—None.

Title read and approved.

Senate Bill No. 849—An Act to authorize the Board of Trustees of the Whittier State School to contract for the care and keeping of girls committed to said school in charitable or benevolent institutions or with private persons, and to pay for their care while in such institutions or with private persons.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Beckett, Burke, Busick, Chandler, Cleveland, Cooper, Cromwell, Devlin, Dorsey, Drew, Ells, Espey, Estudillo, Gans, Hartman, Held, John, Johnson, Johnstone, Jones of Tuolumne, King, Lynch, McGowan, McKenney, Meincke, Mitcheltree, O'Brien, Olmsted, Perkins, Rolley, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—46.

NOES—Mr. Creighton—1.

Title read and approved.

Senate Bill No. 659—An Act making an appropriation of \$5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing five inches of water from the East Whittier ditch, to be used at said school.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Beardslee, Beckett, Branstetter, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Hartman, Held, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, King, Lynch, Manwell, McGowan, McKenney, Meincke, O'Brien, Olmsted, Perkins, Pfaffle, Rolley, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—52.

NOES—None

Title read and approved.

#### BILL RECALLED FROM SENATE.

On motion of Mr. Treadwell, the Senate was requested to return to the Assembly Senate Bill No. 285.

#### THIRD-READING SENATE FILE—(RESUMED).

Senate Bill No. 844—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be numbered Section 196, relating to the fees of jurors.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Beardslee, Bliss, Branstetter, Burke, Busick, Chandler, Cleveland, Coghlan, Coyle, Creighton, Cromwell, Devlin, Drew, Duryea, Ells, Espey, Estudillo, Gans, Held, John, Jones of Tuolumne, Jones of San Francisco, Lynch, Manwell, McGowan, McKenney, Meincke, Mitcheltree, O'Brien, Perkins, Pfaffle, Rolley, Strobridge, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, and Whiting—44.

NOES—Messrs. Cooper, Dorsey, King, Stanton, Thompson, Transue, and Mr. Speaker—7.

Title read and approved.

#### REPORT OF STANDING COMMITTEE.

##### ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Senate Bill No. 333—An Act requiring the wardens of the State prisons of California to furnish the sheriffs of California and the Bureau of Identification with certain information concerning convicts within thirty days after receiving

said convicts, and providing for payment of the expense incurred thereby—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MCKENNEY, Chairman.

Senate Bill No. 333—An Act requiring the wardens of the State prisons of California to furnish the sheriffs of California and the Bureau of Identification with certain information concerning convicts within thirty days after receiving said convicts, and providing for payment of the expense incurred thereby.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Beardslee, Bliss, Branstetter, Busick, Cleveland, Cooper, Coyle, Craghton, Cromwell, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Held, John, Johnson, Johnstone, Jones of Tuolumne, King, Lynch, McGowan, McKenney, Meincke, O'Brien, Perkins, Pfaffle, Rolley, Stanton, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—44.

NOES—Messrs. Olmsted and Thompson—2

Title read and approved.

Senate Bill No. 748—An Act to provide that no person shall be eligible to the office of justice of the peace in any incorporated city or town of California having a population of more than ten thousand persons, excepting a regularly admitted attorney at law, and providing a special means of determining, for the purposes of this Act, the population of incorporated cities and towns.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Beardslee, Bliss, Branstetter, Burke, Busick, Cleveland, Coyle, Cromwell, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Gates, Hartman, Held, John, Johnson, Johnstone, King, Lynch, Maxwell, McGowan, McKenney, Meincke, O'Brien, Olmsted, Perkins, Pfaffle, Rolley, Stanton, Strobbridge, Thompson, Transue, Tripp, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—44.

NOES—Mr. Dorsey—1.

Title read and approved.

Mr. Treadwell moved to take up Senate messages.

Motion carried

#### SENATE MESSAGES.

The following messages from the Senate were read :

SENATE CHAMBER, SACRAMENTO, March 8, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following, as a case of urgency. Assembly Bill No. 1179—An Act to amend Section 8719 of the Political Code, relating to the levy of taxes.

Also: Passed, as a case of urgency, Assembly Bill No. 426—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations

Also: Passed, as a case of urgency, Assembly Bill No. 835—An Act making the cost of certain bonds of receivers, assignees, trustees, guardians, administrators, and executors chargeable to a certain extent against the trust estate.

Also: Adopted Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution by adding thereto a new section to Article IX, to be known as Section 13, relating to the exemption from taxation of the property now or hereafter belonging to the Cogswell Polytechnical College.

Also: Passed, as a case of urgency, Assembly Bill No. 550—An Act making an appropriation for the purchase of land adjoining the Napa State Hospital, and for the construction thereon of a dam and storage reservoir.

Also: Passed, as a case of urgency, Assembly Bill No. 136—An Act appropriating money for building an assembly hall at the Preston School of Industry.

Also: Passed, as a case of urgency, Assembly Bill No. 135—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Also: Passed, as a case of urgency, Assembly Bill No. 138—An Act appropriating money for the construction of a refrigerating plant at the Preston School of Industry

Also. Passed, as a case of urgency, Assembly Bill No. 1174—An Act entitled "An Act appropriating \$5,000 for the purpose of procuring guide-posts to be erected in the desert sections of California, and particularly in the counties of Kern, Ventura, Los Angeles, Inyo, Riverside, San Bernardino, and San Diego."

Also: Passed, as a case of urgency, Assembly Bill No. 922—An Act to amend Section 345 of the Code of Civil Procedure, relating to actions brought by the people.

Also: Passed, as a case of urgency, Assembly Bill No. 1018—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 203 thereof, relating to the compensation of county and township officers in the counties of the forty-sixth class.

Also: Passed, as a case of urgency, Assembly Bill No. 1150—An Act to add a new section to the Code of Civil Procedure, to be numbered 1110a, requiring notice to be given to the real parties in interest in certain proceedings.

Also: Passed, as a case of urgency, Assembly Bill No. 1153—An Act to amend Section 153 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to county and township officers of counties of the second class.

LEWIS A. HILBORN, Secretary of Senate  
By J. W. HARPER, Assistant Secretary

Assembly Bills Nos. 1179, 426, 835, 550, 136, 133, 138, 1174, 922, 1018, 1150, and 1153 were ordered to enrollment.

Assembly Constitutional Amendment No. 5 was ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day denied third reading to Assembly Bill No. 372—An Act to amend Section 382 of the Penal Code, relative to adulteration of foods and liquors.

Also: Passed Assembly Bill No. 411—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered 2370, relating to the duties of factors.

Also: Assembly Bill No. 775—An Act to amend Section 1771 of the Political Code, relating to powers of county boards of education.

Also: Assembly Bill No. 838—An Act to amend Section 1547 of the Penal Code, by adding a new subdivision thereto, and to repeal an Act entitled "An Act imposing certain duties upon the Governor of the State," approved April 3, 1876.

Also: Assembly Bill No. 905—An Act making an appropriation of \$5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of replumbing the main building of said school.

Also: Denied third reading to Assembly Bill No. 947—An Act to add a new section to the Penal Code, to be known as Section 653e, relating to attempts by members of boards of directors of State institutions or State commissions to ask, solicit, demand, or control appointments to be made by any officer appointed by said staff, board, or commission.

Also: Refused passage to Assembly Bill No. 400—An Act to amend the Political Code by adding a new section, to be numbered 642a, relating to the powers and authorities of the Fish Commissioners and their assistants.

Also: Passed Senate Bill No. 704—An Act to amend Sections 338, 339, 340, and 341 of the Penal Code, and to add two new sections thereto, to be known and designated as Sections 345 and 345a, all relating to pawnbrokers.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 411, 775, 838, and 905 ordered to enrollment.

Senate Bill No. 704 ordered to second reading on special Senate file.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1905

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 802—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Also: Assembly Bill No. 807—An Act to repeal an Act entitled "An Act to regulate fees in the City and County of San Francisco," approved February 9, 1866 (Statutes of California, 1865-6, Chap. XCI, pages 66-68).

Also: Assembly Bill No. 1159—An Act appropriating \$15,000 to complete and equip the building known as the President's house of the University of California, at Berkeley.

Also: Assembly Bill No. 51—An Act to prevent the sale of dairy products from unhealthy animals, and produced under unsanitary conditions, to provide for the inspection of dairy stock, dairies, factories for the production of dairy products and



places where dairy products are handled and sold, to improve the quality of dairy products of the State, to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions.

Also: Denied third reading to Assembly Bill No. 943—An Act to appropriate the sum of \$2,000 for the purpose of diffusing information regarding tuberculosis and the methods of preventing the spread of the same.

Also: Passed Assembly Bill No. 73—An Act making an appropriation of \$150,000 for the construction of an agricultural building, to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the use and accommodation of students of agriculture of the University, also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Denied third reading to Assembly Bill No. 181—An Act to create and regulate public warehouses.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary

Assembly Bills Nos. 802, 807, 1159, 51, and 73 ordered to enrollment.

#### BILL RE-REFERRED.

On motion of Mr. Cooper, Senate Bill No. 580 (No. 428 on file) was re-referred to the Committee on Ways and Means.

#### THIRD READING OF BILLS TO BE CONSIDERED THURSDAY.

Mr. Treadwell moved that the third reading of Senate bills be taken up on Thursday morning by the Speaker where the reading was discontinued at this evening's session.

So ordered.

#### THIRD-READING SENATE FILE—(RESUMED).

Senate Bill No. 501—An Act authorizing the Governor of the State of California to set apart one day each year to be designated as Arbor and Bird Day.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Beardslee, Beckett, Busick, Cooper, Cromwell, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Hartman, Held, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, King, Lynch, Maxwell, McGowan, McKenney, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Rolley, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—43.

NOES—Messrs. Cleveland and Coyle—2.

Title read and approved.

Senate Bill No. 676—An Act to pay the claim of S. P. Maslin against the State of California.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Beardslee, Busick, Cleveland, Cromwell, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Hartman, Held, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, King, Lynch, McGowan, McKenney, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Rolley, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—41.

NOES—None.

Title read and approved.

Senate Bill No. 408—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments, approved April 1, 1897, by adding a new section thereto, to be numbered 66a, relating in the amendment to the boards of supervisors of the several counties of the State, and making it their duty to furnish the

Secretary of the State Agricultural Society with certain statistical information, and declaring the same to be a county charge.

On motion of Mr. Devlin, Senate Bill No. 408 was made a special order for Thursday morning at eleven o'clock.

Senate Bill No. 399—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of \$3,000 therefor.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Bates, Beardslee, Beckett, Busick, Chandler, Cleveland, Cooper, Coyle, Cronwell, Devlin, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Hartman, Held, John, Johnstone, Jones of Tuolumne, King, Lynch, McGowan, McKenney, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaeffe, Rolley, Stanton, Strobbridge, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyman, Whiting, and Mr Speaker—45.

NOES—None.

Title read and approved.

#### REPORTS OF STANDING COMMITTEE.

##### ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 418—An Act to provide for the completion of the survey and the location and erection of the remaining milestones on the Lake Tahoe wagon road, and making an appropriation therefor

Also: Senate Bill No. 297—An Act to provide for the appointment of a board of trustees to be known as the "Trustees of Fort Humboldt," for the acquisition of the Fort Humboldt property, and provide for an appropriation for the purchase thereof by the State and for the preservation, protection, and improvement of the said property.

Also: Senate Bill No. 838—An Act to provide for deepening and widening the channel or outlet of Clear Lake, in Lake County.

Also: Senate Bill No. 663—An Act appropriating money to pay the expenses of collecting, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the International Exposition at Liege, Belgium, in 1905; also, for preparing and printing literature relating to the State for distribution at said exposition, and providing a commission and expense of commission and attaches.

Also: Senate Bill No. 197—An Act to pay the claim of D. D. McLaren against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

STANTON, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. SPEAKER: The undersigned, Chairman of your Committee on Ways and Means, to whom was referred Assembly Bill No. 422—An Act to provide for the appointment of a board of trustees to be known as the "Trustees of Fort Humboldt," for the acquisition of the Fort Humboldt property, and provide for an appropriation for the purchase thereof by the State, and for the preservation, protection, and improvement of said property.

Also: Assembly Bill No. 466—An Act making an appropriation to pay the claim of T. K. Norman.

Also: Assembly Bill No. 467—An Act making an appropriation to pay the claim of J. W. Sibole.

Also: Assembly Bill No. 1026—An Act making an appropriation to pay the claim of F. Marion Wells

Also: Assembly Bill No. 1175—An Act entitled "An Act to provide for completing the survey, locating, and constructing a highway over a point in Trinity County; thence westerly about twenty miles to connect with an existing road, and making an appropriation therefor."

Have had the same under consideration, and respectfully report the same back, and recommend that the various authors be requested to withdraw the same

STANTON, Chairman.

Senate Bills Nos. 418, 297, 663, and 197 ordered to second reading on special Senate file.

## SECOND READING OF BILL.

On motion of Mr. Weyand, Senate Bill No. 838 was called up for second reading.

Senate Bill No. 838—An Act to provide for deepening and widening the channel or outlet of Clear Lake, in Lake County.

Read second time.

Mr. Weyand offered the following amendments, which were read:

Amend the title by adding after the word "county," in printed bill, a comma (,) instead of a period (.) and add the following: "and making an appropriation therefor."

Also: In Section 1, line 3, printed bill, strike out after the word "appropriated" all of lines 4 and 5, and all of line 6 down to and including the word "mark," and insert in lieu thereof the following: "to widen and clean out all obstructions in the channel or outlet of Clear Lake, in Lake County, California, to government low-water mark, so as to prevent excessive high water in time of floods."

Also: Place a period (.) after the word "interruptedly," in line 9, and strike out all in lines 9 and 10 after the word "interruptedly."

On motion of Mr. Weyand, the amendments were adopted.

Senate Bill No. 838 was ordered to reprint, with a rush order, and to third reading on the special Senate file.

## THIRD-READING SENATE FILE—(RESUMED).

Senate Bill No. 51—An Act to add an additional section to the Code of Civil Procedure, to be numbered 583, relating to the dismissal of actions.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Bates, Beardslee, Beckett, Cooper, Cromwell, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Hartman, Held, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, Lynch, McGowan, McKenney, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Rolley, Stanton, Strobbridge, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—42.  
NOES—None.

Title read and approved.

Senate Bill No. 3—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 987½, relating to the payment of fees to attorneys assigned by courts to defend persons unable from lack of means to procure counsel.

Passed on file.

Senate Bill No. 530—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment, or other lawful termination thereof, in the State of California, defining the duty and power of such commission, and authorizing the employment of agents, clerks, and other employes, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said commission, its agents, clerks, and employes.

Read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Bates, Beardslee, Beckett, Busick, Cleveland, Cooper, Cromwell, Devlin, Dorsey, Drew, Duryea, Ells, Estudillo, Held, John, Johnstone, Jones of Tuolumne, Jones of San Francisco, King, Lumley, Lynch, Maxwell, McGowan, McKenney, McNamara, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Rolley, Strobbridge, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, and Whiting—42.  
NOES—Messrs. Espey, Gans, Stanton, and Weyand—4.

Title read and approved.

## ADJOURNMENT.

At eleven o'clock and thirty-five minutes P. M., the Assembly, on motion of Mr. Stanton, was declared adjourned until ten o'clock and thirty minutes A. M. of Thursday, March 9, 1905.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Thursday, March 9, 1905. }

The Assembly met at ten o'clock and thirty minutes A. M., pursuant to adjournment.

Hon. Frank C. Prescott of San Bernardino, Speaker of the Assembly, in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Prvor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—76.

Quorum present.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Pfaffle, its further reading was dispensed with.

## APPROVAL OF JOURNALS.

The Journals of Monday, March 6, and Tuesday, March 7, 1905, were corrected and, as corrected, approved.

## SENATE MESSAGES.

The following messages from the Senate were read:

SENATE CHAMBER, SACRAMENTO, March 8, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 589—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to change the site thereof; to provide better facilities, and to construct new and more commodious buildings for said school, and to furnish and equip the same, and for this purpose to authorize and empower the said board of trustees to sell and convey the lands and buildings of said school, and to use the proceeds therefrom for the construction of said new buildings, and to purchase furniture and equip the same.

Also: Indefinitely postponed Assembly Bill No. 1167—An Act to amend Section 611 of the Civil Code, relating to the issuance of bonds by cemetery corporations.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 941—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act."

Also, Request Assembly Bill No. 524 returned for reconsideration.

LEWIS A. HILBORN, Secretary of Senate  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 589 and 941 ordered to enrollment.

Assembly Bill No. 524 ordered returned to the Senate, as requested by that body.

#### REPORT OF STANDING COMMITTEE.

The Committee on Judiciary submitted the following report, which was ordered printed in the Journal:

#### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 2—An Act to amend Section 558 of the Civil Code of the State of California, relating to the vesting of mortgage powers.

Also: Assembly Bill No. 5—An Act concerning and confirming the organization of corporations.

Also: Assembly Bill No. 8—An Act to amend Sections 1 and 7 of an Act entitled "An Act authorizing certain corporations to act as executor, and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Also: Assembly Bill No. 29—An Act to amend Section 647 of the Penal Code of the State of California, relating to who are vagrants, and providing the punishment therefor.

Also: Assembly Bill No. 38—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1582 of the said Code of Civil Procedure, relating to the maintenance of civil actions by executors and administrators jointly with heirs or devisees.

Also: Assembly Bill No. 65—An Act to add an additional section to the Code of Civil Procedure, to be numbered 583, relating to the dismissal of actions.

Also: Assembly Bill No. 97—An Act to amend Section 608 of the Code of Civil Procedure, relating to instructions to juries.

Also: Assembly Bill No. 140—An Act to amend Section 259 of the Code of Civil Procedure, relating to the duties and powers of court commissioners of superior courts.

Also: Assembly Bill No. 141—An Act to add a new section to the Penal Code, to be numbered Section 420, relating to shipment of money or bullion on passenger coaches.

Also: Assembly Bill No. 142—An Act to amend Section 1383 of the Code of Civil Procedure, relating to the bonds of executors, administrators, and guardians.

Also: Assembly Bill No. 143—An Act to amend Sections 1365 and 1383 of the Code of Civil Procedure, relating to persons entitled to administer upon the estates of deceased persons.

Also: Assembly Bill No. 144—An Act to amend Section 1918 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the rate of interest that may be agreed upon by the parties to an agreement.

Also: Assembly Bill No. 146—An Act to amend Section 980 of the Code of Civil Procedure, relating to appeals from justices' courts.

Also: Assembly Bill No. 147—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section to be known and numbered as Section 147, relating to the disposition of homestead on divorce being granted.

Also: Assembly Bill No. 148—An Act to amend Section 1243 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to abandonment of homesteads.

Also: Assembly Bill No. 149—An Act to amend Section 987 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the arraignment of a defendant in a criminal case, and his right to counsel.

Also: Assembly Bill No. 186—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.

Also: Assembly Bill No. 196—An Act to amend Section 2955 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

Also: Assembly Bill No. 220—An Act to amend Section 853 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to complaints in the justices' courts.

Also: Assembly Bill No. 222—An Act to amend Section 896 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to costs in the justices' courts.

Also: Assembly Bill No. 223—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be known and numbered as Section 1408, relating to bonds of executors and administrators

Also: Assembly Bill No. 224—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered and known as Section 1760, relating to bonds of guardians

Also: Assembly Bill No. 310—An Act to regulate the licensing and powers of detectives within the boundaries of the State of California

Also: Assembly Bill No. 312—An Act to amend Section 1714 of the Code of Civil Procedure, relating to new trials and appeals.

Also: Assembly Bill No. 321—An Act to compel corporations doing business in the State of California to file verified quarterly statements.

Also: Assembly Bill No. 343—An Act to authorize suits against the State in certain instances, and regulating the procedure therein.

Also: Assembly Bill No. 354—An Act making it a misdemeanor to sell or exchange property under the representation, advertisement, notice, or inducement that an unidentified, unknown, unselected, or chance prize premium or premium gift, or that a stamp, trading-stamp, coupon, or other like device entitling the holder to receive such a prize, premium, or premium-gift, or that the redemption of such a stamp, trading-stamp, coupon, or other like device so given is to be part of the transaction, and providing a penalty therefor

Also: Assembly Bill No. 355—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 1408, to title eleven of part three, chapter three, article six, relating to the payment of premiums on surety bonds.

Also: Assembly Bill No. 359—An Act to amend Section 3839 of the Political Code, relating to poll tax

Also: Assembly Bill No. 416—An Act to amend the Penal Code of the State of California by amending Section 1246 thereof, relating to the duty of clerks upon appeal.

Also: Assembly Bill No. 429—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 689 of said Penal Code relative to a jury trial in criminal cases not amounting to a felony.

Also: Assembly Bill No. 430—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1042 of said Penal Code, relating to trial by jury in criminal cases not amounting to felony.

Also: Assembly Bill No. 460—An Act to amend Section 1918 of the Civil Code, relating to the rate of interest to be charged on loans, and to add a new section to the Civil Code, to be known and numbered 1921, relating to the recovery of overpaid interest, and to add a new section to the Civil Code, to be known as and numbered 1922, relating to the collection of interest upon interest, and to repeal Section 1919 of said Civil Code

Also: Assembly Bill No. 517—An Act to amend an Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 15, 1901

Also: Assembly Bill No. 523—An Act to amend an Act entitled "An Act to amend Section 1 of an Act entitled 'An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds,' approved March 23, 1893," approved March 9, 1897,' which became a law March 14, 1899," approved March 20, 1903

Also: Assembly Bill No. 539—An Act to amend Section 3805a of the Political Code of the State of California, relating to public lands upon which final payment has not been made.

Also: Assembly Bill No. 572—An Act to amend Section 1185 of the Code of Civil Procedure of the State of California, relating to what interest in the land subject to the lien

Also: Assembly Bill No. 582—An Act to amend Section 3997 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the purchase of lands sold to the State for taxes.

Also: Assembly Bill No. 587—An Act to amend an Act entitled "An Act concerning lawful fences," approved April 27, 1855, as amended by an Act entitled "An Act to amend an Act of April 27, 1855 concerning lawful fences," approved April 9, 1858, and as amended and supplemented by an Act entitled "An Act amendatory of, and supplementary to, an Act entitled "An Act concerning lawful fences," approved April 3, 1860, and as amended and supplemented by an Act entitled "An Act amendatory of, and supplementary to, an Act concerning lawful fences," approved April 27, 1855, approved May 18, 1861, and as amended by an Act entitled "An Act to amend an Act entitled an Act concerning lawful fences," approved April 27, 1855, approved April 4, 1864, by adding thereto a new section, to be known and numbered as Section 6½, relating to erection of partition fences.

Also: Assembly Bill No. 593—An Act to provide for the employment of the unemployed and of vagrants under sentence

Also: Assembly Bill No. 594—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 241 thereof, relating to the punishment of the crime of assault

Also: Assembly Bill No. 597—An Act to amend paragraph 1 of Section 939 of the Code of Civil Procedure, relating to an exception to a decision or verdict on the ground that

it is not supported by the evidence, and providing that a review on appeal may be had if the appeal is taken within sixty days after the entry of judgment.

Also: Assembly Bill No. 624—An Act amendatory of and supplemental to an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to authorize and direct the county judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,' approved March 12, 1885'"

Also: Assembly Bill No. 637—An Act to amend Section 1379 of the Code of Civil Procedure, relating to administration of estates of deceased persons.

Also: Assembly Bill No. 638—An Act to amend Section 1389 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to persons entitled to administer upon estates of deceased persons.

Also: Assembly Bill No. 648—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered 3782, relating to taxation, providing for actions to determine the validity of sales of real property.

Also: Assembly Bill No. 663—An Act to amend Sections 412 and 413 of the Code of Civil Procedure, all relating to the service of summons in civil actions.

Also: Assembly Bill No. 666—An Act to amend Section 2 of an Act entitled "An Act to authorize suits against the State, and regulating the procedure therein," approved February 28, 1893.

Also: Assembly Bill No. 667—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 199 thereof.

Also: Assembly Bill No. 690—An Act to amend Section 1240 of the Code of Civil Procedure, relating to rights of way for public uses.

Also: Assembly Bill No. 691—An Act to amend Section 1241 of the Code of Civil Procedure, relating to eminent domain.

Also: Assembly Bill No. 692—An Act to amend Section 1244 of the Code of Civil Procedure of California, relating to eminent domain.

Also: Assembly Bill No. 693—An Act to amend Section 1247 of the Code of Civil Procedure of California, relating to eminent domain.

Also: Assembly Bill No. 694—An Act to amend Section 1248 of the Code of Civil Procedure of California, relating to eminent domain.

Also: Assembly Bill No. 703—An Act to amend Section 274 of the Code of Civil Procedure, relating to services of official reporters and their fees, except in counties where a valid statute provides otherwise, and limiting the total fees which any reporter may receive during one year to the sum of \$1,000.

Also: Assembly Bill No. 727—An Act to amend Sections 338, 339, and 341 of the Penal Code, and to add two new sections thereto, and to be known and designated as Sections 345 and 345a, all relating to pawnbrokers.

Also: Assembly Bill No. 729—An Act to authorize the payment of moneys in the hands of the Governor of the State as commander-in-chief of the military forces of the State, received by him from the United States for the payment of amounts due to California United States Volunteers of the late war with Spain, under the provisions of an Act of Congress entitled "An Act to reimburse the Governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the volunteer army of the United States in the existing war with Spain," approved July 8, 1898, as amended by an Act of Congress approved March 3, 1899, direct to the heirs of any deceased claimants against said fund without administration.

Also: Assembly Bill No. 805—An Act to amend Section 13 of an Act entitled "An Act to amend an Act to authorize the incorporation of rural cemetery associations," approved April 28, 1859, and to authorize the owners of lots in such cemeteries to transfer them by deed, approved March 31, 1891.

Also: Assembly Bill No. 806—An Act repealing Section 710 of the Code of Civil Procedure, providing a procedure by which money or credits of a judgment debtor in the hands of the State of California or a public or municipal corporation or public officer may be obtained in satisfaction of judgment, and relating to the duty of courts upon the receipt of money received into court under such procedure.

Also: Assembly Bill No. 824—An Act to amend Section 581 of the Code of Civil Procedure, relating to dismissal of actions or entry of nonsuit in the Superior Court.

Also: Assembly Bill No. 826—An Act to amend Section 1036 of the Code of Civil Procedure, relating to the defendants in certain civil proceedings, requiring security for costs.

Also: Assembly Bill No. 833—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901, by adding a new section thereto to be numbered Section 8.

Also: Assembly Bill No. 841—An Act to amend the Political Code of the State of California, by amending Section 3766 thereof, relating to the publication of delinquent tax list.

Also: Assembly Bill No. 874—An Act to add a new section to the Penal Code, to be numbered 387a, relating to betting on horse racing.

Also: Assembly Bill No. 880—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 2055, relating to the production of evidence.

Also: Assembly Bill No. 892—An Act to amend Section 2031 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the taking of depositions.

Also: Assembly Bill No. 948—An Act to amend Section 381a of the Penal Code of the State of California.

Also: Assembly Bill No. 956—An Act amending Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Also: Assembly Bill No. 959—An Act to insure compliance with Section 24 of Article VI of the Constitution of this State, to promote the dispatch of judicial business and punish violations of the provisions of this Act and said section of the Constitution.

Also: Assembly Bill No. 936—An Act to amend the Civil Code of the State of California, relating to accession of real property.

Also: Assembly Bill No. 981—An Act to amend Sections 608, 611, and 616 of the Civil Code; to repeal Section 612 of the Penal Code; to change the number of Section 613 to 612, 614 to 613, 615 to 614, 616 to 615 of the Civil Code, and to add a new section thereto to be numbered 616, relating to cemetery associations.

Also: Assembly Bill No. 987—An Act to amend Section 69 of the Civil Code of the State of California, relating to marriage licenses.

Also: Assembly Bill No. 1030—An Act to amend Section 1159 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relative to recording certain instruments and validating records heretofore made.

Also: Assembly Bill No. 1033—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new section to the said code, to be numbered Section 1242½, relating to eminent domain and the condemnation of rights of way by railroads.

Also: Assembly Bill No. 1074—An Act to amend Section 506 of the Penal Code of the State of California, relating to the embezzlement of trust funds.

Also: Assembly Bill No. 1088—An Act to amend Section 686 of the Penal Code, relating to the rights of defendant in a criminal action.

Also: Assembly Bill No. 1138—An Act to amend the Civil Code of the State of California by adding two new sections thereto, to be numbered 2943 and 2944, relating to the notice to be given by trustees upon making sale of real estate and to the deed to be executed by trustees after making sales.

Also: Assembly Bill No. 1151—An Act prohibiting the use of dredges for mining purposes which fail to leave the ground so mined tillable for agricultural purposes.

Also: Assembly Bill No. 1154—An Act relating to official bonds and amending an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section, to be numbered 946.

Also: Assembly Bill No. 1168—An Act to amend Section 791 of the Political Code, relating to the number of notaries public.

Also: Assembly Constitutional Amendment No. 29—A proposed amendment to Section 17, Article VI of the Constitution of the State of California, relating to compensation of judicial officers.

Reports all of the same back without recommendation.

DURYEA, Chairman.

#### SPECIAL ORDERS.

Bills on special order file were considered, as follows:

On motion of Mr. Stanton, Senate Constitutional Amendment No. 40 was substituted on the file in place of Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense of employes of the Senate and Assembly, by amending Section 4 of Article V, relative to the canvassing of returns of election of Governor and Lieutenant-Governor.

Senate Constitutional Amendment No. 40 was read.

#### SENATE CONSTITUTIONAL AMENDMENT No. 40

Senate Substitute for Senate Constitutional Amendments Nos. 4, 15, and 23.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense of employes of the Senate and Assembly.

The Legislature of the State of California, at its regular session, commencing on the second day of January, nineteen hundred and five, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that sections two and twenty-three of article four of the Constitution of the State of California, be amended so as to read as follows:

Section 2. The sessions of the Legislature shall commence at 12 o'clock M. on the first Monday after the first day of January next succeeding the election of its members, and after the election held in the year 1880 shall be biennial, unless



the Governor shall, in the interim, convene the Legislature by proclamation. No bill shall be introduced in either house forty days after the commencement of each session without the consent of three fourths of the members thereof.

Section 23. The members of the Legislature shall receive for their services, the sum of one thousand dollars each per session, to be paid at such times during the session as may be provided by law, and mileage to be fixed by law and paid out of the State Treasury; such mileage shall not exceed ten cents per mile, and contingent expenses not exceeding twenty-five dollars per member for each session.

The Legislature may also provide for additional help, but in no case shall the total expense for employes, or attachés, exceed the sum of five hundred dollars (\$500) per day for either house, nor shall the pay of any attaché be increased after he is elected, or appointed.

The question being on the adoption of Senate Constitutional Amendment No. 40—Senate Substitute for Senate Constitutional Amendments Nos. 4, 15, and 23.

The roll was called, and Senate Constitutional Amendment No. 40 was declared adopted by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Burge, Burke, Cleveland, Coyle, Cromwell, Devlin, Dorsey, Drew, Durvea, Ellis, Espey, Gans, Gates, Hartman, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lynch, McGowan, McKenney, Meincke, Mindham, Mitcheltree, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Stanton, Strobbridge, Stroll, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—61.

NOES—None

#### MOTION TO RECONSIDER LAID ON THE TABLE.

Senate Bill No. 285—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

Mr. Waste called up the notice of motion given by Mr. Treadwell, continued until this day, to reconsider the vote whereby Senate Bill No. 285 was refused final passage.

Mr. Waste moved to reconsider the vote whereby Senate Bill No. 285 was refused final passage.

Mr. McGowan moved to lay the motion on the table.

Motion carried.

#### SPECIAL ORDERS—(RESUMED).

Senate Constitutional Amendment No. 9—Relative to the exemption from taxation of all of the buildings used solely and exclusively for the accommodation, support, and maintenance of minor orphans, or half orphans, or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use, and occupation thereof.

Senate Constitutional Amendment No. 9 was read.

#### SENATE CONSTITUTIONAL AMENDMENT No 9

Relative to the exemption from taxation of all of the buildings used solely and exclusively for the accommodation, support, and maintenance of minor orphans, or half orphans, or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use, and occupation thereof.

A resolution to propose to the people of the State of California an amendment to Article XIII by adding a new section thereto, to be known and designated as section one and three fourths (1¾), relating to the exemption from taxation of all of the buildings used solely and exclusively for the accommodation, support, and maintenance of minor orphans, or half orphans, or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use, and occupation thereof.

*Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session, commencing on the second day of January, Anno Domini one thousand nine hundred and five, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that Article XIII of the Constitu-*

tion of the State of California be amended by adding a new section thereto, to be known and designated as one and three fourths, and to read as follows:

Section 13 $\frac{3}{4}$ . All buildings, and so much of the real property on which they are situated as may be required for the convenience, use, and occupation of said buildings when the same are used solely and exclusively for the accommodation, support, and maintenance of minor orphans, half orphans, or abandoned children, shall be free from taxation; *provided*, that no building so used, which may be rented for any of said purposes, and rent received by the owner thereof, shall be exempt for taxation.

The question being on the adoption of Senate Constitutional Amendment No. 9.

#### CALL OF THE HOUSE.

Pending the roll call and the announcement of the result, Mr. Burke, at eleven o'clock and fifteen minutes A. M., moved a call of the House.  
Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Coghlan, Cooper, Dorsey, Ellis, Goodrich, Hartman, Lumley, Mitcheltree, Slaven, and Walsh—10.

The doors were ordered closed.

#### PROCEEDINGS DISPENSED WITH.

At eleven o'clock and twenty-five minutes A. M., on motion of Mr. McGowan, further proceedings under the call of the House were dispensed with.

The doors were ordered reopened.

The roll was called on the motion to adopt Senate Constitutional Amendment No. 9, and the amendment was declared lost by the following vote:

**AYES**—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Cleveland, Cullen, Devlin, Dorsey, Duryea, Estudillo, Gates, Hartman, Jarvis, John, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, Lucey, Lumley, Maxwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Moore, O'Brien, Pryor, Severance, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—51.

**NOES**—Messrs. Amerige, Chandler, Coyle, Creighton, Cromwell, Drew, Espey, Gans, Held, Johnstone, King, Lynch, Mitcheltree, Olmsted, Perkins, Pfaffle, Pyle, Rolley, Stanton, Tripp, and Waste—21.

#### SENATE MESSAGE.

Mr. McCartney moved that Senate messages be taken up as soon as reported to the House by the Secretary of the Senate.

Motion carried.

The following message from the Senate was read:

SENATE CHAMBER, SACRAMENTO, March 9, 1905.

**MR. SPEAKER:** I am directed to inform your honorable body that the Senate on this day amended and adopted Assembly Concurrent Resolution No. 27—Relative to the appointing of a committee of the Legislature to attend the funeral of the late Jane Lathrop Stanford.

Also: Amended and passed Assembly Bill No. 746—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Also: Assembly Bill No. 221—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat, and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the superior court.

And respectfully ask your concurrence in the same.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary

Assembly Concurrent Resolution No. 27—Relative to the appointing of a committee of the Legislature to attend the funeral of the late Jane Lathrop Stanford.

## SENATE AMENDMENTS.

The following Senate amendments to Assembly Concurrent Resolution No. 27 were read:

On page 1, on line 8, strike out the words and figures "two hundred and fifty (\$250)," and insert in lieu thereof the words and figures "one hundred and twenty-five (\$125)."

Also: On line 9, strike out the word "equally."

Also: On same line, strike out from the word "funds," the letter "s."

Also: On line 10, strike out the words "and Senate."

## SENATE AMENDMENTS CONCURRED IN.

Mr. Mitcheltree moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Concurrent Resolution No. 27?"

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Boyle, Burge, Burke, Busick, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, McCartney, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—59

NOES—None

Assembly Concurrent Resolution No. 27 ordered to enrollment.

Assembly Bill No. 746—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

## SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 746 were read:

Amend by striking out all of the title, and inserting in lieu thereof the following: "An Act to repeal Section 427 of an Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested."

Amend by striking out on page 3 all of lines 70 and 71, and inserting in lieu thereof the following: "Nothing in this section contained shall be construed as in anywise affecting the provisions of section four hundred and forty-four of this code."

## SENATE AMENDMENTS CONCURRED IN.

Mr. Bates moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 746?"

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Barnes, Bates, Beckett, Boyle, Burge, Burke, Busick, Chandler, Cleveland, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Espey, Gans, Gates, Hartman, Held, John, Johnson, Johnstone, Jones of Tuolumne, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—57

NOES—None.

Assembly Bill No. 746 ordered to enrollment.

Assembly Bill No. 221—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat, and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the superior court.

## SENATE AMENDMENTS.

The following Senate amendments to Assembly Bill No. 221 were read:

Amend by inserting the words "Sundays, and" after the word "except," and before the word "holidays," on line 11, page 2 of the printed bill.

Also: In lines 7 and 8, page 1, amend by striking out the words "in the court house, or in the room or rooms designated or authorized by the board of supervisors," and insert in lieu thereof "in the court house, hall of records, jail, or other buildings provided by the county through the board of supervisors."

Also: In line 5, page 1, strike out the words "tax collectors."

Also: Strike out of line 33, after the word "until," the word "one," and insert in lieu thereof the word "two."

Also: On line 6, page 1 of printed bill, strike out the words "district attorneys."

Also: On line 26, page 2, Section 1 of printed bill, strike out the period after the word "office," and insert in lieu thereof a comma, and add the following after such comma, "provided, that if any of the officers named herein are absent from their offices on official business they shall be excused from attendance at their said respective offices during the time they are so absent on such business; and provided further, that in all cases where any officer named herein has no regularly appointed deputy he shall be permitted to close his office during the hour from twelve o'clock noon to and until one o'clock p. m."

## SENATE AMENDMENTS CONCURRED IN.

Mr. Held moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 221?"

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Barnes, Bates, Beckett, Boyle, Burge, Burke Busick, Chandler, Cleveland, Coyle, Creighton, Cromwell, Callen, Devlin, Dorsey, Drew, Duryea, Espev, Gates, Hartman, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lumley, Lynch, McCartney, McGowan, McNamara, Meincke, Mindham, Mitchellree, O'Brien, Olmsted, Perkins, Pfieffle, Pryor, Pyle, Rolley, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—59.

NOES—None

Assembly Bill No. 221 ordered to enrollment.

## SENATE MESSAGES

SENATE CHAMBER, SACRAMENTO, March 9, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 852—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903.

Also: Assembly Bill No. 876—An Act to amend Section 20 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to county and township officers of counties of the sixteenth class, and providing for the compensation of such officers and their deputies.

Also: Passed Assembly Bill No. 323—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by adding a new section thereto, to be numbered Section 131a, relating to the powers and duties of the county recorder, respecting the registration of marriages, births, and deaths.

Also: Denied third reading to Assembly Bill No. 1037—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, and amended March 21, 1901, by amending Section 193 thereof, relating to the fees, salaries, and compensation of officers of counties of the thirty-sixth class."

Also: Refused passage to Assembly Bill No. 599—An Act to amend an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses, in this State," approved April 28, 1895, by amending Section 2 of said Act, establishing the fees to be charged by county clerks for issuing citizenship papers, and providing no fees for filing candidate's affidavit.

Also: Passed Assembly Bill No. 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be numbered 66a, relating in the amendment to the boards of supervisors of the several counties of the State, and

making it their duty to furnish the Secretary of the State Agricultural Society with certain statistical information, and declaring the same to be a county charge.

Also: Passed Assembly Bill No. 43—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 233 and 284 of the Penal Code of the State of California, relating to the punishment of bigamy.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 852, 876, 323, 578, and 43 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1905

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bills Nos. 285, 196, 107, 787, 539, 510, and 675.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

#### REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following report, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR SPEAKER: Your Committee on Engrossment and Enrollment have examined and found correctly enrolled the following Assembly bills:

Assembly Bill No. 1082—An Act to create a drainage district, to be called "Sacramento Drainage District," to promote drainage therein, to provide for the election and appointment of officers of said drainage district, defining the powers, duties, and compensation of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said "Sacramento Drainage District" and providing for levying and collecting assessments upon the lands within said drainage district.

Assembly Bill No. 457—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expense of actions, alimony, and actions for maintenance and support.

Assembly Bill No. 99—An Act to amend Section 1167 of the Code of Civil Procedure, relating to summons in summary proceedings for obtaining possession of real property.

Assembly Bill No. 283—An Act making an appropriation for the arrest of criminals without the limits of the State, for the fifty-fourth, fifty-fifth, and fifty-sixth fiscal years.

And presented the same to the Governor on this day at eleven o'clock and fifteen minutes A. M.

DEVLIN, Chairman.

#### SPECIAL ORDERS—(RESUMED).

Senate Bill No. 24—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof.

Read third time on a previous day.

Mr. Amerige called for the reading of the bill, as amended.

Senate Bill No. 24 read.

The question being on the final passage of the bill.

#### CALL OF THE HOUSE DENIED.

Pending the roll call and the announcement of the result, Mr. Amerige, at twelve o'clock and five minutes P. M., moved a call of the House.

The ayes and noes were demanded on the motion for a call of the House, with the following result:

AYES—Messrs. Amerige, Barnes, Beardslee, Chandler, Coyle, Cromwell, Devlin, Drew, Espey, Estudillo, Gans, Held, Houser, Johnson, Johnstone, Jones of San Francisco, King, McKenney, McNamara, Moore, Olmsted, Perkins, Pyle, Rolley, Thompson, Treadwell, Tripp, Walsh, Weyand, and Mr. Speaker—30.

NOES—Messrs. Anthony, Arnerich, Atkinson, Bates, Beckett, Boyle, Cleveland, Cooper, Creighton, Cullen, Dorsey, Duryea, Gates, Hartman, Jarvis, John, Jones of Tuolumne, Jury, Lucey, Lunley, Lynch, Maxwell, McGowan, Meineke, Mindham, Mitchellree, Pfaffie, Pryor, Severance, Strohl, Transue, Vogel, Waste, Whiting, and Wickersham—35.

The roll was called, and Senate Bill No. 24 refused passage by the following vote:

AYES—Messrs. Amerige, Barnes, Chandler, Cooper, Coyle, Cromwell, Devlin, Drew, Duryea, Espey, Estudillo, Gans, Held, Houser, John, Johnson, Johnstone, Jones of

Tuolumne, Jones of San Francisco, King, McKenney, McNamara, Moore, Olmsted, Perkins, Pyle, Rolley, Thompson, Treadwell, Tripp, Waste, Weyand, and Mr. Speaker—33.

NOES—Messrs. Anthony, Arnerich, Atkinson, Bates, Beardslee, Beckett, Boyle, Burge, Cleveland, Creighton, Cullen, Dorsey, Gates, Hartman, Jarvis, Jury, Lucey, Lumley, Lynch, Maxwell, McCartney, McGowan, Meincke, Mindham, Mitcheltree, O'Brien, Pfaffle, Pryor, Severance, Strohl, Transue, Vogel, Walsh, Whiting, and Wickersham—35.

Senate Bill No. 408—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be numbered 66a, relating in the amendment to the boards of supervisors of the several counties of the State, and making it their duty to furnish the Secretary of the State Agricultural Society with certain statistical information, and declaring the same to be a county charge.

Senate Bill No. 408 ordered withdrawn.

Senate Bill No. 626—An Act to amend Sections 3335, 3337, 3338, and 3339 of the Political Code, relating to fires and firemen.

Senate Bill No. 626 ordered withdrawn.

#### URGENCY RESOLUTION.

Mr. McCartney offered the following resolution, which was read:

*Resolved*, That Senate Bills Nos. 704, 210, 663, and 418 present a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times and placed upon their passage.

#### RESOLUTION DEFEATED.

The question being on the adoption of the resolution.

The roll was called, and the resolution was declared lost by the following vote:

AYES—Messrs. Arnerich, Atkinson, Barnes, Bates, Boyle, Burke, Cooper, Coyle, Cromwell, Devlin, Dorsey, Drew, Duryea, Espey, Estudillo, Gates, Held, Johnson, Johnstone, Jury, Lynch, McCartney, McGowan, McNamara, Meincke, Mitcheltree, O'Brien, Pfaffle, Strohl, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Mr. Speaker—37.

NOES—Messrs. Amerige, Anthony, Beardslee, Beckett, Burge, Chandler, Cleveland, Creighton, Gans, Houser, King, McKenney, Moore, Olmsted, Perkins, Pryor, Thompson, and Wickersham—18.

#### NOTICE OF RECONSIDERATION WITHDRAWN.

Mr. Beckett requested and was granted leave to withdraw his notice of motion to reconsider the vote whereby Senate Bill No. 778 was finally passed on the previous day.

Senate Bill No. 778 ordered transmitted to the Senate.

#### SPECIAL ORDERS—(RESUMED).

Senate Bill No. 809—An Act to protect the purchaser of merchandise against fraud and deception.

Read third time

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Burge, Burke, Cleveland, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Duryea, Ellis, Espey, Estudillo, Gans, Held, Johnson, Johnstone, Jury, Lynch, McCartney, McGowan, McNamara, Meincke, Moore, Perkins, Pfaffle, Strohl, Transue, Treadwell, Tripp, Vogel, Weyand, Whiting, Wickersham, and Mr. Speaker—44.

NOES—Messrs. Chandler, Houser, King, Olmsted, Thompson, and Waste—6.

Title read and approved.

## RECESS.

Mr. Espey moved that the hour for recess be extended thirty minutes. Motion lost.

The Speaker, at twelve o'clock and twenty-nine minutes P. M., on motion of Mr. Beckett, declared a recess of the Assembly until two o'clock P. M.

## AFTERNOON SESSION.

The Assembly reconvened at two o'clock P. M.  
Speaker Hon. Frank C. Prescott in the chair.

## BILL RETURNED TO SENATE.

Mr. Bates moved that Assembly Bill No. 181 be returned to the Senate, as it had been transmitted to this body by mistake.  
Motion carried.

## REPORT OF STANDING COMMITTEE.

The following report of the Committee on Rules and Regulations was received and read:

## ON RULES AND REGULATIONS

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. SPEAKER: Your Committee on Rules and Regulations report the following temporary rule, and recommend its adoption:

*Resolved*, That the remainder of this legislative day be devoted to the third reading and passage of Senate bills, to be designated by each member as his name is called, alternating from the bottom of the first column and the top of the second column of the roll call; and that the House do not adjourn for the day until each member has had an opportunity to present a bill.

McCARTNEY, Chairman.

Mr. McCartney moved the adoption of the report and resolution.  
The same were adopted.

## SPECIAL FILE OF SENATE BILLS.

Senate Bill No. 664—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Coyle, Creighton, Dorsey, Duryea, Gans, Hartman, Held, John, Johnson, Johnstone, Jury, King, Lynch, McCartney, McKenney, Mindham, Mitchellree, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Strobridge, Strohl, Treadwell, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—43.

NOES—Messrs. McNamara and Meincke—2.

Title read and approved.

Senate Bill No. 638—An Act to provide for the regulation of fires, and the protection and management of public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, making an appropriation for the purposes of this Act, and defining and providing for the punishment of certain offenses for violation of the provisions of this Act.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Boyle, Branstetter, Burge, Busick, Chandler, Cleveland, Cooper, Creighton, Cromwell, Devlin, Drew, Ellis,

Espey, Estudillo, Gans, Hartman, Held, John, Johnson, Johnstone, Jury, King, Lucey, Lynch, McCartney, McGowan, McKenney, McNamara, Meincke, Mitcheltree, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Thompson, Transue, Treadwell, Walsh, Waste, Whiting, and Mr. Speaker—51.  
 NAYS—None.

Title read and approved.

Committee Substitute for Senate Bill No. 181—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arneich, Atkinson, Barnes, Beckett, Boyle, Burge, Burke, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Dorsey, Duryea, Ellis, Estudillo, Gates, Hartman, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lynch, Manwell, McCartney, McGowan, McNamara, Meincke, Mindham, Perkins, Pfaeffle, Rolley, Severance, Slaven, Stanton, Strohl, Transue, Treadwell, Vogel, Walsh, Whiting, and Wickersham—46.

NOES—Messrs. Bates, Beardslee, Chandler, Devlin, Gans, Held, Pyle, Strobridge, Thompson, Waste, Weyand, and Mr. Speaker—12

Title read and approved.

Senate Bill No. 850—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of, and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889, relating to the alteration of such boundaries of, and for the annexation of territory to incorporated towns and cities.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Boyle, Branstetter, Burge, Burke, Cleveland, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Duryea, Espey, Estudillo, Gans, Hartman, Houser, Jarvis, John, Johnson, Jury, King, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—54.  
 NOES—Mr. Cooper—1.

Title read.

Mr. Cleveland moved to amend the title, as follows:

By inserting in line 1, printed bill, the word "entitled," after the word "Act," and before the word "an."

Amendment adopted.

Bill ordered to reprint, and on file for approval of title.

Senate Bill No. 233—An Act to provide for the establishment of municipal plants for lighting the streets and public buildings in the cities, cities and counties, and in incorporated towns in the State of California, and for the purpose of furnishing electricity and gas to the inhabitants thereof.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Cleveland, Cooper, Cullen, Duryea, Ellis, Estudillo, Gates,



Hartman, Houser, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, Lucey, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitchellree, Pfaffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Transue, Vogel, Walsh, Whiting, Wickersham, and Mr. Speaker—50.  
NOES—Messrs. Chandler, Coyle, Cromwell, Devlin, Espey, Gans, Held, King, Olmsted, Perkins, Waste, and Weyand—12.

Title read and approved.

Senate Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 182 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-fifth class.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Cooper, Coyle, Cullen, Devlin, Duryea, Ellis, Espey, Estudillo, Gans, Hartman, Held, Houser, John, Johnson, Jury, King, Lucey, Manwell, McCartney, McGowan, McNamara, Meincke, Mindham, Olmsted, Perkins, Pfaffle, Pyle, Stanton, Strobridge, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—49.

NOES—None

Title read and approved.

Senate Bill No. 818—An Act to amend Section 111 of the Penal Code of the State of California, relating to the expenses of prosecuting escapes from, and crimes committed within State prisons, and the expenses of coroner's inquests of any deceased convict.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Chandler, Cooper, Coyle, Cromwell, Cullen, Devlin, Dorsey, Duryea, Ellis, Espey, Estudillo, Gans, Hartman, Held, Jarvis, John, Johnson, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McNamara, Olmsted, Pfaffle, Pyle, Severance, Stanton, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—50.

NOES—None

Title read and approved.

Senate Bill No. 880—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 214½ thereof, approved March 23, 1901, creating the office of matron of the county jail in and for the counties of the first, second, third, fourth, and fifth classes, defining the duties and powers and fixing the term of office and compensation of, and providing for the appointment of, and the giving of official bond by such matron.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bliss, Branstetter, Burge, Burke, Coyle, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Hartman, Held, Jarvis, John, Johnson, Jury, King, Lucey, Lynch, McGowan, McKenney, McNamara, Olmsted, Pfaffle, Pyle, Severance, Stanton, Strobridge, Strohl, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Senate Bill No. 833—An Act forfeiting to the State of California all payments for State lands when a fraudulent title was sought to be obtained thereto.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Beckett, Bliss, Branstetter, Burke, Busick, Chandler, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Estudillo, Gans, Hartman, Held, Johnson, Jury, Krug, Lynch, McCartney, McGowan, McNamara, Mitcheltree, Moore, Olmsted, Pfaffie, Severance, Stanton, Strobl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Senate Bill No. 295—An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor, to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers, and compensation; providing for the rental of offices for the use of the bureau, and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law or unsafe practices are found to exist or are reported by the commissioners to the Attorney-General; providing for involuntary liquidation by trustees and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions, and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violation of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict therewith.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Burke, Chandler, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Hartman, Held, Houser, Jarvis, Johnson, King, Lucey, Lynch, McCartney, McGowan, McNamara, Mitcheltree, Moore, Olmsted, Perkins, Pfaffie, Pryor, Severance, Slaven, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Senate Bill No. 852—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Gans, Gates, Hartman, Held, Houser, Jarvis, Jury, King, Lucey, Lumley, Lynch, McCartney, McGowan, McKenney, McNamara, Mitcheltree, Moore, O'Brien, Olmsted, Pfaffie, Pryor, Severance, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Senate Bill No. 689—An Act amending the Political Code of the State of California by adding thereto a new section, numbered 3418, relating to the public lands of the State.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beckett, Boyle, Branstetter, Burge, Busick, Cleveland, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Gans, Held, Houser, Jarvis, Jury, King, Lynch, McCartney, McGowan, McKenney, McNamara, Mitcheltree, Moore, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobidge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Senate Bill No. 621—An Act to prevent any combination, agreement, confederation, compact, or understanding, directly or indirectly, by or between two or more fire insurance companies transacting business in this State, or between officers, agents, or employes of any such companies, relating to the rates to be charged for insurance, regulating and fixing the minimum price or premium to be paid for insuring property located within this State, and providing the punishment for a violation thereof, and providing certain requirements to be had for insurance companies desiring to transact business within this State in addition to the requirements now provided by law.

The question being put, "Shall the bill be read a third time?"

Mr. Atkinson moved to strike out the enacting clause.

Motion carried, and such was the order.

Senate Bill No. 887—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class.

The question being put, "Shall the bill be read a third time?"

Mr. Atkinson moved that the bill be denied a third reading.

Motion carried.

Senate Bill No. 93—An Act to amend Section 454 of the Code of Civil Procedure, relating to pleading accounts and bills of particular.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused passage by the following vote.

AYES—Messrs. Arnerich, Bates, Boyle, Branstetter, Burge, Cleveland, Cooper, Coyle, Dorsey, Duryea, Held, Jarvis, Johnson, Jury, Lynch, McCartney, McNamara, Moore, O'Brien, Pryor, Rolley, Stanton, Transue, Walsh, Waste, Whiting, and Wickersham—27.

NOES—Messrs. Anthony, Atkinson, Barnes, Beckett, Burke, Busick, Chandler, Creighton, Cromwell, Devlin, Drew, Ellis, McGowan, Mitcheltree, Olmsted, Perkins, Pfaffle, Pyle, Severance, Strobidge, Strohl, Treadwell, Tripp, Vogel, Weyand, and Mr. Speaker—26.

#### MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 9, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 862—An Act making an appropriation of \$5,000 for the purpose of building a photograph laboratory, in combination with a fireproof vault, for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.

Also Assembly Bill No. 341—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered

Section 290½, relating to the names, powers of corporations, and the purposes for which certain corporations may be formed.

Also: Assembly Bill No. 1140—An Act to authorize the Board of Trustees of the Whittier State School to contract for the care and keeping of girls committed to said school in charitable or benevolent institutions, or with private persons, and to pay for their care while in such institution or with such persons.

Also: Refused passage to Assembly Bill No. 1172—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Also: Passed Assembly Bill No. 920—An Act to amend Section 344 of the Code of Civil Procedure of the State of California

Also: Passed Assembly Bill No. 614—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities, to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality, and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.

Also: Passed Assembly Bill 932—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

LEWIS A. HILBORN, Secretary of Senate  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 19 of Article V of said Constitution, relating to the compensation of State officers

Also: Refused passage to Assembly Bill No. 938—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 25 thereof, relating to powers of boards of supervisors.

Also: Passed Assembly Bill No. 963—An Act to amend Section 770 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeals from judgments of removal from office

Also: Passed Assembly Bill No. 1040—An Act authorizing and directing the Board of State Capitol Commissioners to make certain repairs and improvements and to remodel the State Capitol building and its appurtenances, and making an appropriation therefor.

Also: Passed Assembly Bill No. 552—An Act to amend Section 182 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903

Also: Passed Assembly Bill No. 1171—An Act to amend Section 136 of the Civil Code, relating to provision for maintenance where divorce is denied.

Also: Passed Assembly Bill No. 1180—An Act to repeal Title VII of Part IV of Division First of the Civil Code, and each and every section of such title, and to substitute a new Title VII to take the place thereof in said Code, relating to telegraph and telephone corporations.

Also: Passed Assembly Bill No. 1081—An Act making an appropriation to pay the claim of Dr. George T. Hesser for professional services rendered and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon Guards Cotter, Cochrane, and Chalmers, after the prison break at the said State prison at Represa on July 27, 1903

Also: Passed Assembly Bill No. 132—An Act appropriating money for the maintenance and improvement of the water system of the Preston School of Industry, including the construction of a dam across Sutter Creek.

Also: Refused passage to Assembly Bill No. 1146—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 755 thereof, relating to the salary of the Clerk of the Supreme Court.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 862, 841, 1140, 920, 614, 932, 968, 1040, 552, 1171, 1180, 1081, 132, and Assembly Constitutional Amendment No. 12 ordered to enrollment.

SPECIAL FILE OF SENATE BILLS—(RESUMED).

Senate Bill No. 680—An Act making an appropriation to pay the claim of Dr. G. A. White for professional services rendered and expenses incurred by him at the instance and request of the State prison officials

at Represa, in attendance upon Guards Cotter and Cochrane, after the prison break at the said State prison at Represa, on July 27, 1903.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Bates, Beckett, Bliss, Boyle, Burke, Busick, Chandler, Cleveland, Coyle, Creighton, Cromwell, Devlin, Dorsey, Ells, Estudillo, Hartman, Held, Jarvis, Jones of Tuolumne, Jury, King, Lucey, Lynch, McCartney, McGowan, McKenney, McNamara, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Strobridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—57.

NOES—None

Title read and approved.

Senate Bill No. 733—An Act to amend Section 2191 of the Political Code of the State of California, relating to the return to the country or State to which they belong of insane or incompetent persons not resident for one year of the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Bates, Beardslee, Bliss, Boyle, Burke, Busick, Chandler, Coyle, Cromwell, Devlin, Ells, Espey, Gans, Held, Jarvis, John, Jones of Tuolumne, Jury, King, Lucey, Lynch, McCartney, McGowan, McKenney, McNamara, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—48.

NOES—Mr. Creighton—1.

Title read and approved.

Senate Bill No. 461—An Act to amend Section 1372 of the Political Code, relating to primary elections.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Beardslee, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Coyle, Creighton, Cromwell, Ells, Espey, Gans, Held, Jarvis, John, Jones of Tuolumne, Jury, King, Lucey, Lynch, McCartney, McGowan, McKenney, McNamara, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—48.

NOES—Mr. Cleveland—1.

Title read and approved.

Senate Bill No. 561—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Burke, Chandler, Cooper, Coyle, Creighton, Cromwell, Dorsey, Drew, Ells, Espey, Gans, Held, John, King, Lynch, McCartney, McKenney, McNamara, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Stanton, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Wickersham—46.

NOES—None.

Title read and approved.

## PRIVILEGES OF FLOOR.

The privileges of the floor were extended to Hon. William Sims, an ex-member of the Assembly.

Senate Bill No. 515—An Act to amend an Act entitled “An Act to establish a Penal Code,” approved February 14, 1872, by adding thereto a new section, to be known as Section 210, relating to crimes against children.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Coyle, Creighton, Cromwell, Cullen, Dorsey, Drew, Duryea, Ellis, Espey, Gans, Held, Jarvis, John, Johnson, Jury, King, McCartney, McGowan, McKenney, McNamara, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Slaven, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, and Wickersham—51.

NOES—None.

Title read and approved.

Senate Bill No. 528—An Act to add a new section to the Political Code, to be known as Section 1576a, providing for clerks of school boards in certain cases, and for payment of their salaries.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Cleveland, Coyle, Creighton, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Held, John, Jury, King, Lynch, McCartney, McGowan, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Senate Bill No. 855—An Act to amend Section 602 of an Act entitled “An Act to establish a Political Code,” approved March 12, 1872, and to add a new section to said Act, to be numbered 612a, relating to the liabilities of casualty insurance corporations, and the determination of the loss reserve of said corporations

The question being put, “Shall the bill be read a third time?”

Mr. Atkinson moved to strike out the enacting clause.

Motion lost.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Bates, Beardslee, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Cromwell, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Held, Jarvis, John, Jones of Tuolumne, Jury, Lynch, Manwell, McGowan, McKenney, Mitcheltree, Moore, O'Brien, Olmsted, Pfaffle, Rolley, Stanton, Strobridge, Strohl, Thompson, Transue, Tripp, Vogel, Walsh, Waste, Weyand, Wickersham, and Mr. Speaker—44.

NOES—Messrs. Atkinson, Boyle, Coyle, Creighton, Estudillo, Gans, Jobustone, King, Perkins, Pryor, Pyle, and Whiting—12.

Title read and approved.

Senate Bill No. 232—An Act to amend Section 2039 of the Code of Civil Procedure, relating to examination of persons by physicians upon order of court in damage suits.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Hartman, Held, Jones of Tuolumne, Jury, King, McCartney, McGowan, McKenney, Mitcheltree, O'Brien, Perkins, Pfaffle, Pryor, Transue, Treadwell, Tripp, Weyand, and Whiting—45.  
 NOES—Messrs. Johnstone and Walsh—2.

Title read and approved

SPEAKER PRO TEM. IN THE CHAIR.

At four o'clock and twenty minutes P. M., Hon. Thos. E. Atkinson, Speaker pro tem., in the chair.

Senate Bill No. 625—An Act to amend Section 1142 of the Political Code, relating to boards of election.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Beardslee, Coyle, Ells, Espey, Estudillo, Jury, and Rolley—7.  
 NOES—Messrs. Amerige, Arnerich, Atkinson, Barnes, Bates, Boyle, Chandler, Creighton, Cromwell, Devlin, Drew, Duryea, Gans, John, Johnstone, Jones of Tuolumne, King, Lucey, Lynch, McGowan, McKenney, Mitcheltree, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Slaven, Strobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—40.

Senate Bill No. 631—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 187 thereof, relating to salaries and fees of county and township officers in counties of the fortieth class.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Atkinson, Bates, Beardslee, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cooper, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnstone, Jury, King, Lynch, McKenney, Mitcheltree, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Strobridge, Thompson, Treadwell, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—48.  
 NOES—None

Title read and approved.

Senate Bill No. 679—An Act to provide for the construction of permanent bridge work on the Lake Tahoe wagon road, a State highway, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Boyle, Branstetter, Burge, Burke, Chandler, Cooper, Coyle, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Held, John, Johnson, Johnstone, Jones of Tuolumne, Lucey, Lynch, McKenney, Mitcheltree, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Strobridge, Thompson, Treadwell, Vogel, Walsh, Waste, Weyand, and Wickersham—50.  
 NOES—None.

Title read and approved.

Senate Bill No. 706—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of curable cases of tuberculosis, and making appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Beckett, Bhss, Boyle, Branstetter, Burge, Burke, Chandler, Cooper, Coyle, Cromwell, Devlin, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Jones of Tuolumne, Lynch, Manwell, McCartney, McGowan, McKenney, Moore, O'Brien, Pfaeffe, Pryor, Pyle, Slaven, Treadwell, Vogel, Walsh, Whiting, and Wickersham—44.

NOES—Messrs. Olmsted, Stanton, Strobridge, Thompson, Waste, and Weyand—8.

Title read and approved.

Senate Bill No. 3—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 937½, relating to the payment of fees to attorneys assigned by courts to defend persons unable from lack of means to procure counsel.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Atkinson, Bates, Beardslee, Boyle, Branstetter, Busick, Creighton, Cullen, Dorsey, Estudillo, Gans, Held, John, Jones of Tuolumne, Jury, McGowan, McKenney, Moore, Pryor, Pyle, Rolley, Slaven, and Wickersham—23.

NOES—Messrs. Amerige, Anthony, Arnerich, Beckett, Burke, Chandler, Cleveland, Cooper, Coyle, Cromwell, Devlin, Drew, Duryea, Espey, Johnson, Johnstone, King, Lucey, Lynch, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaeffe, Severance, Stanton, Strobridge, Thompson, Transue, Waste, and Weyand—31.

#### MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up and read.

SENATE CHAMBER, SACRAMENTO, March 9, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Joint Resolution No. 10—Relative to forest reserves of California.

Also: Passed Assembly Bill No. 1085—An Act appropriating money for the expenses of the care and improvement of the grounds at the John Marshall monument, at Coloma.

Also: Assembly Bill No. 381—An Act to provide for the manner of establishing heirship in cases where property is granted to the heirs of a deceased person without naming them.

Also: Adopted Assembly Joint Resolution No. 8—Relative to the establishment of a parcels post.

Also: Passed Assembly Bill No. 1083—An Act providing the manner of purchasing furniture for public county buildings by boards of supervisors in certain cases.

Also: Passed Assembly Bill No. 678—An Act providing pay for holidays for employees of the State of California, or of any political subdivision thereof.

Also: Return, without further action, Assembly Bill No. 181.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bills Nos. 605, 748, 693, 638, 181, and 295.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed Assembly Bill No. 794—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 184 thereof, relating to salaries and fees of county and township officers in counties of the twenty-sixth class.

Also: Assembly Bill No. 1156—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," by adding a new section



to said Act, to be known as Section 33½, relating to the power of the board of supervisors to appropriate from the general fund of the county moneys to aid in and carry on the work of the preservation of forests, reforestation, and the protection of forests against fire

Also: Assembly Bill No. 168—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.

And respectfully ask your concurrence in the same.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 1085, 381, 1083, and 676, and Assembly Joint Resolutions Nos. 10 and 8 ordered to enrollment.

Assembly Bill No. 181 ordered restored to Clerk's desk.

#### CONCURRENCE IN SENATE AMENDMENTS.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 168—An Act amending Section 170 of the Code of Civil Procedure?"

Amend Assembly Bill No. 168 by striking out in Section 1, page 2 of the printed bill, lines 24 to 45, inclusive, and insert in lieu thereof the following:

"4 When it appears from the affidavit or affidavits on file that either party cannot have a fair and impartial trial before any judge of a court of record about to try the case by reason of the prejudice or bias of such judge, said judge shall forthwith secure the services of some other judge of the same or some other county, to preside at the trial of said action or proceeding; *provided*, that in an action of the superior court of a county, or of a city and county, having more than one department, said action shall be transferred to another department thereof, and tried therein in the same manner as though originally assigned to such department. The affidavit or affidavits alleging the disqualification of a judge must be filed and served upon the adverse party or the attorney for such party at least one day before the day set for the trial of such action or proceeding; *provided*, counter-affidavits may be filed at least one day thereafter, or such further time as the court may extend the time for filing such counter-affidavits, not exceeding five days, and for this purpose the court may continue the trial; and in no one cause or proceeding can more than one such change of judges be had; but the provisions of this section shall not apply to the arrangement of the calendar, or to the regulation of the order of business, nor the power of transferring the action or proceeding to some other court, or the hearing upon such affidavits or counter-affidavits."

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Boyle, Branstetter, Burge, Busick, Chandler, Cleveland, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Estabill, Gans, Gates, Jarvis, John, Jones of Tuolumne, Jury, King, Lynch, McCartney, McGowan, McNamara, Mitchelltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Severance, Stanton, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, and Whiting—48.

NOES—None

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 1156—An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' by adding a new section to said Act, to be known as Section 33½, relating to the power of the board of supervisors to appropriate from the general fund of the county moneys to aid in and carry on the work of the preservation of forests, reforestation, and the protection of forests against fire?"

Amend by adding in Section 1, line 7, after the word "counties," the following. "not exceeding."

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beckett, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Devlin, Dorsey, Drew,

Duryea, Espey, Estudillo, Gang, Gates, Held, Jarvis, John, Johnson, Johnstone, Jones, of Tuolumne, Jury, King, McCartney, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Plafelle, Pryor, Pyle, Severance, Stanton, Thompson, Transue, Treadwell, Tripp, and Vogel—46.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 793—An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, and amended March 23, 1901, by amending Section 183 thereof, relating to salaries and fees of county and township officers in counties of the twenty-sixth class?"

Strike out all of lines 38 to 100, on pages 2, 3, and 4, and insert in lieu thereof the following:

"In counties of this class the township officers shall receive the following compensation, to wit:

"In townships having a population of six thousand, or more, justices of the peace shall receive a monthly salary of one hundred and twenty-five dollars per month, and constables a monthly salary of one hundred and twenty-five dollars per month.

"In townships having a population of three thousand, or more, and less than six thousand, justices of the peace shall receive a monthly salary of one hundred dollars per month, and constables a monthly salary of one hundred dollars per month.

"In townships having a population of eighteen hundred and forty-four, or more, and less than three thousand, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of sixty dollars per month.

"In townships having a population of seventeen hundred and seventy-five, or more, and less than eighteen hundred and forty-four, justices of the peace shall receive a monthly salary of ten dollars per month, and constables a monthly salary of twenty dollars per month.

"In townships having a population of seventeen hundred and sixty, or more, and less than seventeen hundred and seventy-five, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of seventy-five dollars per month.

"In townships having a population of thirteen hundred and eighty or more, and less than seventeen hundred and sixty, justices of the peace shall receive a monthly salary of ninety-five dollars per month, and constables a monthly salary of one hundred dollars per month.

"In townships having a population of eleven hundred and seventy-five, or more, and less than thirteen hundred and eighty, justices of the peace shall receive a monthly salary of eighty dollars per month, and constables a monthly salary of ninety dollars per month.

"In townships having a population of eight hundred and eighty, or more, and less than eleven hundred and seventy-five, justices of the peace shall receive a monthly salary of twenty dollars per month, and constables a monthly salary of thirty dollars per month.

"In townships having a population of seven hundred and eighty, or more, and less than eight hundred and eighty, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of fifty dollars per month.

"In townships having a population of seven hundred and sixty-five, or more, and less than seven hundred and eighty, justices of the peace shall receive a monthly salary of fifteen dollars per month and constables a monthly salary of twenty dollars per month.

"In townships having a population of six hundred and forty, or more, and less than seven hundred and sixty-five, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month.

"In townships having a population of six hundred and five, or more, and less than six hundred and forty, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month.

"In townships having a population of five hundred and sixty, or more, and less than six hundred and five, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of sixty dollars per month.

"In townships having a population of two hundred and ten or more, and less than five hundred and sixty, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month.

"In townships having a population of less than two hundred and ten, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month.

"The above-named salaries shall be in full compensation for all services of justices of the peace and constables in criminal cases; *provided*, that each constable shall be allowed and paid out of the county treasury for transporting prisoners to the county jail the actual expenses of such transportation.

"Said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

"*And, provided further*, that for the purposes of this Act, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last preceding presidential election by five.

"The salaries of township officers as herein provided for shall be paid in the same manner, at the same time, and out of the same fund as the county officers are paid."

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beckett, Boyle, Branstetter, Burke, Busick, Chandler, Cleveland, Creighton, Cromwell, Devlin, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Held, John, Jury, King, Manwell, McCartney, McGowan, McKenney, Mitchell, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—51

NOES—None.

Bill ordered to enrollment.

#### DAILY FILES DISCONTINUED.

Mr. Cromwell moved that the Chief Clerk forthwith discontinue the preparation of daily files.

So ordered.

#### RESOLUTIONS.

The following resolutions were offered:

By Mr. Estudillo:

WHEREAS, The special committee appointed at the last session of the Assembly to consider the question of State prison reform performed its duties in a most satisfactory manner and presented a report accompanied by a number of proposed bills covering a complete system of reform in the prisons of California, the Preston School of Industry and the State School at Whittier; therefore, be it.

*Resolved by the Assembly*, That a committee, consisting of the Speaker and four Assemblymen to be selected by him, be appointed for the purpose of completing the work so auspiciously begun by the holdover committee referred to, with instructions to investigate any changes or improvements in the construction or arrangements of buildings and in the system of managing the prisons, reform schools, and jails, and all places of detention for prisoners in this State, including in such investigation their system of keeping accounts, methods of punishment, dietary, segregation of inmates as regards both sex and age, and all other matters pertaining to the management of said prisons and reformatories, with a view to maintaining them fully up to the best standards of such institutions in the United States, and with instructions to report in full their findings to the next session of the Legislature. And said committee is hereby authorized to visit and investigate said prisons and reformatories, their systems and management, and accounts, construction, etc., with the right to examine any and all persons connected with said institutions, whether officers, employes, or prisoners. And said committee is hereby authorized to employ a clerk to assist them in their work. The Superintendent of State Printing is hereby directed to print such matter as said committee may require at any time.

Said committee shall be entitled to receive, payable out of the contingent fund of the Assembly, such sums, or sum, as may be necessary to defray their necessary traveling expenses, incidental to such examination and investigations, and such sum as may be required to pay the clerk employed by them under and by virtue of this resolution.

Resolution read and adopted.

By Mr. Duryea:

WHEREAS, This Assembly has passed a resolution relative to the death of Mrs. Jane L. Stanford, widow of the late Governor Stanford; and

WHEREAS, Said resolution should be preserved that future generations may know of the high esteem in which the deceased was held in her lifetime by the people of California; therefore, be it

*Resolved*, That the Chief Clerk have said resolution properly engrossed on parchment together with the names of the members of the Assembly, and that the same be suitably framed and that the same be delivered to President Jordan, to be hung in some suitable place at Stanford University, the cost of the engrossing and framing not to exceed \$250, and the Controller is hereby directed to draw his warrant on the Contingent Fund of the Assembly for said amount in favor of the Chief Clerk, and the Treasurer is directed to pay the same.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Bliss, Boyle, Branstetter, Burke, Busick, Cleveland, Creighton, Cromwell, Devlin, Drew, Espey, Gans, Gates, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, King, Lynch, McGowan, McKenney, Mitcheltree, Moore, O'Brien, Perkins, Pfaeffe, Pryor, Pyle, Severance, Stanton, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Wickersham—48

**NOES**—None

By Mr. Cromwell:

*Resolved*, That the Controller is hereby authorized and directed to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized and directed to pay the same, for the sum of \$206 85, in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly—the same being for the following bills:

W. F. Purnell .....	\$16 00
F. R. Pulford .....	14 40
Capital Telephone and Telegraph Company .....	2 00
Sunset Telephone and Telegraph Company .....	7 00
Capital Artesian Water Company .....	57 00
Capital Manufacturing Company .....	16 00
John Breuner Company .....	3 00
Henry E. Sleeper .....	1 00
Kane & Trainor Ice Company .....	23 10
A. J. Johnston Company .....	67 35
<b>Total</b> .....	<b>\$206 85</b>

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Bliss, Boyle, Burge, Busick, Chandler, Cleveland, Cromwell, Devlin, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Held, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jury, Lucey, Lynch, McCartney, McGowan, McKenney, Mitcheltree, Moore, O'Brien, Perkins, Pryor, Pyle, Severance, Slaven, Stanton, Strobbridge, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Wickersham—51.

**NOES**—None.

HON. JOHN F. PRYOR IN THE CHAIR.

At five o'clock and ten minutes P. M., the Hon. John F. Pryor, of Kings County, in the chair.

RESOLUTION.

By Mr. O'Brien:

*Resolved*, That James Strahan, Assistant Sergeant-at-Arms, be allowed the sum of \$30 as payment for overtime work and additional services rendered this Assembly, and the Controller is hereby directed to draw his warrant out of the Contingent Fund of the Assembly for said amount in favor of said James Strahan, and the State Treasurer is hereby authorized to pay the same.

Resolution read, and referred to Committee on Ways and Means.

SPEAKER PRO TEM. IN THE CHAIR.

At five o'clock and twenty-five minutes P. M., Hon. Thos. E. Atkinson, Speaker pro tem., in the chair.

REGULAR ORDER RESUMED.

Senate Bill No. 145—An Act to create and maintain a public highway between the counties of Los Angeles and Kern.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Bates, Beardslee, Bliss, Boyle, Branstetter, Burge, Burke, Chandler, Cleveland, Creighton, Cronwell, Devlin, Dorsey, Drew, Duryea, Espey, Estudillo, Gans, Gates, Held, John, Johnson, Johnstone, Jury, Lynch, Maxwell, McGowan, McKenney, Moore, Olmsted, Perkins, Pryor, Pyle, Severance, Slaven, Stanton, Thompson, Transue, Treadwell, Tripp, Walsh, Waste, Weyand, Whiting, and Wickersham—48.

NOES—Messrs. Jarvis, Jones of San Francisco, Mitcheltree, Pfaffle, Rolley, Strobbridge, and Vogel—7.

Title read and approved.

Senate Bill No. 838—An Act to provide for deepening and widening the channel or outlet of Clear Lake, in Lake County.

Read third time.

#### MOTION.

Mr. Weyand moved that the Assembly resolve into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Senate Bill No. 838.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Atkinson in the chair.

Senate Bill No. 838 was considered in Committee of the Whole.

#### IN ASSEMBLY.

Speaker pro tem. Atkinson in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905

GENTLEMEN. The Committee of the Whole have had under consideration Senate Bill No. 838, and do now report the same back, without recommendation.

ATKINSON, Chairman.

Report of Committee of the Whole adopted.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Beardslee, Boyle, Branstetter, Burke, Coghlin, Gans, Gates, Held, Jarvis, Lucey, Maxwell, McGowan, McKenney, Mitcheltree, Severance, Transue, Treadwell, Tripp, Vogel, Walsh, Weyand, and Wickersham—25.

NOES—Messrs. Chandler, Cleveland, Coyle, Devlin, Dorsey, Drew, Espey, Estudillo, John, Johnson, Johnstone, Jones of San Francisco, King, Lumley, Lynch, Moore, Olmsted, Pyle, Rolley, Stanton, Strobbridge, Thompson, Waste, and Whiting—24.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905

MR. SPEAKER Your Committee on Engrossment and Enrollment have examined and found correctly enrolled Assembly Constitutional Amendment No. 13—A resolution proposing to the people of the State of California an amendment to Article XI of the Constitution of the State of California, by adding a new section thereto, to be numbered Section 13½ of Article XI, relating to the making of public bonds payable at any place within the United States—and presented the same to the Governor on this day, at four o'clock and thirty minutes P. M.

DEVLIN, Chairman.

Also

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905

MR. SPEAKER Your Committee on Engrossment and Enrollment have examined and found correctly enrolled Assembly Bill No. 780—An Act making an appropriation of \$500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing type and printing materials to be used in the printing office at said school.

Also. Assembly Bill No. 782—An Act making an appropriation of \$2,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of constructing a reservoir to be used in storing the water supply of said school.

Also: Assembly Bill No. 785—An Act making an appropriation of \$250 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new books for the library of said school.

Also: Assembly Bill No. 850—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery and wagons, buggies, vehicles, and other articles—providing for the collection thereof, and making the violation of this Act a misdemeanor.

Also. Assembly Bill No. 915—An Act to add a new section to the Political Code of the State of California, to be known as Section 1246a, relating to canvassing and returning the vote and the delivery and custody of the roster of voters after elections and primary elections.

Also. Assembly Bill No. 916—An Act to add a new section to the Political Code of the State of California, to be known as Section 1367a, relating to primary elections and the manner of voting thereat.

Also. Assembly Bill No. 917—An Act to amend Section 1204 of the Political Code of the State of California, relating to election tickets and ballots and the manner of voting.

Also. Assembly Bill No. 975—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Act amendatory thereof; relating to compensation of county and township officers of counties of the thirteenth class.

Also. Assembly Bill No. 81—An Act to appropriate \$410 to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Also. Assembly Bill No. 471—An Act to establish and maintain a State hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health, providing for the appointment of a director thereof, an assistants; making an appropriation therefor and prescribing the duties of the State Controller and State Treasurer in relation thereto.

Also. Assembly Bill No. 191—An Act to appropriate \$12,245.00 to pay a claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 169—An Act to create a department of music in the University of the State of California; to provide a professorship of music and appropriate money therefor.

Also: Assembly Bill No. 152—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

Also: Assembly Bill No. 458—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, approved March 1885,' approved March 23, 1901," repealing Section 11 thereof, relating to issuance of temporary licenses.

Also: Assembly Bill No. 686—An Act to amend Section 1600 of the Political Code of the State of California, in regard to challenges of electors in election school trustees.

Also: Assembly Bill No. 685—An Act to amend Section 1598 of the Political Code of the State of California, prescribing the qualifications of electors voting for school trustees.

Also: Assembly Bill No. 272—An Act entitled an Act to amend Section 1670 of the Political Code of the State of California, relating to the establishment of high schools.

Also: Assembly Bill No. 839—An Act to amend Section 12 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 6, 1897, amended March 23, 1901, and fixing the compensation of grand jurors and trial jurors in criminal cases.

Also: Assembly Bill No. 742—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 201 thereof, relating to salaries and fees of county and township officers, in counties of the forty-fourth class.

Also: Assembly Bill No. 830—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 537 and 538 thereof, relating to the cases in which a writ of attachment shall issue, and to the contents of the affidavit for attachment.

Also: Assembly Bill No. 420—An Act to amend the Code of Civil Procedure of the State of California, by amending Section 851 thereof, relating to form of pleadings.

Also: Assembly Bill No. 848—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.

Also: Assembly Bill No. 157—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 131 thereof, relating to powers and duties of the courts in providing for the creation and appointment and term of office of boards, to be known as "Probation Committees," providing for the creation and appointment of probation officers, prescribing their terms of office, duties, and powers and fixing their salaries.

Also: Assembly Bill No. 401—An Act to amend Section 6 of an Act entitled an Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895.

Also: Assembly Bill No. 617—An Act to repeal an Act entitled "An Act to provide for the appointment of a Deputy Supreme Court Reporter, and to regulate his compensation," approved February 26, 1881.

Also: Assembly Bill No. 421—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the amendment thereof, approved March 3, 1901, by amending Section 106 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class.

Also: Assembly Bill No. 290—An Act making an appropriation to pay a deficiency in the appropriation for support of the Industrial Home of Mechanical Trades for the Adult Blind for the fifty-fifth and fifty-sixth fiscal years.

Also: Assembly Bill No. 286—An Act making an appropriation to pay for bituminous pavement of the street in front of the Industrial Home of Mechanical Trades for the Adult Blind.

Also: Assembly Bill No. 1178—An Act authorizing the Board of Regents of the University of California to exchange the tract of land now constituting the Santa Monica Forestry Station.

Also: Assembly Bill No. 745—An Act making an appropriation to pay assessments for sewers on street frontage at the Industrial Home of Mechanical Trades for the Adult Blind, Oakland, California.

Also: Assembly Bill No. 456—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county and township officers and providing for the appointment of certain deputy county officials.

Also: Assembly Bill No. 315—An Act to amend Section 868 of the Code of Procedure of the State of California, relating to the issuance of writs of habeas corpus issued from justices' courts, and providing that several writs may be heard at the same time to the sheriffs of counties other than the one in which justice's court may be situated.

and presented the same to the Governor on this day, at four o'clock and thirty

DEVLIN, Chairman.

RECESS.

At five o'clock and fifty-five minutes P. M., on motion of Mr. Mitchell, the Assembly was declared at recess until eight o'clock P. M. of this day.

EVENING SESSION.

The Assembly reconvened at eight o'clock P. M.

Speaker Hon. Frank C. Prescott in the chair.

BILL RECALLED FROM SENATE.

On motion of Mr. McCartney, Senate Bill No. 399 was recalled from the Senate for the purpose of correcting the title.

Senate Bill No. 850—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of

territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889, relating to the alteration of the boundaries of, and for the annexation of territory to, incorporated towns and cities.

Title, as amended, read and approved.

Ordered transmitted to the Senate.

SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 846—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, by amending Section 5 thereof.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Arnerich, Atkinson, Barnes, Bates, Beckett, Bliss, Cleveland, Coyle, Dorsey, Duryea, Gans, Gates, Held, Jarvis, John, Jones of Tuolumne, Jury, King, Lynch, Manwell, McCartney, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Strohl, Thompson, Transue, Treadwell, Vogel, Walsh, Whiting, Wickersham, and Mr. Speaker—41.

NOES—None.

Title read and approved.

Senate Bill No. 677—An Act to promote the better education of practitioners of nursing the sick in the State of California; to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation thereof.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Branstetter, Burge, Chandler, Coyle, Devlin, Dorsey, Duryea, Ellis, Gans, Gates, Hartman, Held, Jarvis, Jones of Tuolumne, Jury, King, Lynch, Manwell, McCartney, McKenney, McNamara, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffle, Pyle, Severance, Strohl, Transue, Treadwell, Vogel, Whiting, Wickersham, and Mr. Speaker—44.

NOES—Mr. Busick—1.

Title read and approved.

Senate Bill No. 747—An Act to amend Section 2181 of the Political Code, relating to the duties of guardians of insane persons.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Branstetter, Burge, Chandler, Cleveland, Coyle, Devlin, Dorsey, Drew, Duryea, Gans, Gates, Hartman, Held, Jones of Tuolumne, Jury, King, Lynch, Manwell, McCartney, McKenney, Moore, O'Brien, Olmsted, Pfaffle, Pyle, Severance, Strobridg, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Whiting, Wickersham, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Senate Bill No. 757—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

Read third time.



The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Bliss, Burge, Chandler, Coyle, Devlin, Dorsey, Duryea, Gans, Gates, Hartman, Held, Jones of Tuolumne, Jury, King, Lynch, McCartney, McKenney, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Slaven, Strobridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Walsh, Waste, Whiting, Wickersham, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Senate Bill No. 611—An Act to prescribe a method of electing boards of education in cities controlled by charters other than those controlled by the city and county government.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Arnerich, Barnes, Branstetter, Burge, Chandler, Coyle, Dorsey, Duryea, Estudillo, Gates, Held, Jarvis, Johnson, Jones of Tuolumne, King, Lynch, Maxwell, McCartney, McKenney, O'Brien, Perkins, Pryor, Pyle, Slaven, Thompson, Transue, Wickersham, and Mr. Speaker—28.

NOES—Messrs. Amerige, Anthony, Bates, Beardslee, Bliss, Devlin, Gans, Hartman, Jury, Mitcheltree, Moore, Pfaeffe, Severance, Strobridge, Strohl, Treadwell, Tripp, Vogel, Walsh, and Whiting—20.

Senate Bill No. 579—An Act to appropriate \$25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such appropriation.

The question being put, "Shall the bill be read a third time?"

Mr. McCartney moved that the bill be denied a third reading.

Motion carried, and such was the order.

Senate Bill No. 714—An Act to amend Section 503 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the qualifications of directors of banking corporations, and to add a new section thereto, to be known, as Section 306, relating to the oath of directors of banking corporations.

The question being put, "Shall the bill be read a third time?"

Mr. Atkinson moved that the bill be denied a third reading.

Motion carried, and such was the order.

Senate Bill No. 701—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Branstetter, Chandler, Cleveland, Coyle, Devlin, Dorsey, Drew, Duryea, Estudillo, Gans, Gates, Hartman, Held, Jarvis, Johnson, Jury, Maxwell, McCartney, McKenney, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaeffe, Pryor, Pyle, Rolley, Severance, Strobridge, Strohl, Transue, Treadwell, Vogel, Walsh, Whiting, Wickersham, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Senate Bill No. 599—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1115 thereof, relating to the index of the great register.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Atkinson, Barnes, Beardslee, Bliss, Boyle, Branstetter, Burge, Cleveland, Coyle, Devlin, Dorsey, Drew, Duryea, Estudillo, Gans, Hartman, Held, John-

son, Jury, King, Lynch, Manwell, McKenney, Moore, O'Brien, Olmsted, Pfaffle, Pryor, Pyle, Rolley, Strobbridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Weyand, Whiting, Wickersham, and Mr. Speaker—43.  
 NOES—None.

Title read and approved.

#### MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 9, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day returned to your honorable body, as per request, Senate Bill No. 399

LEWIS A. HILBORN, Secretary of Senate.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 2 to Senate Bill No. 461, and refused to concur in Assembly Amendment No. 1 to Senate Bill No. 461, and ask your honorable body to recede from same.

LEWIS A. HILBORN, Secretary of Senate.  
 By J. W. HARPER, Assistant Secretary.

The question being put, "Shall the Assembly recede from Assembly Amendment No. 1 to Senate Bill No. 461, as requested by the Senate?"  
 The Assembly by vote refused to recede.

#### CONFERENCE COMMITTEE APPOINTED.

The Speaker thereupon appointed as a conference committee on Senate Bill No. 461 Messrs. Rolley, Stanton, and Walsh, and directed the Chief Clerk to notify the Senate of the Assembly's action in regard to its request.

#### TITLE AMENDED.

Mr. McCartney offered the following amendment to the title of Senate Bill No. 399:

Amend by striking out of line 6 of the title of printed bill the words "three thousand," and inserting in lieu thereof the words "two thousand five hundred."

Amendment adopted.

Ordered to print, with rush order, and on file for approval of title.

Senate Bill No. 623—An Act to amend Section 205 of the Code of Civil Procedure, relating to the selecting and returning of jurors for courts of record.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Beardslee, Bliss, Branstetter, Estudillo, Jarvis, Jones of Tuolumne, Lumley, Lynch, McCartney, McGowan, McKenney, Moore, Olmsted, Pfaffle, Rolley, Stanton, Transue, and Wickersham—18.

NOES—Messrs. Amernge, Anthony, Atkinson, Barnes, Boyle, Busick, Chandler, Cleveland, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Gans, Hartman, Held, John, Johnson, King, Manwell, O'Brien, Perkins, Pryor, Pyle, Severance, Strobbridge, Strohl, Thompson, Treadwell, Tripp, Vogel, Waste, Weyand, and Whiting—37.

#### RECONSIDERATION DENIED.

In compliance with his notice, given on a previous day, Mr. Olmsted moved a reconsideration of the vote whereby Assembly Bill No. 626 was refused passage.

The roll was called, and the Senate refused to reconsider by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Beardslee, Bliss, Boyle, Branstetter, Burge, Busick, Chandler, Cromwell, Espey, Estudillo, Gates, Jarvis, Johnson, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lynch, McCartney, McKenney, Mitchell-tree, Moore, O'Brien, Olmsted, Pfaffle, Pyle, Slaven, Stanton, Thompson, Transue, Walsh, Waste, Weyand, and Mr. Speaker—37.

NOES—Messrs. Atkinson, Barnes, Cleveland, Coyle, Creighton, Devlin, Dorsey, Drew, Duryea, Gans, Hartman, Held, John, Manwell, McGowan, Perkins, Pryor, Rolley, Severance, Strobridge, Strohl, Treadwell, Vogel, Whiting, and Wickersham—25.

Senate Bill No. 788—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Boyle, Branstetter, Burge, Cleveland, Coyle, Cromwell, Cullen, Dorsey, Duryea, Espey, Gates, Hartman, Held, Jarvis, John, Jury, King, Lynch, Manwell, McCartney, McGowan, McKenney, Mitchell-tree, Moore, Olmsted, Perkins, Pfaffle, Pryor, Pyle, Severance, Slaven, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Whiting, and Mr. Speaker—47.

NOES—None.

Title read and approved.

#### NOTICE OF MOTION TO RECONSIDER WITHDRAWN.

Mr. Jones, by consent, withdrew his notice of motion to reconsider the vote whereby Senate Bill No 533 was on yesterday passed.

#### RECONSIDERATION OF VOTE.

Mr. Treadwell moved to reconsider the vote whereby Senate Bill No. 714 was this day refused a third reading.

Motion unanimously carried.

The Chief Clerk was directed to request the return from the Senate of Senate Bill No. 714 that it might be restored to file.

Senate Bill No. 401—An Act entitled "An Act to amend Section 1880 of the Code of Civil Procedure of the State of California," relating to persons who can not testify.

Read third time.

Mr. Duryea, at nine o'clock and forty minutes P. M., moved a call of the House.

Motion lost.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Bliss, Boyle, Branstetter, Cleveland, Cullen, Duryea, Ellis, Hartman, Jarvis, Jones of Tuolumne, Jones of San Francisco, Jury, Lumley, McGowan, Mitchell-tree, Pfaffle, Pyle, Rolley, Severance, Slaven, Stanton, Strohl, Transue, Vogel, Walsh, Whiting, and Wickersham—30.

NOES—Messrs. Amerige, Barnes, Beardslee, Burge, Busick, Chandler, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Espey, Estudillo, Gans, Held, John, Johnson, King, Lynch, Manwell, McCartney, McKenney, Moore, Olmsted, Perkins, Pryor, Strobridge, Thompson, Treadwell, Tripp, Waste, Weyand, and Mr. Speaker—34.

## SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 9, 1905.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bills Nos. 651, 850, 757, and 599.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1905.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following (as a case of urgency): Assembly Bill No. 705—An Act to add a new section to the Code of Civil Procedure, to be known as Section 203, relating to the discharge of jurors in courts of record.

Also: Passed (as a case of urgency) Assembly Bill No. 923—An Act to provide for the construction of permanent bridge work on the Lake Tahoe wagon road, a State highway, and making an appropriation therefor.

Also (Made a case of urgency and refused passage) Assembly Bill No. 843—An Act to amend Sections 3, 7, and 10 of an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Assembly Bills Nos. 705 and 923 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1905.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to concur in Assembly Concurrent Resolution No. 29—Relative to providing for a committee of six to investigate the building and loan associations of this State, and to report to the thirty-seventh session such legislation as they deem necessary, and providing for the expenses thereof.

Also: Return, as per your request, Senate Bill No. 714

Also: Have appointed Senators Lukens, Belshaw, and Selvage as a committee for conference on Senate Bill No. 461.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

## REGULAR ORDER—(RESUMED).

Senate Bill No. 367—An Act to regulate the practice of pharmacy in the State of California.

Read third time

## SELECT COMMITTEE AMENDMENT.

Mr. Beardslee moved that a select committee of one be appointed to amend Senate Bill No. 367, as follows:

Insert after word "board," in line 3, Section 1, on page 5 of the printed bill, the following: "to keep a full and complete record of all proceedings of said board, and permanently file all records, including all examination papers, and the same shall be subject to public inspection."

Motion lost.

The question recurring on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Atkinson, Beardslee, Bliss, Boyle, Burke, Busick, Chandler, Coghlan, Coyle, Creighton, Cromwell, Cullen, Drew, Ellis, Espey, Gans, Hartman, Held, Johnson, Jury, Lumley, Manwell, McCartney, McGowan, McKenney, Mitchell, Moore, O'Brien, Olmsted, Pfaffle, Pyle, Stanton, Strobridge, Thompson, Treadwell, Vogel, Weyand, Whiting, Wickersham, and Mr. Speaker—42.

NOES—Arnerige, Barnes, Bransietter, Burge, Cleveland, Cooper, King, Lynch, Perkins, Slaven, and Walsh—11

Title read and approved.

Mr. Treadwell moved to take up Senate Bill No. 714.

Motion carried.

Senate Bill No. 714—An Act to amend Section 303 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the qualifications of directors of banking corporations, and to add a new section thereto, to be known as Section 306, relating to the oath of directors of banking corporations.

Read third time.

#### SELECT COMMITTEE AMENDMENT.

Mr. Treadwell moved that a select committee of one be appointed to amend Senate Bill No. 714, as follows:

Strike out of the title, in line 2 thereof, the words "section three hundred and three (303) of."

Also: Strike out of line 5 of title the words "and to add." and insert in lieu thereof the words "by adding."

Also: Strike out all of Section 1.

Also: In Section 2, line 1, change the figure "2" to the figure "1."

Motion carried.

Mr. Treadwell was appointed such select committee of one.

#### REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 714—An Act to amend Section 303 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the qualifications of directors of banking corporations, and to add a new section thereto, to be known as Section 306, relating to the oath of directors of banking corporations—with instructions, does now report that the instructions of the Assembly have been carried out.

TREADWELL, Committee

Report of the select committee of one adopted.

Bill ordered to print, with rush order.

Senate Bill No. 827—An Act to amend Section 627 of the Penal Code of the State of California, relating to trespassing upon enclosed cultivated or other private lands.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coyle, Creighton, Cromwell, Dorsey, Drew, Ellis, Gans, Hartman, Held, John, Johnson, Lumley, Lynch, McCartney, McGowan, Mitchellree, Perkins, Pyle, Slaven, Stanton, Thompson, Transue, Treadwell, Tripp, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—42.

NOES—Messrs. Boyle, Severance, Strohl, and Vogel—4

Title read and approved.

Senate Bill No. 248—An Act adding a new section to the Political Code, to be known as Section 3769½, providing for giving notice of tax sales in certain cases.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Boyle, Burge, Burke, Cleveland, Coghlan, Cooper, Coyle, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Held, John, Johnson, Jones of Tuolumne, King, Lynch, McGowan, Mitchellree, Olmsted, Perkins, Pacific, Pyle, Severance, Slaven, Strobridge, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—42.

NOES—Messrs. Busick, Chandler, Creighton, Cromwell, Thompson, Transue, and Tripp—7.

Title read and approved.

## SPEAKER PRO TEM. IN THE CHAIR.

At ten o'clock and twenty minutes P. M., Hon. T. E. Atkinson, Speaker pro tem., in the chair.

Senate Bill No. 399—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of \$2,500 therefor.

Title, as amended, read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 755—An Act to amend Sections 771, 778, and 782 of the Political Code, and to repeal Sections 779, 780, and 781 of said Code, all relating to the preparation and publication of the opinions of the Supreme Court and of the District Courts of Appeal.

Read third time.

The question being on the final passage of the bill.

## CALL OF THE HOUSE DENIED.

Mr. Dorsey, at ten o'clock and forty minutes P. M., moved a call of the House.

Motion lost.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Atkinson, Busick, Cleveland, Creighton, Dorsey, Held, Johnson, Jones of Tuolumne, King, McKenney, Pyle, Rolley, Slaven, Stanton, Transue, and Wickersham—16.

NOES—Messrs. Amerige, Anthony, Boyle, Branstetter, Burke, Chandler, Cooper, Coyle, Cromwell, Drew, Espey, Estudillo, Gans, Jones of San Francisco, Lynch, McGowan, Mitcheltree, O'Brien, Olmsted, Perkins, Strobridge, Treadwell, Tripp, Waste, Weyand, and Whiting—26.

Senate Bill No. 288—An Act making an appropriation to pay the claim of Richard Price Morgan.

Read third time.

The question being on the final passage of the bill.

## CALL OF THE HOUSE.

Pending the calling of the roll and the announcement of the result, Mr. Cromwell, at ten o'clock and fifty minutes P. M., moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Beardslee, Boyle, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Espey, Estudillo, Gans, Gates, Hartman, Held, John, Johnson, Jones of San Francisco, King, Lynch, Manwell, McCartney, McGowan, McKenney, Mitcheltree, Olmsted, Perkins, Pfaffle, Severance, Slaven, Strobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Whiting, and Mr. Speaker—47.

The doors were ordered closed.

The Sergeant-at-Arms was furnished with a list of unexcused members.

At eleven o'clock P. M., the Sergeant-at-Arms brought Messrs. Walsh, Stanton, Weyand, and Jones of San Francisco before the bar of the House.

On motion of Mr. Stanton, at eleven o'clock and five minutes P. M. further proceedings under the call of the House were dispensed with.

The doors were ordered reopened.

The Speaker pro tem. announced that Senate Bill No. 288 passed by the following vote:

AYES—Messrs. Amerige, Americh, Atkinson, Beardslee, Boyle, Burke, Busick, Chandler, Creighton, Cromwell, Devlin, Dorsey, Drew, Espey, Estudillo, Gans, Gates, Hartman, John, Johnson, King, Lynch, Manwell, McCartney, McGowan, McKenney, Mitchelltree, Olmsted, Perkins, Pfaffle, Severance, Slaven, Stanton, Strobbridge, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—44.

NOES—Messrs. Anthony, Cleveland, Cooper, and Coyle—4.

Title read and approved.

#### REPORT OF STANDING COMMITTEE.

The Committee on Ways and Means presented the following report, which, without being read, was ordered printed in the Journal:

#### FINAL REPORT OF COMMITTEE ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905

MR. SPEAKER. Your Committee on Ways and Means begs leave to submit its report for the two weeks ending March 10, 1905, as follows:

Feb. 24, Senate Bill No. 226—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children.....	\$8,000 00
24, Assembly Bill No. 867—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of curable cases of tuberculosis.....	150,000 00
24, Assembly Bill No. 1081—An Act making an appropriation to pay the claim of Dr. Geo. T. Hesser.....	150 00
24, Senate Bill No. 282—An Act making an appropriation to pay for rent, library, and furnishing quarters for District Courts of Appeal.....	25,000 00
24, Senate Bill No. 215—An Act to appropriate the sum of \$25,000 for the erection of a workshop on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind in Alameda County.....	25,000 00
24, Senate Bill No. 605—An Act for the relief of E. D. McCabe.....	3,333 00
24, Senate Bill No. 62—An Act to appropriate the sum of \$20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon the Sonora and Mono road.....	20,000 00
24, Senate Bill No. 325—An Act making an appropriation of \$668.65 to pay the claim of Edward W. Lehner.....	668 65
24, Assembly Bill No. 657—An Act to establish a State refinery of petroleum.....	250,000 00
24, Assembly Bill No. 641—An Act making an appropriation of \$5,000 to be used by the Governor, Attorney-General, and Secretary of State.....	5,000 00
27, Assembly Bill No. 731—An Act to appropriate \$50,000 for the repair of the building of the State Normal School at Los Angeles.....	50,000 00
27, Assembly Bill No. 985—An Act to establish a California State Irrigation School and Experimental Farm.....	50,000 00
27, Assembly Bill No. 875—An Act to amend an Act entitled "An Act making an appropriation to the directors of the California State Agricultural Society".....	
28, Senate Bill No. 676—An Act to pay the claim of S. P. Maslin.....	4,800 00
Mar. 1, Senate Bill No. 7—An Act to provide for the erection of a State historical building, to be located in the City of Los Angeles.....	125,000 00
1, Senate Bill No. 297—An Act to provide for the appointment of a board of trustees, to be known as the "Trustees of Fort Humboldt".....	35,000 00
1, Senate Bill No. 605—An Act for the relief of E. D. McCabe.....	3,333 00
1, Senate Bill No. 508—An Act to appropriate \$40,000 for the purchase of additional land for the use of the Stockton State Hospital.....	40,000 00
2, Senate Bill No. 273—An Act appropriating money for the building of a library and gymnasium.....	30,000 00
2, Assembly Bill No. 1165—An Act appropriating the sum of \$20,000 for construction of a building, and supporting and maintaining a university school of observation and practice.....	25,000 00
2, Senate Bill No. 302—An Act making an appropriation to pay the claim of H. W. Randal.....	1,000 00
2, Senate Bill No. 399—An Act to purchase from the heirs of William Cogswell, deceased, two paintings.....	3,000 00
2, Assembly Bill No. 1173—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California".....	
3, Senate Bill No. 530—An Act creating a commission, to be known as the "California Relief Commission".....	7,200 00

Mar. 4, Senate Bill No. 659—An Act making an appropriation of \$5,000 to be used by the Board of Trustees of the Whittier State School .....	\$3,907 50
6, Assembly Bill No. 985—An Act to establish a California State Irrigation School and Experimental Farm .....	50,000 00
6, Assembly Bill No. 1174—An Act entitled "An Act appropriating the sum of \$5,000 for the purpose of procuring guide-posts to be erected in the desert section of California" .....	5,000 00
6, Senate Bill No. 238—An Act making an appropriation to pay the claim of Richard Price Morgan .....	3,000 00
7, Senate Bill No. 197—An Act to pay the claim of D. D. McLaren .....	400 00
7, Senate Bill No. 663—An Act appropriating money to pay the expenses of collecting, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the International Exposition at Liege, Belgium .....	6,000 00
7, Senate Bill No. 838—An Act to provide for deepening and widening the channel or outlet of Clear Lake .....	20,000 00
7, Assembly Bill No. 1026—An Act making an appropriation to pay the claim of F. Marion Wells .....	1,700 00
7, Senate Bill No. 638—An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands .....	17,600 00
7, Assembly Bill No. 1175—An Act entitled "An Act to provide for completing the survey, locating, and constructing a highway over a point in Trinity County" .....	15,000 00
7, Senate Bill No. 145—An Act to create and maintain a public highway between the counties of Los Angeles and Kern .....	20,000 00
7, Senate Bill No. 418—An Act to provide for the completion of the survey and the location and erection of the remaining milestones on the Lake Tahoe wagon road .....	2,000 00
7, Senate Bill No. 128—An Act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry .....	4,170 47
7, Senate Bill No. 138—An Act appropriating money for the purchase of books for the library of the Preston School of Industry .....	500 00
7, Senate Bill No. 187—An Act appropriating money for the purchase of bedding and furniture, and for repairs for the use of the Preston School of Industry .....	2,500 00
7, Senate Bill No. 209—An Act appropriating money for rebuilding and renting the trades building at the Preston School of Industry .....	25,000 00
7, Senate Bill No. 210—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry .....	3,000 00
7, Senate Bill No. 211—An Act appropriating money for constructing a refrigerating plant at the Preston School of Industry .....	2,500 00
7, Senate Bill No. 212—An Act appropriating money for building an assembly hall at the Preston School of Industry .....	10,000 00
Total .....	\$1,053,762 62

*Bills Reported Favorably.*

Feb. 23, Senate Bill No. 10 .....	\$10,000 00
24, Senate Bill No. 133 .....	25,000 00
24, Senate Bill No. 148 .....	15,000 00
24, Senate Bill No. 225 .....	17,500 00
24, Senate Bill No. 228 .....	43,000 00
24, Senate Bill No. 257 .....	4,500 00
24, Assembly Bill No. 547 .....	65,000 00
24, Assembly Bill No. 548 .....	3,500 00
24, Assembly Bill No. 80 .....	81,000 00
24, Assembly Bill No. 413 .....	130,000 00
24, Assembly Bill No. 550 .....	40,000 00
24, Assembly Bill No. 438 .....	150 00
24, Assembly Bill No. 723 .....	15,000 00
24, Assembly Bill No. 241 .....	25,000 00
24, Assembly Bill No. 242 .....	15,000 00
24, Assembly Bill No. 712 .....	17,600 00
24, Senate Bill No. 226 .....	3,000 00
27, Assembly Bill No. 784 .....	785 00
27, Assembly Bill No. 556 .....	10,000 00
27, Assembly Bill No. 943 .....	2,000 00
27, Senate Bill No. 334 .....	1,500 00
27, Senate Bill No. 171 .....	150,000 00
27, Assembly Bill No. 905 .....	5,000 00
27, Assembly Bill No. 1038 .....	1,580 47
27, Assembly Bill No. 1035 .....	250 00



Feb. 27, Assembly Bill No. 123	\$12,000 00
27, Assembly Bill No. 137	1,000 00
27, Assembly Bill No. 135	4,170 47
27, Assembly Bill No. 134	20,000 00
27, Assembly Bill No. 133	250 00
27, Assembly Bill No. 73	150,000 00
27, Assembly Bill No. 138	2,500 00
27, Assembly Bill No. 554	10,000 00
27, Assembly Bill No. 660	5,000 00
27, Assembly Bill No. 608	60,000 00
27, Assembly Bill No. 609	25,000 00
27, Assembly Bill No. 661	1,620 50
27, Assembly Bill No. 51	11,500 00
27, Assembly Bill No. 862	5,000 00
27, Assembly Bill No. 544	22,808 15
27, Assembly Bill No. 153	2,000 00
27, Assembly Bill No. 923	6,000 00
27, Senate Bill No. 215	25,000 00
27, Senate Bill No. 62	20,000 00
27, Senate Bill No. 325	668 65
28, Assembly Bill No. 763	2,500 00
28, Senate Bill No. 565	783 00
28, Senate Bill No. 144	915 94
28, Senate Bill No. 539	300 00
28, Assembly Bill No. 1034	17,300 00
28, Assembly Bill No. 1039	352,925 00
28, Assembly Bill No. 1040	175 73
28, Assembly Bill No. 1080	25,000 00
28, Assembly Bill No. 606	9,000 00
28, Assembly Bill No. 382	55 00
28, Assembly Bill No. 1081	150 00
28, Assembly Bill No. 731	40,000 00
28, Assembly Bill No. 436	3,000 00
28, Assembly Bill No. 465	952 50
28, Assembly Bill No. 424	1,765 00
Mar 1, Assembly Bill No. 801	2,500 00
1, Assembly Bill No. 552	30,000 00
1, Senate Bill No. 605	3,333 00
1, Senate Bill No. 508	40,000 00
3, Senate Bill No. 676	4,800 00
3, Senate Bill No. 273	30,000 00
3, Senate Bill No. 399	3,000 00
3, Senate Bill No. 530	7,200 00
3, Senate Bill No. 659	3,907 50
3, Senate Bill No. 288	3,000 00
7, Assembly Bill No. 985	50,000 00
7, Assembly Bill No. 1174	5,000 00
7, Senate Bill No. 302	1,000 00
7, Senate Bill No. 653	17,600 00
7, Senate Bill No. 145	20,000 00
7, Senate Bill No. 128	4,170 47
7, Senate Bill No. 138	250 00
7, Senate Bill No. 187	1,000 00
7, Senate Bill No. 209	20,000 00
7, Senate Bill No. 211	2,500 00

\$1,920,363 65

*Bills Recalled.*

Feb. 24, Assembly Bill No. 378	\$7,500 00
24, Assembly Bill No. 474	7,500 00
24, Assembly Bill No. 306	20,000 00
24, Assembly Bill No. 307	15,000 00
24, Assembly Bill No. 309	55,000 00
26, Assembly Bill No. 616	8,500 00
27, Assembly Bill No. 280	250,000 00
27, Assembly Bill No. 308	15,000 00
27, Assembly Bill No. 453	20,000 00
27, Assembly Bill No. 847	3,333 00
27, Assembly Bill No. 130	25,000 00
27, Assembly Bill No. 262	181 61
28, Assembly Bill No. 276	250,000 00
28, Assembly Bill No. 83	10,000 00
28, Assembly Bill No. 730	9,000 00
28, Assembly Bill No. 513	45,616 30
28, Assembly Bill No. 983	1,500 00

Feb. 28, Senate Bill No. 601 .....	\$2,500 00
28, Senate Bill No. 282 .....	25,000 00
Mar. 1, Assembly Bill No. 63 .....	100,000 00
8, Assembly Bill No. 467 .....	1,037 00
8, Assembly Bill No. 466 .....	322 00
8, Assembly Bill No. 1026 .....	1,700 00
8, Assembly Bill No. 1175 .....	15,000 00

\$888,689 91

*Bills Returned Without Recommendation.*

Mar. 1, Assembly Bill No. 718 .....	\$500,000 00
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*Bills Returned to Desk.*

Mar. 1, Senate Bill No. 7 .....	\$125,000 00
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*Reductions in Appropriations.*

Total reduction .....	\$583,190 24
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*Bills Reported Unfavorably.*

Feb. 24, Assembly Bill No. 595 .....	\$20,000 00
24, Senate Bill No. 378 .....	4,500 00
24, Senate Bill No. 508 .....	40,000 00
27, Assembly Bill No. 136 .....	10,000 00
27, Assembly Bill No. 169 .....	6,000 00
27, Assembly Bill No. 132 .....	3,000 00
27, Assembly Bill No. 66 .....	300,000 00
27, Assembly Bill No. 279 .....	25,000 00
27, Assembly Bill No. 303 .....	5,000 00
27, Assembly Bill No. 623 .....	25,000 00
27, Assembly Bill No. 854 .....	2,000 00
27, Assembly Bill No. 382 .....	915 94
27, Assembly Bill No. 792 .....	15,000 00
27, Assembly Bill No. 633 .....	100,000 00
27, Assembly Bill No. 906 .....	5,000 00
27, Assembly Bill No. 600 .....	25,000 00
27, Assembly Bill No. 657 .....	250,000 00
27, Assembly Bill No. 641 .....	5,000 00
27, Senate Bill No. 605 .....	3,333 00
28, Assembly Bill No. 271 .....	650 00
28, Assembly Bill No. 454 .....	25,000 00
28, Assembly Bill No. 530 .....	2,000 00
28, Assembly Bill No. 349 .....	20,000 00
28, Assembly Bill No. 418 .....	1,556 78
28, Assembly Bill No. 342 .....	250 00
28, Assembly Bill No. 962 .....	20,000 00
28, Assembly Bill No. 316 .....	60,000 00
28, Assembly Bill No. 588 .....	60,000 00
28, Assembly Bill No. 867 .....	150,000 00
28, Assembly Bill No. 985 .....	50,000 00
Mar. 1, Assembly Bill No. 259 .....	4,000 00
1, Assembly Bill No. 200 .....	3,500 00
2, Assembly Bill No. 74 .....	6,000 00
3, Assembly Bill No. 763 .....	1,000 00
3, Assembly Bill No. 1165 .....	25,000 00
7, Senate Bill No. 210 .....	3,000 00
7, Senate Bill No. 212 .....	10,000 00
8, Senate Bill No. 297 .....	35,000 00
8, Senate Bill No. 197 .....	400 00
8, Senate Bill No. 237 .....	6,000 00
8, Senate Bill No. 838 .....	20,000 00
8, Senate Bill No. 418 .....	2,000 00
8, Assembly Bill No. 422 .....	35,000 00

\$1,385,405 72

*Recapitulation.*

Total amount of appropriations referred to this committee to date .....	\$14,346,390 19
Total appropriations reported favorably .....	\$10,292,770 57
Bills reported unfavorably .....	1,549,405 72
Total reduction in appropriations .....	583,190 24
Bills withdrawn .....	1,296,023 66
Appropriations returned to desk .....	125,000 00
Appropriations returned without recommendation .....	500,000 00

\$14,346,390 19

Respectfully submitted.

STANTON, Chairman.

## REGULAR ORDER—(RESUMED).

Senate Bill No. 785—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Beardslee, Boyle, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Ellis, Estudillo, Gans, Gates, Held, John, Jones of Tuolumne, King, Lumley, Lynch, McGowan, McKenney, Mitcheltree, Olmsted, Perkins, Pfaeffle, Slaven, Stanton, Strobridge, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—47.

NOES—None.

Title read and approved.

## MESSAGES FROM THE SENATE.

The following Senate messages were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 8, 1905

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendment to Senate Bill No. 389

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1905

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 855—An Act to amend Section 213 of the Penal Code, and to add a new section thereto, to be numbered 214, relating to the crime of robbery, and punishment therefor.

Also Assembly Bill No. 869—An Act to add a new section to the Penal Code, to be numbered 867a, prohibiting unauthorized performances and representations of certain dramatic or musical compositions.

Also Assembly Bill No. 753—An Act to pay the claim of Philip Bauer against the State of California, and to make an appropriation therefor.

Also: Assembly Bill No. 320—An Act to amend Section 3821 of the Political Code of the State of California, relating to the collection of taxes

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. HARPER, Assistant Secretary

Assembly Bills Nos. 855, 869, 753, and 320 ordered to enrollment.

## REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905

MR SPEAKER: Your Committee on Engrossment and Enrollment have examined and found correctly enrolled Assembly Concurrent Resolution No. 25—

WHEREAS, The Lewis and Clark International Exposition is intended to commemorate an event of great importance in the history of the United States, and more particularly of the entire Pacific Coast, and

WHEREAS, It is fit and proper that the State of California shall be officially represented in the exercises incidental to the formal opening of such exposition in the City of Portland, Oregon, May 11, 1905, therefore, be it

*Resolved by the Assembly of the State of California, the Senate concurring*, That, as part of such celebration, the Lieutenant-Governor shall appoint five members of the Senate, and the Speaker of the Assembly shall name a like number of members of the Assembly who, with the Governor, the Lieutenant-Governor, the President pro tem. of the Senate, and the Speaker and the Speaker pro tem. of the Assembly shall represent the State of California at the time and place and the occasion mentioned;

*Resolved*, That for the purposes aforesaid, the sum of three thousand dollars, or as much as may be necessary, is hereby appropriated, one half from the Contingent Fund of the Senate and one half from the Contingent Fund of the Assembly, the same to be expended under the supervision and direction of the select committee authorized, and in the manner herein set forth.

Assembly Constitutional Amendment No. 11—To propose to the People of the State of California, amending Section 17 of Article VI of the Constitution, relating to the judiciary.

Assembly Concurrent Resolution No. 28—*Resolved by the Assembly and the Senate concurring.* That the following special joint rule be adopted:

Special Joint Rule No. 2—After twelve o'clock midnight, Tuesday, March 7th, 1905, no Assembly bills shall be passed by the Assembly except Assembly bills in conference, and no Senate bills shall be passed by the Senate except Senate bills in conference. This special joint rule shall not apply to the general appropriation bill, the tax levy bill, or bills that have been delayed by notice of reconsideration. That no business affecting bills be transacted by either house after twelve o'clock midnight of Thursday, March 9th, 1905, and that both houses adjourn at midnight on Thursday, March 9th, 1905, until 9:30 A. M. of Friday, March 10th, 1905.

Assembly Bill No. 1177—An Act transferring money from the General Fund to the State Printing Fund, to defray expenses of legislative printing for the thirty-sixth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Assembly Concurrent Resolution No. 21—*Resolved by the Assembly of the State of California, the Senate concurring.* That a joint committee of the Senate and Assembly, consisting of four members, be appointed, two by the President of the Senate and two by the Speaker of the Assembly, to examine into and report upon all matters connected with or in any way appertaining to the system of revenue and taxation in this State; and to further report such constitutional and legislative measures as may be deemed necessary to the revision and reform of said system of revenue and taxation.

*Resolved.* That said joint committee be and it hereby is authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters and things hereinabove enumerated, and to that end to employ all necessary clerical and expert assistants; and that said joint committee be and it is hereby authorized and empowered to send for persons and papers, and to take all necessary means to procure the attendance of witnesses and testimony; and the members of said joint committee are, and each of them is, hereby authorized to administer oaths; and that all the provisions of Article VIII, of Chapter II, Title I, of Part III, of the Political Code of this State, relative to the "attendance and examination of witnesses before the Legislature and committees thereof," shall apply to the joint committee appointed under this resolution, and that the Sergeant-at-Arms of either the Senate or the Assembly is hereby authorized and directed to serve any and all subpoenas and orders or other process that may be issued by the chairman of said joint committee, when directed to do so by the said chairman.

*Resolved.* That in the event provision is made by law for the existence of a commission for the revision and reform of the system of revenue and taxation in force in this State, of which the aforementioned committee is to be a constituent part, then and in that event, the joint committee aforesaid and the members thereof are authorized to act as, and be an integral part and portion of, said commission.

And presented the same to the Governor on this day at ten o'clock and thirty minutes P. M.

DEVLIN, Chairman

#### REGULAR ORDER—(RESUMED).

Senate Bill No. 681—An Act making an appropriation to pay the claim of Dr. W. J. Hanna for professional services rendered, and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon Guards Cotter and Cochrane, after the prison break at Represa, on July 27, 1903, and for performing the autopsy on the body of Guard Cotter.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Atkinson, Beardslee, Boyle, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Dorsey, Drew, Eills, Espey, Estudillo, Gans, Gates, Held, John, Johnson, Jones of Tuolumne, King, Lynch, McGowan, McKenney, Mitcheltree, Olmsted, Perkins, Pfaffle, Stanton, Strobridge, Thompson, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr Speaker—44.

NOES—None.

Title read and approved.

Senate Bill No. 302—An Act making an appropriation to pay the claim of H. W. Randal for the reward offered by the State of California for the arrest of Josef E. Blanther, for murder.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Beardslee, Boyle, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Creighton, Cromwell, Dorsey, Drew, Estudillo, Gans, Gates, Held, John, Johnson, King, Lynch, Manwell, McCartney, McKenney, Mitcheltree, O'Brien, Olmsted, Perkins, Pfaffle, Pryor, Stanton, Strobridge, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—43.

NOES—None

Title read and approved.

Senate Bill No. 862—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding a new section thereto, to be numbered 5½, providing for the doing of work by cities when no bids are received for such work.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Bates, Beardslee, Boyle, Burke, Busick, Chandler, Cleveland, Cooper, Coyle, Cromwell, Dorsey, Drew, Estudillo, Gans, Gates, Held, John, Johnson, King, Lynch, Manwell, McCartney, McGowan, McKenney, Mitcheltree, O'Brien, Olmsted, Perkins, Rolley, Severance, Stanton, Strobridge, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—45.

NOES—None.

Title read and approved.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

##### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined and found correctly enrolled the following:

Assembly Bill No. 1077—An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said court, and to fix the compensation of certain officers thereof.

Assembly Bill No. 1084—An Act making an appropriation to pay for printing, binding, and ruling and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions, for the remainder of the fifty-sixth fiscal year.

Assembly Bill No. 978—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-eighth class.

Assembly Bill No. 952—An Act to amend Section 374 of the Penal Code of the State of California, relating to public health.

Assembly Bill No. 949—An Act to amend the Political Code by adding a new section thereto, to be numbered 1033, relating to compensation of State officers.

Assembly Bill No. 937—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 198 thereof, relating to the compensation of officers of counties of the forty-first class.

Assembly Bill No. 908—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 200 thereof, relating to the compensation of officers of the forty-third class.

Assembly Bill No. 872—An Act amending the Political Code of the State of California by adding thereto a new section, to be numbered 3571½, relating to the public lands of this State.

Assembly Bill No. 784—An Act making an appropriation of \$675, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing one team, four sets of harness, one mowing machine, and one set of platform scales for use of said school.

Assembly Bill No. 731—An Act to appropriate \$40,000 for the repair of the buildings of the State Normal School at Los Angeles, California, including the construction and installation of a steam heating plant and boiler-house for heating said buildings, and authorizing the board of trustees of said school to make and construct said plant and boiler-house.

Assembly Bill No. 661—An Act appropriating money to pay the claim of A. S. Bosquin against the State of California.

Assembly Bill No. 619—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.

Assembly Bill No. 519—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 599, making it a felony to kill any elk within the State of California.

Assembly Bill No. 238—An Act to amend Section 1188 of the Civil Code of the State of California, relating to certificates of acknowledgment.

Assembly Bill No. 163—An Act to appropriate \$815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 161—An Act to appropriate \$2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 137—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Assembly Bill No. 135—An Act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry.

Assembly Bill No. 134—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry.

Assembly Bill No. 91—An Act to amend Section 767 of the Political Code, relating to the appointment and term of office of the reporter and the assistant reporter of the decisions of the Supreme Court and of the District Courts of Appeal.

Assembly Bill No. 409—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1901, by amending Section 25 thereof, relating to powers of boards of supervisors, special road fund tax, and to health officers, and the duties of supervisors and auditors in connection therewith.

And presented the same to the Governor on this day at ten o'clock and thirty minutes P. M.

DEVLIN, Chairman.

#### REGULAR ORDER—(RESUMED).

Senate Bill No. 799—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the third class, and repealing all conflicting Acts.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Arnerich, Bates, Beardslee, Boyle, Burke, Busick, Chandler, Cooper, Coyle, Creighton, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Gates, Held, John, Johnson, Jones of Tuolumne, King, Lynch, McCartney, McGowan, McKenney, Mitchell, O'Brien, Olmsted, Perkins, Pfaffle, Rolley, Severance, Stanton, Strobbridge, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—47.

NOES—None

Title read and approved.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 9, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed Assembly Bill No. 11—An Act to abate the gopher and squirrel nuisance upon or adjacent to cultivated lands, and for the protection of agriculture

and horticulture from destruction by said gophers and squirrels, and to provide for the enforcement of this Act—and respectfully ask your concurrence in the same.

LEWIS A. HILBORN, Secretary of Senate  
By J. W. HARPER, Assistant Secretary

#### CONCURRENCE IN SENATE AMENDMENTS.

The question being, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 11—An Act to abate the gopher and squirrel nuisance upon or adjacent to cultivated lands, and for the protection of agriculture and horticulture from destruction by said gophers and squirrels, and to provide for the enforcement of this Act?"

##### AMENDMENT No. 1.

Amend as follows: by inserting on page 1, Section 2, line 6 of the printed bill, after the words "said duty," the following: "after thirty (30) days' notice by publication in some newspaper of general circulation published within the county in which the nuisance has been committed, or ten (10) days' written notice served upon the owner or occupant personally."

##### AMENDMENT No. 2.

On page 2, Section 2, line 28 of the printed bill, insert after the words "and expenses," the following: "The sales herein provided for shall be in accordance with the provisions of Title IX, of Part II, of the Code of Civil Procedure, and the property so sold shall be subject to redemption in the manner therein provided."

##### AMENDMENT No. 3.

Strike out all of Section 11, and renumber Sections 12 and 13, so as to read Sections "11" and "12," respectively

#### SENATE AMENDMENTS CONCURRED IN.

Mr. Stanton moved to concur in the Senate amendments.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 11?"

The roll was called, and the Senate amendments to Assembly Bill No. 11 concurred in by the following vote:

AYES—Messrs Amerige, Anthony, Arnerich, Bates, Beardslee, Boyle, Burke, Coyle, Cromwell, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Gates, Held, John, Johnson, Johnstone, Jones of Tuolumne, Lunley, Lynch, Maxwell, McCartney, McGowan, McKenney, O'Brien, Olmsted, Perkins, Pfeifle, Stanton, Strobridge, Thompson, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—41.

NOES—None

Assembly Bill No. 11 was ordered to enrollment.

#### REPORT OF CONFERENCE COMMITTEE ON SENATE BILL No 461

##### *To the Speaker of the Assembly*

We, the majority of your committee of conference in the matter of Assembly Committee Amendment No. 1, adopted by the Assembly to Senate Bill No. 461, whereby the cities of Eureka, Pasadena, and Vallejo, and their populations, respectively stated, were stricken out of Section 1, page 2, of the printed bill, respectfully beg leave to report that we have had the same under consideration, and we recommend that the Assembly do not recede from the said amendments.

STANTON.  
ROLLEY.

##### MINORITY REPORT.

##### *To the Speaker of the Assembly*

Your committee of conference in the matter of Assembly Committee Amendment No. 1, adopted by the Assembly to Senate Bill No. 461, whereby the cities of Eureka, Pasadena, and Vallejo, and their populations respectively stated, were stricken out of Section 1, page 2 of the printed bill, respectfully beg leave to report that they have had the same under consideration, and your committee recommends that the Assembly recede from the said amendment

LUKENS, Chairman  
WALSH.  
SELVAGE.  
BELSHAW

Thereupon the Speaker announced the appointment, as a committee of free conference on Senate Bill No. 461, Messrs. Wickersham, Transue,

and Drew, and directed the Chief Clerk to so notify the Senate, and respectfully request the appointment of a like committee by that body.

# REGULAR ORDER—(RESUMED).

Senate Bill No. 714—An Act to amend Section 303 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the qualifications of directors of banking corporations, and to add a new section thereto, to be known as Section 306, relating to the oath of directors of banking corporations.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Anthony, Arnerich, Beardslee, Boyle, Busick, Chandler, Cleveland, Coyle, Devlin, Dorsey, Drew, Ells, Espey, Estudillo, Gans, Gates, Held, John, Johnson, Johnstone, King, Lynch, McGowan, McKenney, O'Brien, Olmsted, Perkins, Pfaffle, Rolley, Severance, Stanton, Strobridge, Strohl, Thompson, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—42

NOES—None.

Title read and approved.

Senate Bill No. 843—An Act to amend Section 1143 of the Penal Code, relating to the payment of jury fees.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Arnerich, Beardslee, Boyle, Busick, Chandler, Cleveland, Coghlan, Coyle, Cromwell, Devlin, Dorsey, Drew, Ells, Espey, Estudillo, Gans, Gates, Held, John, Johnson, Johnstone, Jones of Tuolumne, Lumley, Lynch, McCartney, McGowan, McKenney, O'Brien, Perkins, Pfaffle, Rolley, Slaven, Stanton, Strobridge, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, and Whiting—42

NOES—Mr. Speaker—1.

Title read and approved.

Senate Bill No. 449—An Act making an appropriation for the care of the insane suffering from tuberculosis in the State hospitals of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anthony, Beardslee, Boyle, Chandler, Cleveland, Coghlan, Coyle, Cromwell, Devlin, Dorsey, Drew, Ells, Espey, Estudillo, Gans, Gates, Held, John, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, McCartney, McGowan, McKenney, O'Brien, Pfaffle, Rolley, Slaven, Stanton, Strobridge, Thompson, Transue, Treadwell, Vogel, Walsh, Waste, Weyand, Whiting, and Mr. Speaker—42.

NOES—None

Title read and approved.

Senate Bill No. 613—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purpose of sale, and providing a penalty for selling or offering for sale any lots or tracts in cities, towns, subdivisions, or additions thereto before such maps are filed and recorded," approved March 9, 1883.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Anthony, Beardslee, Boyle, Chandler, Cromwell, Devlin, Dorsey, Drew, Ells, Espey, Estudillo, Gans, Gates, Held, John, King, Lumley, Lynch, McCartney, McGowan, McKenney, O'Brien, Olmsted, Pfaffle, Rolley, Slaven, Stanton, Thompson, Transue, Treadwell, Vogel, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—36.

NOES—Messrs. Cleveland, Coyle, Johnson, Johnstone, and Strobridge—5.



Senate Bill No. 101—An Act to provide for the satisfaction of record of real property mortgages which have been foreclosed and the property covered thereby sold, and to provide for the form of such satisfaction.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Beardslee, Burke, Chandler, Cleveland, Coyle, Cromwell, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Gates, Held, John, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, Manwell, McCartney, O'Brien, Olmsted, Perkins, Pfaeffe, Rolley, Slaven, Stanton, Strobridge, Thompson, Transue, Treadwell, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—41.

NOES—None

Title read and approved.

Senate Bill No. 665—An Act to amend the Political Code of California by adding six new sections thereto, to be numbered and known as Sections 3683, 3684, 3685, 3686, 3687, and 3688.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Beardslee, Burke, Chandler, Cleveland, Coyle, Creighton, Cromwell, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Gates, Held, John, Johnson, Johnstone, Jones of Tuolumne, Lynch, Manwell, McCartney, McGowan, McKenney, O'Brien, Olmsted, Perkins, Pfaeffe, Rolley, Slaven, Stanton, Strobridge, Thompson, Transue, Treadwell, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—42

NOES—None.

Title read and approved.

Senate Bill No. 641—An Act to amend Sections 238, 239, 245, 246, 415, and 420 of the Political Code of the State of California, relating to the officers, attachés, and employés of the Legislature and their compensation.

Read third time.

The question being on the final passage of the bill.

The roll was called:

AYES—Messrs. Beardslee, Burke, Chandler, Cleveland, Coyle, Cromwell, Devlin, Dorsey, Drew, Ellis, Espey, Estudillo, Gans, Gates, Held, John, Johnson, Johnstone, Jones of Tuolumne, King, Lumley, Lynch, Manwell, McCartney, McKenney, O'Brien, Olmsted, Pfaeffe, Rolley, Severance, Slaven, Stanton, Strobridge, Thompson, Transue, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—40.

NOES—None.

#### ADJOURNMENT.

The Speaker announced that it appeared from the roll call that there was "no quorum," and thereupon declared the Assembly adjourned until Friday, March 10, 1905, at nine o'clock and thirty minutes A. M.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,

Friday, March 10, 1905. }

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

The Speaker, Hon. Frank C. Prescott, in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ells, Espey, Estudillo, Gans, Gates, Hartman, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaffie, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—77.

Quorum present.

## PRAYER.

Prayer by the Chaplain, Rev. George C. King.

## READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Weyand, its further reading was dispensed with.

## APPROVAL OF THE JOURNAL.

The Journal of Wednesday, March 8, 1905, was corrected and, as corrected, approved.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were submitted and ordered printed in the Journal:

## ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 684—An Act to add a new section to the Political Code of the State of California, to be known as Section 3367, relating to the powers of boards of supervisors in their respective counties, and to impose a license tax.

Also Assembly Bill No. 625—An Act to amend Section 186 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and Acts amendatory thereof, relating to the compensation of county and township officers in counties of the twenty-ninth class.

Also Assembly Bill No. 1076—An Act to provide for prosecuting attorneys in police courts in cities of the second class, and regulating the compensation of such officers.

Also Assembly Bill No. 229—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903.

Also Assembly Bill No. 180—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160, subdivision 6, thereof.

Also Assembly Bill No. 591—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by adding a new section thereto to be

designated as 177 $\frac{1}{2}$ , relating to appointment of a deputy by the District Attorneys of counties of the twentieth class, and to the amount and payment of the salary of such deputy.

Also Assembly Bill No. 608—An Act to amend Section 188 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also Assembly Bill No. 930—An Act to amend Section 181 of an Act entitled "An Act to amend an Act entitled an Act to establish a uniform system of county and township governments, approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to counties of the twenty-fourth class, and in the amendment to the compensation of justices of the peace and constables.

Also Assembly Bill No. 699—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also Assembly Bill No. 976—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof, relating to the compensation of officers in counties of the third class.

Also Assembly Bill No. 431—An Act to amend Section 55 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the officers of a county.

Also Assembly Bill No. 213—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 55 of said Act, providing for the creation of the office of Registrar of Voters in the several counties of this State and adding a new section to said Act, to be known as Section 151 $\frac{1}{2}$ , prescribing the duties of such Registrar of Voters.

Also Assembly Bill No. 988—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also Assembly Bill No. 1075—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof, relating to the compensation of officers in counties of the third class.

Also Assembly Bill No. 165—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 174 thereof.

Also Assembly Bill No. 1170—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof," approved March 23, 1901, by amending Section 206.

Also Assembly Bill No. 1084—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 12, 1903, relating to officers of township.

Also Senate Bill No. 839—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending Section 199 thereof, relating to the fees and salaries of county and township officers in counties of the forty-second class.

Also Senate Bill No. 758—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 200 thereof, relating to the compensation of officers of counties of the forty-third class.

Have had the same under consideration, and respectfully report the same back without recommendation.

BURKE, Chairman

The following report and resolutions by the Committee on Ways and Means was received and read:

#### ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1905

MR SPEAKER Your Committee on Ways and Means, to whom was referred various resolutions, report the same back and recommend in lieu thereof that the accompanying resolutions be adopted:

*Resolved*, That Clio Lloyd, Chief Clerk, and Jacob Steppacher, Minute Clerk, be and they are hereby authorized and directed to remain after the close of the thirty-sixth session of the Legislature, for the purpose of correcting and approving the Assembly register of Senate and Assembly action on Assembly bills, to compile, compare, and have printed, in connection with the Secretary of the Senate, a final calendar of all legislative business of both the Senate and Assembly of the thirty-sixth session of the Legislature, such as is usually issued by the Legislature. For the purpose of carrying out this work, the sum of two hundred and fifty dollars is hereby allowed to the said Clio Lloyd, and two hundred and fifty dollars to the said Jacob Steppacher, and the State Controller is hereby directed to immediately draw his warrants in favor of said

persons in said sums against the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

*Resolved*, That C. A. Thompson, T. G. Walker, Edward Hinkle, N. A. Watson, G. W. Edwards, E. J. Smith, and C. W. Kyle be and they are hereby authorized and directed to remain after the close of the thirty-sixth session of the Legislature for the purpose of assisting the Chief Clerk in correcting and approving the Assembly register of Senate and Assembly action on Assembly bills, to compile, compare, and have printed in connection with the Secretary of the Senate a final calendar of all legislative business of both the Senate and Assembly of the thirty-sixth session of the Legislature, such as is usually issued by the Legislature. The parties above named are allowed the amounts set opposite their respective names, as follows: C. A. Thompson, two hundred dollars, T. G. Walker, one hundred and fifty dollars, Edward Hinkle, seventy-five dollars, N. A. Watson, seventy-five dollars, G. W. Edwards, seventy-five dollars, E. J. Smith, seventy-five dollars, C. W. Kyle, one hundred and fifty dollars. And the State Controller is hereby directed to draw his warrants in favor of said persons in the said respective sums against the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

*Resolved*, That Committee Clerk J. H. Long and Bookkeeper J. H. Anderson of the Ways and Means Committee, and Committee Clerk E. J. Dwyer of the Judiciary Committee, respectively, be each allowed the sum of one hundred and fifty dollars as payment for additional services to be rendered the thirty-sixth session of the California Legislature, and for the completion of all unfinished clerical work of said committees after the adjournment of said Legislature, and the Controller is hereby directed to draw his warrants against the Contingent Fund of the Assembly in said amount in favor of said J. H. Long, J. H. Anderson, and E. J. Dwyer, and the State Treasurer is directed to pay said warrants.

*Resolved*, That Percy Hight, History Clerk, W. C. Guirey, File Clerk, and R. L. Dempsey, Journal Clerk, be and they are hereby authorized and directed to assist the Chief Clerk to compile, compare, and have printed the final calendar or history of the legislative business of the thirty-sixth session, embracing a history of all bills introduced, their authors, the number that have become laws and the chapters thereof, those that have been read the second time, and all other information that will create a perfect guide, history, and calendar of the session's business, also in comparing and delivering the corrected and approved Journals and the five bound copies of the same (as required by law) to the Chief Clerk of the Assembly, when completed; and that they each be allowed the amounts set opposite their respective names, as follows: Percy Hight, seventy-five dollars, W. C. Guirey, seventy-five dollars, R. L. Dempsey, fifty dollars. And the State Controller is hereby directed to draw his warrants in favor of said persons in the said respective sums against the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

*Resolved*, That S. C. Tyler, Bill Clerk; J. F. Murray, Bill Filer, and Thomas Dolan, Assistant Bill Clerk, be and they are hereby authorized and directed to remain seven days after the close of the thirty-sixth session of the California Legislature, to assist the Sergeant-at-Arms and Chief Clerk of the Assembly in completing the work devolving upon them after the adjournment of the session, and that they each be allowed the regular per diem of four dollars. And the State Controller is hereby directed to draw his warrants in favor of said persons in the said respective sums against the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

*Resolved*, That John J. Murphy, Engrossing and Enrolling Clerk of the Assembly, and W. A. Price, his assistant, be and they are hereby employed, after the final adjournment, for the purpose of completing the work of that department, and delivering the books and registers into the hands of the Secretary of State, and that they each be allowed the sum of fifty dollars, payable out of the Contingent Fund of the Assembly. And the State Controller is hereby directed to draw his warrants in favor of said persons in the said respective sums, and the Treasurer is hereby directed to pay the same.

*Resolved*, That J. H. Wright, J. Moynihan, and B. S. Wilson be and they are hereby directed to remain after the adjournment of the thirty-sixth session of the California Legislature, for the purpose of assisting the Minute Clerk in the completion of all work appertaining to that department, and the State Controller is hereby directed to draw his warrants against the Contingent Fund of the Assembly in favor of said Wright, Moynihan, and Wilson, for the sum of seventy-five dollars each, and the State Treasurer is hereby directed to pay said warrants.

*Resolved*, That the Controller be and he is hereby directed to draw his warrant for the sum of seventy dollars in favor of the Chief Clerk, and the Treasurer is directed to pay the same, said amount being for employment of two stenographers to assist in compiling final report of the work of the session. Payable out of the Contingent Fund of the Assembly.

*Resolved*, That the Controller be and is hereby directed to draw his warrant for two hundred and fifty dollars in favor of C. S. MacMullan for services rendered, at the instance of the Speaker of the Assembly and the Chief Clerk, in experting the Journals of the Assembly. The Controller is directed to draw his warrant for said amount and the Treasurer is hereby directed to pay the same.

*Resolved*, That Clio Lloyd, Chief Clerk of the Assembly, be and he is hereby directed to mail, after the adjournment of the thirty-sixth session of the California Legislature,

to the home address of each member of said Assembly, copies of the final chapters and histories of this session. For the purpose of carrying out this work, the sum of fifty dollars is hereby appropriated out of the Contingent Fund of the Assembly to pay the expense of forwarding said histories and chapters. The State Controller is hereby authorized and directed to draw his warrant in favor of Chio Lloyd for the amount of fifty dollars, and the State Treasurer is hereby directed to pay the same.

*Resolved*, That the State Controller is hereby directed to draw his warrant on the Contingent Fund of the Assembly for one hundred and sixty dollars in favor of Chio Lloyd, Chief Clerk of the Assembly, and the State Treasurer is hereby directed to pay the same, for the payment of bill attached.

SACRAMENTO, CAL., March 9, 1905

*Mr. C. Lloyd, Dr., to A. F. Kleinsorge:*

For engrossing resolutions—

Walter S. Melick .....

Mr. Krimminger .....

\$80 00

80 00

\$160 00

*Resolved*, That the sum of one hundred and fifty dollars is hereby appropriated from the Contingent Fund of the Assembly, being payment for telegraphing, telephoning, expressage, postage, hack-hire (call of the House), etc. The State Controller is hereby directed to draw his warrant in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, for the above amount, one hundred and fifty dollars, and the State Treasurer is hereby authorized and directed to pay the same.

*Resolved*, That Bert Holmes be and he is hereby directed to remain in Sacramento after the close of the thirty-sixth session of the California Legislature, for the purpose of assisting the Chief Clerk at the desk in completing the work of the Assembly, and he is hereby allowed the sum of seventy-five dollars, payable out of the appropriation for the contingent expenses of the Assembly. And the State Controller is hereby directed to draw his warrant in favor of said Bert Holmes, and the State Treasurer is hereby directed to pay the same.

*Resolved*, That William Saunders be and he is hereby directed to remain ten days after the close of this session of the Legislature, in the capacity of page and messenger, under the direction of the Chief Clerk, to assist said Chief Clerk and the other clerks at the desk in closing up the business of the session, and the Controller is authorized to draw his warrant for ten days' salary, and the Treasurer is directed to pay the same in favor of said William Saunders out of the appropriation for the contingent expenses of the Assembly.

WHEREAS, The Assembly, during this, the last week of the session, works each day far into the morning of the next day; and

WHEREAS, The Pages of the Assembly have been in constant attendance upon the Assembly, now, therefore, be it

*Resolved*, That Sanford Barnes, Eddie Fitzgerald, Leslie Burnett, Edward Curran, Lester Summerfield, George Berry, F. J. Niedhien, and William Murphy, Pages of the Assembly, each be paid the sum of five dollars extra compensation for this, the last week's work of the session, that the State Controller is hereby directed to draw his warrant in favor of each of the above named persons in the sum of five dollars, as extra compensation for this, the last week's work, and the State Treasurer is hereby directed to pay the same.

*Resolved*, That the Postmistress, Pauline Smith, be and she is hereby directed to remain at the Capitol for one week after the final adjournment of the Assembly, for the purpose of caring for the mail and sending the same to members and others, and that she be allowed her regular *per diem* therefor, payable out of the Contingent Fund of the Assembly, and the Controller is hereby directed to draw his warrants in payment of same, and the State Treasurer is hereby authorized and directed to pay the same.

*Resolved*, That Committee Clerk Ralph Bane, of the Public Buildings and Grounds Committee, be allowed the sum of fifty dollars as payment for additional services rendered to the Committees on Public Morals, Education, Labor and Capital, Dairy and Dairy Products, and Public Buildings and Grounds, and other services rendered the thirty-sixth session of the California Legislature, and for the completion and assistance in completion of various committees named and other unfinished business of said committees after adjournment of said Legislature, and the Controller is hereby directed to draw his warrant against the Contingent Fund of the Assembly for said amount in favor of said Ralph Bane, and the State Treasurer is directed to pay said warrant.

*Resolved*, That the Sergeant-at-Arms be and he is hereby directed to stay, and retain two Assistant Sergeants-at-Arms, four Porters, and four Watchmen, for one week after adjournment, to clear the Assembly Chamber and committee rooms, and the Controller is hereby directed and authorized to draw his warrant in favor of J. T. Stafford for three hundred and fifty dollars, and the Treasurer is hereby directed to pay the same out of the appropriation for the contingent expenses of the Assembly.

*Resolved*, That C. W. Haub, Bookkeeper to the Sergeant-at-Arms, be allowed the sum of one hundred and fifty dollars as payment for overtime work and additional services rendered the Assembly, and for the purpose of completing the work devolving upon

said Bookkeeper after the close of the session; and the Controller is hereby directed to draw his warrant out of the Contingent Fund of the Assembly for said amount in favor of said C. W. Haub, and the State Treasurer is hereby directed to pay the same.

STANTON, Chairman.

Mr. Espey moved the adoption of the report and the resolutions as presented by the Committee on Ways and Means.

The roll was called, and the report and resolutions adopted by the following vote:

**AYES**—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Beardslee, Bliss, Boyle, Branstetter, Burge, Chandler, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Hartman, Held, Jarvis, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lynch, McCartney, McGowan, McKenney, McNamara, Mitchellree, Moore, O'Brien, Perkins, Pfaffle, Pryor, Pyle, Rolley, Severance, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Waste, Weyand, Whiting, and Mr. Speaker—59

**NOES**—None.

#### RESOLUTION.

By Ways and Means Committee:

*Resolved.* That all clerical assistance retained for extra work after the close of the session be and are hereby directed to report to the Chief Clerk, who shall have full supervision over them.

Resolution read and adopted.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 9, 1905.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendment to Senate Bill No. 714.

Also Passed Assembly Bill No. 524—An Act to amend Sections 3671 and 3746 of the Political Code of the State of California, both relating to revenue and taxation.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. HARPER, Assistant Secretary.

Assembly Bill No. 524 ordered to enrollment.

#### REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following report, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1905.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined and found correctly enrolled the following Assembly bills:

Assembly Bill No. 1150—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 184 thereof, relating to the compensation of the recorder and of the auditor in counties of the twenty-seventh class.

Assembly Bill No. 1153—An Act to amend Section 153 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to county and township officers of counties of the second class.

Assembly Bill No. 1159—An Act appropriating \$15,000 to complete and equip the building known as the President's house of the University of California at Berkeley.

Assembly Bill No. 1174—An Act appropriating the sum of \$5,000 for the purpose of procuring guide-posts to be erected in the desert sections of California, and particularly in the counties of Kern, Ventura, Los Angeles, Inyo, Riverside, San Bernardino, and San Diego.

Assembly Bill No. 1179—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

Assembly Bill No. 51—An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions, to provide for the inspection of dairy stock, dairies, factories for the production of dairy products and places where dairy products are handled and sold, to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions.

Assembly Bill No. 73—An Act making an appropriation of one hundred and fifty thousand dollars (\$150,000) for the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the use and accommodation of students of agriculture of the University, also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

Assembly Bill No. 133—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Assembly Bill No. 136—An Act appropriating money for building an assembly hall at the Preston School of Industry.

Assembly Bill No. 138—An Act appropriating money for constructing a refrigerating plant at the Preston School of Industry.

Assembly Bill No. 400—An Act to amend the Political Code by adding a new section to be numbered 642a, relating to the powers and authorities of the Fish Commissioners and their assistants.

Assembly Bill No. 411—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section to be numbered 2370, relating to the duties of factors.

Assembly Bill No. 426—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Assembly Bill No. 550—An Act making an appropriation for the purchase of land adjoining the Napa State Hospital and for the construction thereon of a dam and storage reservoir.

Assembly Bill No. 941—An Act to amend an Act entitled "An Act to enforce the educational rights of children and providing penalties for violation of the Act," approved March 24, 1903.

Assembly Bill No. 589—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to change the site thereof, to provide better facilities and to construct new and more commodious buildings for said school and to furnish and equip the same, and for this purpose to authorize and empower the said board of trustees to sell and convey the lands and buildings of said school and to use the proceeds therefrom for the construction of said new buildings and to purchase furniture and equip the same.

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution by adding thereto a new section to Article IX, to be known as Section 13, relating to the exemption from taxation of the property now or hereafter belonging to the Cogswell Polytechnical College.

Assembly Bill No. 1145—An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission the Governor shall be ex-officio a member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof, to provide for the creation of said commission, and to define its powers, and making an appropriation therefor.

Assembly Bill No. 325—An Act to amend Sections 2, 3, 5, 7, 10, 11, 12, and 13, and to repeal Sections 14 and 16 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Assembly Bill No. 36—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county and township officers, and providing for the appointment of certain deputy county officials.

Assembly Bill No. 243—An Act to prevent deception in the sale of renovated butter and to license manufacturers and dealers in the same.

Assembly Bill No. 402—An Act to appropriate the sum of \$175 to pay the claim of William Saunders against the State of California.

Assembly Bill No. 1141—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code of the State of California, to be known as Section 28, providing for the release and discharge of persons now confined in or that may hereafter be admitted to any penitentiary, prison, jail, house of detention, reformatory, or other penal institution, by whatever name the same may now or hereafter be known, under conviction for a penal offense, on a Monday," which became a law under constitutional provision without Governor's approval March 9, 1903.

Assembly Bill No. 924—An Act making an appropriation to pay the judgment against the State of California, recovered by Abe Darlington, in the Superior Court of El Dorado County, March 11, 1903, for and on account of claims for bounty on covote scalps.

Assembly Bill No. 921—An Act to amend Section 1368 of the Penal Code, relating to doubts as to sanity of the defendant, and how determined.

Assembly Bill No. 808—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence.

Assembly Bill No. 786—An Act making an appropriation of \$250 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new sewing-machines for use in said school.

Assembly Bill No. 506—An Act providing for an appropriation of \$3,000 for the purpose of improving the grounds and repairing the buildings of Sutter's Fort and for the necessary incidental expenses for maintenance.

Assembly Bill No. 164—An Act to appropriate \$640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Assembly Bill No. 123—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Assembly Bill No. 94—An Act to amend Section 1618 of the Code of Civil Procedure relating to the compensation of executors and administrators, and to add a new section to said code to be known as Section 1619, relating to the compensation of attorneys of executors and administrators.

Assembly Bill No. 758—An Act to amend Section 1476 of the Penal Code, relating to writs of habeas corpus.

Assembly Bill No. 639—An Act authorizing the bringing of actions on behalf of the State for the purpose of enforcing the lien or liens of taxes under an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1898, and the several Acts amendatory thereof; and to authorize the bringing and prosecution of actions against the State, for the purpose of quieting title against claims of liens made by or upon behalf of the State under the said Act and the Acts amendatory thereof, and to regulate the procedure in such actions.

Assembly Bill No. 576—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

Assembly Bill No. 685—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 736 of said Act, relative to the salary of Justices of the Supreme Court.

Assembly Bill No. 139—An Act to repeal an Act entitled "An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 23, 1903.

Assembly Bill No. 417—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered 1177, relating to the settlement and engrossment of bills of exceptions in criminal proceedings and actions.

Assembly Bill No. 419—An Act to amend the Code of Civil Procedure of the State of California, by amending Section 859 thereof, relating to amendment of pleadings.

Assembly Bill No. 475—An Act to add a new section to Chapter 111, Title I, Part II of the Penal Code of the State of California, to be numbered Section 714a, giving the right to appeal from justice courts in certain cases.

Assembly Bill No. 1003—An Act to add a new section to the Political Code to be known and numbered as Section 2236, and to amend Section 2237 of the Political Code, all relating to the Deaf, Dumb and Blind Asylum at Berkeley.

Assembly Bill No. 902—An Act to amend an Act entitled "An Act to confer certain powers upon the Directors of the Deaf, Dumb and Blind Asylum," approved April 1, 1876, by changing the name of such asylum.

Assembly Bill No. 950—An Act to amend Section 1 of an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State, received by the various State institutions, commissions and officers, and directing the disposition of the same," approved March 17, 1899.

Assembly Bill No. 788—An Act providing for the obtaining of plans and specifications for public buildings and structures, regulating competitions among architects in relation to the same and the submission of proposals for the erection of such buildings and structures, and repealing an Act entitled "An Act to regulate the erection of public buildings and structures," approved April 1, 1872, and an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876.

Assembly Bill No. 849—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof in relation to the fees, salaries and compensation of officers of counties of the eighteen class for services required of them by law or by virtue of their offices.

Assembly Bill No. 810—An Act to amend Section 4488 of the Political Code of the State of California.

Assembly Bill No. 775—An Act to amend Section 1771 of the Political Code, relating to powers of county boards of education.

Assembly Bill No. 803—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Assembly Bill No. 807—An Act to repeal an Act entitled "An Act to regulate fees in the City and County of San Francisco," approved February 9, 1896.



Assembly Bill No. 835—An Act making the cost of certain bonds of receivers, assignees, trustees, guardians, administrators, and executors chargeable to a certain extent against the trust estate.

Assembly Bill No. 838—An Act to amend Section 1547 of the Penal Code by adding a new subdivision thereto, and to repeal an Act entitled "An Act imposing certain duties upon the Governor of the State," approved April 3, 1876.

Assembly Bill No. 905—An Act making an appropriation of \$5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of replumbing the main building of said school.

Assembly Bill No. 922—An Act to amend Section 345 of the Code of Civil Procedure, relating to limitations of actions by the State for money due for the keeping of patients in the State hospitals.

Assembly Bill No. 1018—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 13, 1901, by amending Section 203 thereof, relating to the compensation of county and township officers in counties of the forty-sixth class.

And presented the same to the Governor on this day at ten o'clock A. M.

DEVLIN Chairman

#### COMMITTEE TO WAIT ON THE SENATE.

Mr. Treadwell offered the following resolution, which was read:

*Resolved*, That a committee of three be appointed by the Speaker to wait upon the Senate and inform that body that the Assembly is ready to adjourn *sine die*, and to ascertain if that body has any further communication to make to the Assembly.

Resolution adopted.

The Speaker appointed Messrs. Treadwell, Drew, and Walsh as the committee to wait upon the Senate.

#### RESOLUTION.

By Mr. Drew:

Providing for a committee of three to investigate the building and loan associations of this State, and to report to the thirty-seventh session such legislation as they deem necessary, and providing for the expense thereof.

*Resolved by the Assembly of the State of California*, That a committee of three Assemblymen be appointed by the Speaker of the Assembly to prepare and present to the Assembly, at the thirty-seventh session, a report on the building and loan associations of this State, and to suggest such legislation from this investigation as they shall deem necessary. For the purpose of this investigation the said committee is hereby empowered to demand and receive such information, and to subpoena witnesses to obtain such information as it shall require to prepare said report and such legislation. Said committee shall be entitled to receive and there is hereby made payable out of the Contingent Fund of the Assembly, such sum or sums as may be necessary to defray their expenses incidental to such examinations and investigations, and such sums as may be required to pay the clerk employed by them under and by virtue of this resolution, the total expenses of this committee to be limited to one thousand dollars.

Resolution read and adopted.

#### RESOLUTION OF REGRET.

Mr. Drew offered the following:

*Resolved*, That the regrets of the Assembly are extended to the Hon. N. A. Hawkins, a member of the Assembly, who, during the past week, owing to illness, has been detained from attendance at the sessions of the Assembly.

On motion of Mr. Drew, the resolution was adopted.

#### RESOLUTIONS

The following resolutions were offered and read:

By Mr. Johnstone:

WHEREAS, The ladies of Sacramento have been most generous and kind in their entertainment of the members of this Assembly and their ladies throughout this session, every effort having been made to make their stay most pleasant, therefore, be it

*Resolved*, That the members of this Assembly do most heartily thank the ladies of Sacramento for their untiring efforts and kindness in making this session one of the most pleasant in the history of the Legislature.

Resolution adopted.

By Mr. Gans:

*Resolved*, That the Assembly hereby thanks the citizens of the city of Sacramento for the hospitable and kindly treatment extended to the members of the Assembly during this session of the Legislature.

Resolution adopted.

#### VOTE OF THANKS TO THE SPEAKER.

Mr. McGowan offered the following resolution, which was read:

*Resolved*, That the thanks of the Assembly are hereby tendered to the Hon. Frank C. Prescott, Speaker of the Assembly, for the uniform courtesy, signal ability, and impartiality with which he has presided over its deliberations during the thirty-sixth session of the Legislature.

On motion of Mr. McGowan, the resolution was adopted unanimously by a rising vote.

#### THANKS TO THE SPEAKER PRO TEM.

Mr. Transue offered the following resolution, which was read:

*Resolved*, That the Assembly hereby extends its thanks to the Hon. Thomas E. Atkinson, Speaker pro tem, for the uniform courtesy with which he has presided over the Assembly as Speaker pro tem, and hereby expresses its approval and appreciation of his able, fair and just rulings while presiding as Speaker.

On motion of Mr. Transue, the resolution was adopted by a unanimous vote.

#### VOTE OF THANKS TO THE CHIEF CLERK.

The following resolution was offered by Mr. Moore:

WHEREAS, Clio Lloyd, Chief Clerk of the Assembly, has served throughout this, the thirty-sixth session, with fidelity, and

WHEREAS, It is proper that the said Clio Lloyd be commended for faithful discharge of duty, under trying circumstances; therefore, be it

*Resolved*, That this Assembly takes this public manner in which to thank the said Clio Lloyd for services rendered by him to the State of California during the session that now is nearing its end; be it further

*Resolved*, That this preamble and resolutions be printed in the Journal as a token of esteem in which the said Clio Lloyd is held by members of this Assembly.

Resolution adopted.

#### RESOLUTIONS.

By Mr. Arnerich:

WHEREAS, The thirty-sixth session of the Legislature of the State of California has accomplished more business than any previous session of the Legislature, and

WHEREAS, In the carrying out of this large amount of work, the credit to a large extent is due to the Assistant Chief Clerks, Charles A. Thompson and Thomas G. Walker, therefore, be it

*Resolved*, That we, the members of the thirty-sixth session, tender to these gentlemen a vote of thanks as an appreciation of their efforts.

Resolution adopted.

By Mr. Bliss:

WHEREAS, There is now in the employ of the Assembly as an Assistant Clerk at the desk, viz. Ed J. Smith, who has for the past thirty-nine years been an attaché of every regular and extra session of the Legislature during said period of time, and also of the Constitutional Convention of 1879; therefore, be it

*Resolved*, That the said Assistant Clerk, Ed. J. Smith, be and he is hereby voted the thanks of the Assembly for the faithful services rendered by him during the present session.

Resolution adopted.

Also

WHEREAS, The Daily History of the Assembly during this session has been a valuable and thorough record, as well as an assistance to the members of the Assembly and Senate and also to the public—the same having been printed, issued and ready at the opening of each session daily, showing exactly the status of all matters of legislation pending in the Assembly, and

WHEREAS, The preparation of said Daily History was done and performed by one clerk only, viz. Percy Hight, History Clerk, instead of three clerks, as usually employed, therefore, be it

*Resolved*, That for his faithful services and good work the thanks of the Assembly are hereby extended to said Percy Hight, History Clerk of the Assembly

Resolution adopted.

By Mr. Weyand:

WHEREAS, The representatives of the press have, in their reports of the proceedings of this Assembly, showed the utmost fairness and impartiality; therefore,

*Resolved*, That the thanks of the Assembly be extended to each and every newspaper representative detailed on the floor of the Assembly

Resolution adopted.

#### COMMITTEE TO WAIT UPON THE GOVERNOR.

Mr. McCartney offered the following resolution, which was read:

*Resolved*, That a committee of three be appointed to wait upon the Governor and ascertain if His Excellency has any further communication to make to the Assembly

Mr. McCartney moved the adoption of the resolution.

Motion carried.

The Chair appointed Messrs. McCartney, Duryea, and Olmsted as the committee to wait upon His Excellency the Governor.

At Mr. McCartney's request, Mr. Cromwell was appointed in his stead.

#### HON. W. H. WASTE CALLED TO THE CHAIR.

The Speaker, at nine o'clock and fifty minutes A. M., called Hon. W. H. Waste to the chair.

#### PRESENTATION TO THE SPEAKER.

Hon. P. A. Stanton of Los Angeles County, chairman of the Committee on Ways and Means, on behalf of the members of the Assembly, presented the Speaker, Hon. Frank C. Prescott, of San Bernardino County, with a most beautiful chest of silverware as an expression of their esteem and regard, and for the fair and faithful manner in which he had discharged the onerous and trying duties of his office.

Hearty cheers greeted the Speaker as he was presented to the Assembly.

The Speaker, in feeling terms, returned his thanks for the testimonial and for the courteous treatment that had been accorded to him personally and in the discharge of his duties.

In the course of his remarks he alluded to the work of the session, as follows:

The sixty-eight days of the thirty-sixth session of the Assembly of the State of California have been full of prompt and energetic work. Aside from the great volume of laws that have been enacted, growing out of 1,176 bills introduced, 29 constitutional amendments, 11 joint resolutions, and 25 concurrent resolutions, many elaborate and important reforms have been effected or inaugurated.

The faulty system of revenue and taxation heretofore in operation has received careful consideration. Many important improvements have been made, and a plan provided whereby the next session of the Legislature may act yet more definitely.

The long-delayed and elaborate reforms under the head of code revision have finally become laws, and the Civil and Penal Codes been perfected.

The Assembly may justly congratulate itself upon the intelligent work done upon the prison laws of the State, both in the matter of improving the prisons themselves, and also in the improvement of their management. Quietly and without ostentation, improvements have been effected in the lunacy laws, and that sad department of public duty made more efficacious.

The session has signalized its public spirit by the inauguration of laws which will result in the reclamation of thousands of acres of land in the very heart of the State.

A disinterested and patriotic public spirit has permitted us to put the Yosemite Valley under the fostering care of the General Government, forever to remain a token of California's faith and judgment to the great commonwealth.

Wise and patriotic measures have been passed by the Assembly looking to the relief of our public schools, in the matter of school books, and some other session may possibly succeed in making laws those measures which the Assembly at this session has passed as bills.

The public health of the State has been carefully considered in the enactment of a series of beneficial rules for the assistance of the State Board of Health, and hereafter the great public duty of guarding the people from plague and pestilence may be performed with the assistance of strong and effective laws.

Finally at this session the militia of California has been brought within the legal requirements of the Federal statute known as the Dick Bill, and from now on the National Guard of California will be instructed under all the advantages of close connection with the Regular Army and close imitation of its methods.

One very wise law which has been enacted this session is that providing for the loaning of the State's money, which will keep money in circulation, and provide a revenue which will decrease taxation.

The law providing for more equal school apportionment is a measure which will result in a beneficial effect, also, upon the schools and upon the school funds.

It should not be forgotten, also, that the hold-over committee on prison reforms has furnished a precedent which will result in much assistance to succeeding Legislatures. A coterie of gentlemen studying a given subject for two years are able to put upon the files perfected bills which do not require radical amendment, which do not excite suspicion and hostility, and which result in prompt and efficacious legislation.

#### REPORT OF COMMITTEE TO WAIT UPON THE GOVERNOR.

Messrs. Cromwell, Duryea, and Olmsted, the committee appointed to wait upon the Governor to inform His Excellency that the Assembly is ready to adjourn, appeared at the bar of the House and reported that they had performed their duty, and that His Excellency would communicate in writing to the Assembly.

#### PRESENTATION TO THE SPEAKER PRO TEM.

Hon. George T. Rolley, of Humboldt County, presented, on behalf of the Assembly, Speaker pro tem. Hon. T. E. Atkinson, of San Francisco, with a handsome box of silverware, in appreciation of his services as Speaker pro tem.

Hearty cheers were accorded Mr. Atkinson.

Mr. Atkinson returned his thanks for the compliment and recognition extended him.

#### A VOICE FROM THE MINORITY.

Mr. Pryor addressed the Assembly, and on behalf of the minority returned thanks for the marked courtesies that had been accorded during the session by the representatives of the majority party of the House to the minority party.

#### RECOGNITION OF THE SERVICES RENDERED BY THE CHAIRMAN OF THE COMMITTEE ON WAYS AND MEANS.

Mr. Devlin, of Solano County, in appropriate and eloquent terms dwelt upon the difficult and laborious duties of the Chairman of the Committee on Ways and Means, and the very conscientious, faithful, and earnest efforts and devotion to duty of the Hon. P. A. Stanton, of Los Angeles County, Chairman of the Committee on Ways and Means, and on behalf of the members of the committee presented Mr. Stanton with an elegant cut-glass set.

Mr. Stanton, in returning his thanks for the gift, spoke of the faithfulness and devotion to duty, during the session, by the members of the committee, and the careful examination and investigation given to all matters referred to that committee.

## COMPLIMENT TO CHAIRMAN OF THE COMMITTEE ON JUDICIARY.

Hon. George A. McGowan, of San Francisco, in eloquent terms, spoke of the labors of the Committee on Judiciary, to whom one third of the bills introduced had been referred, and the responsible and hard work resting upon the Chairman of the Committee on Judiciary, and on behalf of the committee presented Hon. F. A. Duryea, of Placer County, its chairman, with a silver decanter and goblets, in recognition of the services rendered by him as chairman of the committee.

Mr. Duryea acknowledged his appreciation of the gift with sincere words of thanks, and spoke of the strong friendships that had been formed during the session, and especially among the members of the Committee on Judiciary.

## SPEAKER RESUMES THE CHAIR.

The Speaker, at ten o'clock and forty-five minutes A. M., resumed the chair.

## COMMITTEE FROM THE SENATE.

Senators Woodward, Shortridge, and Curtin appeared before the bar of the Assembly, and announced that the Senate awaited the pleasure of the Assembly.

The Speaker announced that the Assembly had no further communication to transmit to the Senate.

## PRESENTATION TO THE CHIEF CLERK.

Hon. P. M. Walsh, of Alameda County, on behalf of the clerks at the desk, presented Hon. Clio Lloyd, Chief Clerk of the Assembly, an elegant diamond ring as a token of their regard for his affability and geniality, and for the courteous treatment extended to his colleagues at the desk.

Mr. Lloyd acknowledged his thanks to his associates, and addressed the Assembly, returning his sincere thanks for the very many courtesies extended to him by the Assembly in the discharge of his duties.

## TOKEN TO THE SERGEANT-AT-ARMS.

Hon. J. J. Burke, of Alameda County, on behalf of the Assembly, presented John T. Stafford, Sergeant-at-Arms, with an elegant dining-room set of furniture, for his very accommodating and faithful services.

Mr. Stafford briefly returned thanks for the testimonial of esteem.

## REPORT OF COMMITTEE TO WAIT UPON THE SENATE.

Messrs. Treadwell, Drew, and Walsh, the committee appointed to wait upon the Senate, appeared at the bar of the Assembly and announced that the Senate had no further communication to make to the Assembly.

## MESSAGE FROM THE GOVERNOR.

The following message from His Excellency, the Governor, George C. Pardee, was read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }  
SACRAMENTO, March 10, 1905. }

*To the Assembly of the State of California*

GENTLEMEN The end of the thirty-sixth session of the California Legislature is at hand, and I gladly take advantage of the opportunity to congratulate you upon the completion of your labors, and upon the solid and valuable results attained. In the sixty-eight days which the session has occupied you have dealt with a vast number of

legislative matters, many of them of immense importance to the people, and it is my belief that no other Legislature has manifested greater industry or a more sincere desire to serve the State.

More than two thousand bills have been introduced in the two houses, besides a large number of resolutions and constitutional amendments, and, necessarily, time has been lacking to give many of these the mature consideration which they deserved; but the amount of business transacted is highly creditable, and I believe that very much of the legislation accomplished will be beneficial to the State.

In a number of instances policies have been initiated which are distinctly new departures and which, I am sure, will constitute a marked advance in the right direction.

Not least important among the measures of the session has been the legislation for the organization of a great drainage district in the Sacramento Valley, which is expected to lead to the control of the winter floods and the reclamation of over a million acres of fertile land. Other measures also tending toward industrial development on a large scale are but little less important, such as the arrangement to continue irrigation and other investigations through cooperative efforts by the State and Federal governments, the creation of a board of forestry, the cession of the Klamath Lake lands preparatory to the development of a large irrigation system in the northern part of the State, the making of appropriations to carry on horticultural, viticultural, and agricultural experiments and researches, and the purchase of a farm for the College of Agriculture. The part which the latter will play in the application of science to our leading industry and the solution of difficult problems of practical farming and animal husbandry is destined to be a great one.

A beginning has been made in the reformation of our revenue laws by the creation of a tax commission and the passage of the direct inheritance tax and life insurance tax and corporation license tax laws. These will raise a considerable amount of additional revenue during the next two years, and it is to be hoped that at its next session the Legislature will be prepared to take a longer step in the direction of an entire separation of State and local revenues.

You have taken another new departure in State finance by submitting to the people a constitutional amendment to authorize the deposit in banks, under careful safeguards, of State, county, and municipal funds, and also the enactment of a statute which may become operative as to deposit of State moneys even without the adoption of the amendment referred to. I believe it is sound public policy to get away from the old plan of locking up large amounts of the circulating medium during the first months following the collection of taxes, and also to secure to the State and counties a revenue from their unused funds. Again, this Legislature has passed Acts amending the banking, insurance, and building and loan laws in a manner to put these branches of business on an improved basis.

For the first time a Legislature has fairly grappled with the problem of prison reform. Many Acts have been passed which are intended to improve the condition of our penal institutions, and appropriations amounting to more than half a million dollars have been made for construction purposes at San Quentin and Folsom. When the moneys so generously provided have been expended, California should have two modern-style prisons lacking nothing in equipment to put them on a plane with the best penitentiaries in the country.

Another direction in which the Legislature has been justifiably liberal is in the appropriation of money to modernize our beautiful State Capitol building, which, nearly fifty years after its erection, still stands a credit to its builders, but which is much in need of interior renovation.

Of the many laws you have passed in the interest of public education, two of the most noteworthy are the statute providing for a more just method of distribution among the counties of the moneys raised by taxation for the support of the public schools, and the appropriation of \$150,000 for the erection of a building for the San Francisco Normal School.

Another example of good legislation to advance the welfare of the rising generation is the child labor bill, which is directed to the prevention of some of the worst of the social evils of our age.

The State health laws have been revised and provision made for more careful and accurate work in collecting and compiling vital statistics.

Finally, I may mention as one of the greatest achievements of the session the passage of some two hundred code revision bills. The Civil and Penal Codes have thereby been revised and brought up to date, which is in itself a very desirable thing, but which becomes more remarkable when contrasted with the failure of previous attempts to enact this form of legislation.

In conclusion, I again congratulate the members of the Legislature upon the fruition of their labors and wish them pleasant journeys to their several homes.

Respectfully,

GEO. C. PARDEE, Governor

#### RESOLUTION.

By Mr. Burke:

*Resolved*, That the thanks of the Assembly are hereby voted to Wm. C. Guirey, File Clerk, for his faithful performance of duties as such Clerk.

Resolution adopted.

## RECESS.

At eleven o'clock and fifteen minutes A. M., on motion of Mr. Treadwell, a recess was declared until eleven o'clock and forty-five minutes A. M.

## RECONVENED.

The Assembly reconvened at eleven o'clock and forty-five minutes A. M. Speaker Hon. Frank C. Prescott in the chair.

## REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

The Committee on Engrossment and Enrollment submitted the following report, which was read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1905.

MR. SPEAKER Your Committee on Engrossment and Enrollment have examined and found correctly enrolled the following Assembly bills:

Assembly Bill No. 746—An Act to repeal Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, and to add a new section thereto to be numbered 421, both in relation to how funds of insurance companies may be invested.

Assembly Bill No. 852—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903.

Assembly Bill No. 876—An Act to amend Section 20 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to county and township officers of counties of the sixteenth class and providing for the compensation of such officers and their deputies.

Assembly Bill No. 323—An Act to amend an Act entitled "An Act to establish a system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131a, relating to the powers and duties of the county recorder respecting the registration of marriages, births, and deaths.

Assembly Bill No. 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be numbered 66a, relating in the amendment to the boards of supervisors of the several counties of the State, and making it their duty to furnish the Secretary of the State Agricultural Society with certain statistical information, and declaring the same to be a county charge.

Assembly Bill No. 221—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers, who must have their offices at the county seat and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the superior court.

Assembly Bill No. 43—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 283 and 284 of the Penal Code of the State of California, relating to the punishment of bigamy.

Assembly Bill No. 168—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.

Assembly Bill No. 1085—An Act appropriating money for the expenses of the care and improvement of the grounds at the John Marshall monument, at Coloma.

Assembly Bill No. 1083—An Act to amend Section 4047 of the Political Code of the State of California, relating to boards of supervisors.

Assembly Bill No. 676—An Act providing pay for holidays for employes of the State of California or of any political subdivision thereof.

Assembly Bill No. 1156—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," by adding a new section to said Act to be known as Section 333, relating to the power of the board of supervisors to appropriate from the general fund of the county moneys to aid in and carry on the work of the preservation of forests, reforestation, and the protection of forests against fire.

Assembly Bill No. 1180—An Act to repeal Title VII of Part IV of Division I of the Civil Code and each and every section of such title, and to substitute a new Title VII to take the place thereof in said code, relating to telegraph and telephone corporations.

Assembly Bill No. 1171—An Act to amend Section 136 of the Civil Code, relating to provision for maintenance where divorce is denied.

Assembly Bill No. 1140—An Act to authorize the Board of Trustees of the Whittier State School to contract for the care and keeping of girls committed to said school in charitable or benevolent institutions or with private persons, and to pay for their care while in such institutions or with such persons.

Assembly Bill No. 1081—An Act making an appropriation to pay the claim of Dr. George T. Hesser for professional services rendered and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon Guards Cotter, Cochrane, and Chalmers, after the prison break at the said State Prison at Represa on July 27, 1903.

Assembly Bill No. 1040—An Act authorizing and directing the Board of State Capitol Commissioners to make certain repairs and improvements and to remodel the State Capitol building and its appurtenances, and making an appropriation therefor.

Assembly Bill No. 968—An Act to amend Section 770 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeals from judgments of removal from office.

Assembly Bill No. 932—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

Assembly Bill No. 920—An Act to amend Section 344 of the Code of Civil Procedure of the State of California.

Assembly Bill No. 862—An Act making an appropriation of \$5,000 for the purpose of building a photograph laboratory in combination with a fire-proof vault for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.

Assembly Bill No. 614—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities, to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.

Assembly Bill No. 592—An Act providing for the establishment and maintenance of a pathological laboratory, for the investigation of tree and plant diseases and pests, and branch agricultural experiment station, and making an appropriation therefor.

Assembly Bill No. 341—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto to be numbered Section 2904, relating to the names, powers of corporations, and the purposes for which certain corporations may be formed.

Assembly Bill No. 192—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a dam across Sutter Creek.

Assembly Bill No. 381—An Act to add a new section to the Code of Civil Procedure to be numbered 1745, relative to the manner of establishing heirship in cases where property is granted to the heirs of the deceased person without naming them.

Assembly Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 183 thereof, relating to salaries and fees of county and township officers in counties of the twenty-sixth class.

Assembly Bill No. 705—An Act to add a new section to the Code of Civil Procedure to be known as Section 204, relating to the discharge of jurors in courts of record.

Assembly Bill No. 923—An Act to provide for the construction of permanent bridge work on the Lake Tahoe wagon road, a State highway, and making an appropriation therefor.

Assembly Bill No. 320—An Act to amend Section 3821 of the Political Code of the State of California, relating to the collection of taxes.

Assembly Bill No. 809—An Act to add a new section to the Penal Code to be numbered 367a, prohibiting unauthorized performances and representations of certain dramatic or musical compositions.

Assembly Bill No. 855—An Act to amend Section 213 of the Penal Code, and to add a new section thereto to be numbered 214, relating to the crime of robbery and punishment therefor.

Assembly Bill No. 753—An Act to pay the claim of Philip Bauer against the State of California, and to make an appropriation therefor.

Assembly Bill No. 11—An Act to abate the gopher and squirrel nuisance upon or adjacent to cultivated lands, and for the protection of agriculture and horticulture from destruction by said gophers and squirrels, and to provide for the enforcement of this Act.

Assembly Concurrent Resolution No. 27—Relative to the funeral of the late Jane Lathrop Stanford.

Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 19 of Article V of said Constitution, relating to the compensation of State officers.

Assembly Joint Resolution No. 10—Relative to the appointment of a joint committee to take testimony and gather information touching the advisability of securing some concessions to cattlemen in the matter of the management of the national forest reserves.

Assembly Joint Resolution No. 8—Relative to a parcels post.

And presented the same to the Governor on this day at twelve o'clock.

DEVLIN, Chairman



## APPOINTMENT OF HOLD-OVER COMMITTEES.

The Speaker, in accordance with resolutions previously adopted by the Assembly, announced the appointment of hold-over committees, as follows:

Joint Committee on Revenue and Taxation—Messrs. Waste and McCartney.

Committee on State Prisons and Reformatories—Messrs. Prescott (ex officio), McKenney, Estudillo, Americh, and Lanch.

Committee on Education—Messrs. Slaven, Strobridge, Creighton, Thompson, and Treadwell.

Committee on Building and Loan Association—Messrs. Drew, Transue, and King.

Committee on the Lewis and Clark Exposition—Messrs. Prescott, Atkinson, Stanton, Beardslee, Beckett, Gates, and Rolley. With the following alternates: For Mr. Prescott, Mr. Baines, for Mr. Atkinson, Mr. Hartman, for Mr. Stanton, Mr. Transue, for Mr. Beardslee, Mr. Jones of Tuolumne, for Mr. Beckett, Mr. Jones of San Francisco, for Mr. Gates, Mr. Bliss, for Mr. Rolley, Mr. McGowan.

Joint Committee on Forestry—Messrs. Jones of Tuolumne, Mitcheltree, and Amiche.

## APPROVAL OF JOURNAL.

The Journal of Thursday, March 9, 1905, was corrected and, as corrected, approved.

## READING OF MINUTES.

The minutes of Friday, March 10, 1905, were read, and, on motion of Mr. Weyand, approved.

## BENEDICTION.

The Chaplain, Rev. George C. King, gave the benediction.

## ADJOURNMENT SINE DIE.

At twelve o'clock M., on Friday, March 10, 1905, the Hon. Frank C. Prescott of San Bernardino County, Speaker of the Assembly, announced that the time for the final adjournment of the thirty-sixth session of the Legislature of the State of California had arrived, and thereupon declared the Assembly adjourned *sine die*.

FRANK C. PRESCOTT,

Speaker of the Assembly.

THOS. E. ATKINSON,

Speaker pro tem of the Assembly.

CLIO LLOYD,

Chief Clerk of the Assembly.

J. STEPPACHER,

Minute Clerk of the Assembly.

R. L. DEMPSEY,

Journal Clerk of the Assembly.

SAN BERNARDINO, CAL., April 26, 1905.

Mr. Treadwell is hereby appointed a member of the hold-over Committee on Revenue and Taxation, vice Mr. Waste, resigned.

FRANK C. PRESCOTT,  
Speaker of the Assembly.

CLIO LLOYD,  
Chief Clerk of the Assembly